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*Commonwealth Statutory Rules*

*1901-1956*

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IN FIVE VOLUMES

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VOL. II.

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# STATUTORY RULES

MADE UNDER COMMONWEALTH ACTS

FROM 1901 TO 1956

AND IN FORCE ON 31st DECEMBER, 1956

*Also*

SELECTED PROCLAMATIONS, ORDERS, ETC.,

*With*

NOTES OF CASES, TABLES AND INDEX

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IN FIVE VOLUMES

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## VOL. II.

Regulations under —

COMMONWEALTH BANK ACT

*to*

INTERIM FORCES BENEFITS ACT

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BY THE AUTHORITY OF  
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| W.A.L.R. .. ..      | Western Australian Law Reports .. ..             | 57 W.A.L.R. 97                                                                                  |
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## COMMONWEALTH BANK REGULATIONS.\*

1. These Regulations may be cited as the Commonwealth Bank Citation. Regulations.\*

2. These Regulations shall come into operation on the third day of Commence-  
December, One thousand nine hundred and fifty-three. ment.

3. The Commonwealth Bank Regulations (comprising Statutory Repeal.  
Rules 1945, No. 128; Statutory Rules 1946, No. 188; Statutory Rules  
1947, No. 131; Statutory Rules 1951, Nos. 41 and 88; and Statutory  
Rules 1952, Nos. 16 and 112) are repealed.

4.—(1.) In these Regulations, “the Act” means the *Commonwealth Interpretation.*  
*Bank Act 1945-1953.*

(2.) In these Regulations, a reference to a form by letter shall be  
read as a reference to the form so lettered in the Schedule to these Reg-  
ulations.

5. Branches and agencies of the Commonwealth Bank shall be open Office hours.  
for the transaction of business on such days and during such hours as  
the Bank determines.

6. The Commonwealth Bank may require a person who wishes to Information to  
transact banking business with the Bank to furnish to the Bank par- be furnished  
ticulars of his name, address and occupation and such other particulars by customers.  
as, in the opinion of the Bank, are necessary to enable the Bank to  
conduct that business properly.

\* Statutory Rules 1953, No. 105; in force under the *Commonwealth Bank Act 1945-1953*; notified  
in the *Gazette* on 30th November, 1953; commenced 3rd December, 1953 (*see* Reg. 2).

Bank not bound to inquire as to manner of operating on accounts, &c.

7. The Commonwealth Bank shall not be under a liability by reason of its failure to ascertain that the method in accordance with which a firm, company, society, local authority, club or other body of persons desires to operate on an account, to deal with a security or to transact any other business with the Bank is in accordance with any deed, articles, rules or other instrument of the firm, company, society, local authority, club or body.

Powers of attorney, &c.

8. When any business is to be transacted with the Commonwealth Bank under a power of attorney, probate of a will or letters of administration of an estate, the Bank may require the original power of attorney, probate or letters of administration to be produced to the Bank and may require a copy of the power of attorney, probate or letters of administration to be lodged with the Bank.

Declaration of secrecy.

9. The declaration of secrecy referred to in section 15 of the Act shall be in accordance with Form A.

Secrecy.

10. An officer, agent or other person carrying on any business of the Commonwealth Bank shall not—

- (a) permit any person to have access to, or furnish to any person copies of extracts from, books or papers belonging to, or in the possession of, the Bank; or
- (b) furnish to any person any information relating to the business of the Bank, other than information furnished to or on the order of a customer in respect of his own matters,

except by direction or authority of the Bank or under compulsion or obligation of law.

Balance-sheets and statements of profit and loss of the Bank and its Departments.

11. Balance-sheets and statements of profit and loss prepared under sub-section (1.) of section 195 of the Act shall be—

- (a) in the case of the Commonwealth Bank—in accordance with the form of balance-sheet and the form of statement of profit and loss respectively set out in Form B;
- (b) in the case of the Note Issue Department of the Commonwealth Bank—in accordance with the form of balance-sheet and the form of statement of profit and loss respectively set out in Form C;
- (c) in the case of the Rural Credits Department of the Commonwealth Bank—in accordance with the form of balance-sheet and the form of statement of profit and loss respectively set out in Form D;
- (d) in the case of the Mortgage Bank Department of the Commonwealth Bank—in accordance with the form of balance-sheet and the form of statement of profit and loss respectively set out in Form E; and
- (e) in the case of the Industrial Finance Department of the Commonwealth Bank—in accordance with the form of balance-sheet and the form of statement of profit and loss respectively set out in Form F.

12.—(1.) The Governor shall, once in each year, prepare a balance-sheet and a statement of profit and loss of the central banking business carried on by the Commonwealth Bank under Part V. of the Act.

Balance-sheets and statements of profit and loss relating to central banking business.

(2.) Balance-sheets and statements of profit and loss prepared under the last preceding sub-regulation shall be in accordance with the form of balance-sheet and the form of statement of profit and loss respectively set out in Form G.

(3.) The Governor shall—

- (a) submit each balance-sheet and statement of profit and loss prepared under this regulation to the Auditor-General for report as to their correctness or otherwise;
- (b) after receiving the report of the Auditor-General, transmit the balance-sheet and statement of profit and loss, together with the report, to the Treasurer; and
- (c) transmit true copies of the balance-sheet, the statement of profit and loss and the report to the President of the Senate and to the Speaker of the House of Representatives to be laid before the Senate and the House of Representatives, respectively.

13. The returns referred to in section 46 of the Act shall be in accordance with Form H.

Returns of notes held.

14. For the purposes of the definition of “primary produce” in section 5 of the Act, primary produce includes ores, concentrates of ores, peanut products, poultry, cider, fruit juices, fruit extracts, fruit cordials, fruit liqueurs, grass seeds, copra, coconut, desiccated coconut, coconut oil and other copra products.

Primary produce.

## THE SCHEDULE.

### FORM A.

### Regulation 9.

*Commonwealth Bank Act 1945-1953.*

#### DECLARATION OF SECRECY.

I, \_\_\_\_\_ of \_\_\_\_\_, being a member of the Commonwealth Bank Board appointed under the *Commonwealth Bank Act 1945-1953*, do solemnly and sincerely declare that I will at all times maintain secrecy in relation to the affairs of the Board, the Commonwealth Bank of Australia, the Commonwealth Trading Bank of Australia and the Commonwealth Savings Bank of Australia, and, in particular, that I will not directly or indirectly communicate or divulge any information which comes to my knowledge in the performance of my functions as a member of the Board except by authority of the Board or under compulsion or obligation of law.

(Signature of declarant.)

Declared at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Before me,

Justice of the Peace

or

Commissioner for taking Affidavits.

## COMMONWEALTH BANK ACT

FORM B.

Regulation 11.

*Commonwealth Bank Act 1945-1953.*

## COMMONWEALTH BANK OF AUSTRALIA.

AGGREGATE BALANCE-SHEET AS AT

| <i>Liabilities.</i>                                                                                    | £ | s. | d. | <i>Assets.</i>                                                                                                                          | £ | s. | d. |
|--------------------------------------------------------------------------------------------------------|---|----|----|-----------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| Capital .. ..                                                                                          |   |    |    | Gold and balances held abroad<br>(including money at short<br>call) .. ..                                                               |   |    |    |
| Reserve Funds .. ..                                                                                    |   |    |    | Australian notes and coin ..                                                                                                            |   |    |    |
| Special Reserve—Premium<br>on gold sold .. ..                                                          |   |    |    | Cheques and bills of other banks                                                                                                        |   |    |    |
| Notes on issue .. ..                                                                                   |   |    |    | Commonwealth Government<br>Securities (including Com-<br>monwealth Treasury Bills)                                                      |   |    |    |
| Deposits, bills payable and<br>other liabilities (including<br>provision for contin-<br>gencies) .. .. |   |    |    | Securities of other govern-<br>ments and of local and semi-<br>governmental authorities                                                 |   |    |    |
|                                                                                                        |   |    |    | Bills receivable and remit-<br>tances in transit ..                                                                                     |   |    |    |
|                                                                                                        |   |    |    | Bank premises (at cost less<br>amounts written off) ..                                                                                  |   |    |    |
|                                                                                                        |   |    |    | Loans, advances, bills dis-<br>counted and other assets<br>(after deducting provision<br>for debts considered bad or<br>doubtful) .. .. |   |    |    |
| Total .. ..                                                                                            |   |    |    | Total .. ..                                                                                                                             |   |    |    |

NOTE.—Inter-departmental accounts totalling £ have been offset.

## STATEMENT OF PROFIT AND LOSS FOR YEAR ENDED

| <i>Dr.</i>                                                       | £ | s. | d. | <i>Cr.</i>                                         | £ | s. | d. |
|------------------------------------------------------------------|---|----|----|----------------------------------------------------|---|----|----|
| CENTRAL BANKING BUSI-<br>NESS—                                   |   |    |    | BY PROFITS (after provision<br>for contingencies)— |   |    |    |
| To National Debt Sinking<br>Fund .. ..                           |   |    |    | Central Banking Business                           |   |    |    |
| To Commonwealth Bank<br>Reserve Fund ..                          |   |    |    | Note Issue Department ..                           |   |    |    |
| To Commonwealth Trading<br>Bank Capital Account                  |   |    |    | Rural Credits Department                           |   |    |    |
| To Rural Credits Depart-<br>ment Capital Account                 |   |    |    | Mortgage Bank Depart-<br>ment .. ..                |   |    |    |
| To Mortgage Bank Depart-<br>ment Capital Account                 |   |    |    | Industrial Finance Depart-<br>ment .. ..           |   |    |    |
| To Industrial Finance De-<br>partment Capital Ac-<br>count .. .. |   |    |    |                                                    |   |    |    |
| NOTE ISSUE DEPARTMENT—                                           |   |    |    |                                                    |   |    |    |
| To Commonwealth Trading<br>Bank Capital Account                  |   |    |    |                                                    |   |    |    |
| To Rural Credits Depart-<br>ment Capital Account                 |   |    |    |                                                    |   |    |    |
| To Mortgage Bank Depart-<br>ment Capital Account                 |   |    |    |                                                    |   |    |    |
| To Industrial Finance De-<br>partment Capital Ac-<br>count .. .. |   |    |    |                                                    |   |    |    |
| To Commonwealth Treas-<br>ury .. ..                              |   |    |    |                                                    |   |    |    |
| RURAL CREDITS DEPART-<br>MENT—                                   |   |    |    |                                                    |   |    |    |
| To Rural Credits Depart-<br>ment Reserve Fund ..                 |   |    |    |                                                    |   |    |    |
| To Rural Credits Develop-<br>ment Fund .. ..                     |   |    |    |                                                    |   |    |    |
| MORTGAGE BANK DEPART-<br>MENT—                                   |   |    |    |                                                    |   |    |    |
| To Mortgage Bank De-<br>partment Reserve Fund                    |   |    |    |                                                    |   |    |    |
| INDUSTRIAL FINANCE DE-<br>PARTMENT—                              |   |    |    |                                                    |   |    |    |
| To Industrial Finance De-<br>partment Reserve Fund               |   |    |    |                                                    |   |    |    |
| Total .. ..                                                      |   |    |    | Total .. ..                                        |   |    |    |

FORM C.

Regulation 11.

Commonwealth Bank Act 1945-1953.

COMMONWEALTH BANK OF AUSTRALIA.

NOTE ISSUE DEPARTMENT.

BALANCE-SHEET AS AT .

| <i>Liabilities.</i>     |   |       | <i>Assets.</i>                                                      |   |       |
|-------------------------|---|-------|---------------------------------------------------------------------|---|-------|
|                         | £ | s. d. |                                                                     | £ | s. d. |
| Notes on issue* ..      |   |       | Gold and balances held abroad (including money at short call) .. .. |   |       |
| Special Reserve—        |   |       | Government securities (including Commonwealth Treasury Bills) .. .. |   |       |
| Premium on gold sold .. |   |       | Other assets .. ..                                                  |   |       |
| Other liabilities* ..   |   |       |                                                                     |   |       |
| Total .. ..             |   |       | Total .. ..                                                         |   |       |

\* Notes of a denomination not exceeding One pound which have been on issue for more than twenty years and notes of a denomination exceeding One pound which have been on issue for more than forty years are not included in the item "Notes on issue" but are included in the item "Other liabilities".

STATEMENT OF PROFIT AND LOSS FOR YEAR ENDED .

| <i>Dr.</i>                                          |         | <i>Cr.</i>       |         |
|-----------------------------------------------------|---------|------------------|---------|
|                                                     | £ s. d. |                  | £ s. d. |
| To Commonwealth Trading Bank Capital Account ..     |         | By Profits .. .. |         |
| To Rural Credits Department Capital Account ..      |         |                  |         |
| To Mortgage Bank Department Capital Account ..      |         |                  |         |
| To Industrial Finance Department Capital Account .. |         |                  |         |
| To Commonwealth Treasury ..                         |         |                  |         |
| Total .. ..                                         |         | Total .. ..      |         |

FORM D.

Regulation 11.

Commonwealth Bank Act 1945-1953.

COMMONWEALTH BANK OF AUSTRALIA.

RURAL CREDITS DEPARTMENT.

BALANCE-SHEET AS AT .

| <i>Liabilities.</i>                                          |   |       | <i>Assets.</i>                                                                                                         |   |       |
|--------------------------------------------------------------|---|-------|------------------------------------------------------------------------------------------------------------------------|---|-------|
|                                                              | £ | s. d. |                                                                                                                        | £ | s. d. |
| Capital .. ..                                                |   |       | Cash balances .. ..                                                                                                    |   |       |
| Reserve Fund .. ..                                           |   |       | Securities of governments and of local and semi-governmental authorities (including Commonwealth Treasury Bills) .. .. |   |       |
| Development Fund .. ..                                       |   |       | Loans, advances and other assets (after deducting provision for debts considered bad or doubtful) ..                   |   |       |
| Other liabilities (including provision for contingencies) .. |   |       |                                                                                                                        |   |       |
| Total .. ..                                                  |   |       | Total .. ..                                                                                                            |   |       |

## COMMONWEALTH BANK ACT

## STATEMENT OF PROFIT AND LOSS FOR YEAR ENDED

| <i>Dr.</i>                                  |   |       | <i>Cr.</i>                                        |   |       |
|---------------------------------------------|---|-------|---------------------------------------------------|---|-------|
|                                             | £ | s. d. |                                                   | £ | s. d. |
| To Rural Credits Department Reserve Fund .. |   |       | By Profits (after provision for contingencies) .. |   |       |
| To Rural Credits Development Fund ..        |   |       |                                                   |   |       |
| Total ..                                    |   |       | Total ..                                          |   |       |

FORM E.

Regulation 11.

*Commonwealth Bank Act 1945-1953.*

COMMONWEALTH BANK OF AUSTRALIA.

MORTGAGE BANK DEPARTMENT.

BALANCE-SHEET AS AT

| <i>Liabilities.</i>                                          |   |       | <i>Assets.</i>                                                                                                      |   |       |
|--------------------------------------------------------------|---|-------|---------------------------------------------------------------------------------------------------------------------|---|-------|
|                                                              | £ | s. d. |                                                                                                                     | £ | s. d. |
| Capital ..                                                   |   |       | Cash balances ..                                                                                                    |   |       |
| Reserve Fund ..                                              |   |       | Securities of governments and of local and semi-governmental authorities (including Commonwealth Treasury Bills) .. |   |       |
| Other liabilities (including provision for contingencies) .. |   |       | Loans, advances and other assets (after deducting provision for debts considered bad or doubtful) ..                |   |       |
| Total ..                                                     |   |       | Total ..                                                                                                            |   |       |

## STATEMENT OF PROFIT AND LOSS FOR YEAR ENDED

| <i>Dr.</i>                                  |   |       | <i>Cr.</i>                                        |   |       |
|---------------------------------------------|---|-------|---------------------------------------------------|---|-------|
|                                             | £ | s. d. |                                                   | £ | s. d. |
| To Mortgage Bank Department Reserve Fund .. |   |       | By Profits (after provision for contingencies) .. |   |       |
| Total ..                                    |   |       | Total ..                                          |   |       |



FORM F.

Regulation 11.

*Commonwealth Bank Act 1945-1953.*

COMMONWEALTH BANK OF AUSTRALIA.

INDUSTRIAL FINANCE DEPARTMENT.

BALANCE-SHEET AS AT .

| <i>Liabilities.</i>                                                     |   |       | <i>Assets.</i>                                                                                                                            |   |       |
|-------------------------------------------------------------------------|---|-------|-------------------------------------------------------------------------------------------------------------------------------------------|---|-------|
|                                                                         | £ | s. d. |                                                                                                                                           | £ | s. d. |
| Capital .. ..                                                           |   |       | Cash balances .. ..                                                                                                                       |   |       |
| Reserve Fund .. ..                                                      |   |       | Securities of governments and<br>of local and semi-govern-<br>mental authorities (includ-<br>ing Commonwealth Treas-<br>ury Bills) .. ..  |   |       |
| Other liabilities (including<br>provision for contingen-<br>cies) .. .. |   |       | Loans, advances, shares, de-<br>bentures and other assets<br>(after deducting provision<br>for debts considered bad or<br>doubtful) .. .. |   |       |
| Total .. ..                                                             |   |       | Total .. ..                                                                                                                               |   |       |

## STATEMENT OF PROFIT AND LOSS FOR YEAR ENDED .

| <i>Dr.</i>                                         |         | <i>Cr.</i>                                              |         |
|----------------------------------------------------|---------|---------------------------------------------------------|---------|
|                                                    | £ s. d. |                                                         | £ s. d. |
| To Industrial Finance De-<br>partment Reserve Fund |         | By Profits (after provision for<br>contingencies) .. .. |         |
| Total .. ..                                        |         | Total .. ..                                             |         |

FORM G.

Regulation 12.

*Commonwealth Bank Act 1945-1953.*

COMMONWEALTH BANK OF AUSTRALIA.

CENTRAL BANKING BUSINESS.

BALANCE-SHEET AS AT .

| <i>Liabilities.</i>                                    |   |       | <i>Assets.</i>                                                                          |   |       |
|--------------------------------------------------------|---|-------|-----------------------------------------------------------------------------------------|---|-------|
|                                                        | £ | s. d. |                                                                                         | £ | s. d. |
| Capital .. ..                                          |   |       | Gold and balances held abroad<br>(including money at short<br>call) .. ..               |   |       |
| Reserve Fund .. ..                                     |   |       | Australian notes and coin .. ..                                                         |   |       |
| Deposits—                                              |   |       | Cheques and bills of other banks                                                        |   |       |
| Special accounts of trading<br>banks .. ..             |   |       | Commonwealth Government<br>Securities (including Com-<br>monwealth Treasury Bills)      |   |       |
| Other deposits of trading<br>banks .. ..               |   |       | Securities of other govern-<br>ments and of local and semi-<br>governmental authorities |   |       |
| Other (including provision<br>for contingencies) .. .. |   |       | Bills receivable and remit-<br>tances in transit .. ..                                  |   |       |
| Other liabilities .. ..                                |   |       | Bank premises (at cost less<br>amounts written off) .. ..                               |   |       |
| Total .. ..                                            |   |       | Other assets .. ..                                                                      |   |       |
| Total .. ..                                            |   |       | Total .. ..                                                                             |   |       |

## COMMONWEALTH BANK ACT

## STATEMENT OF PROFIT AND LOSS FOR YEAR ENDED

| <i>Dr.</i>                                          | <i>£ s. d.</i> | <i>Cr.</i>                                           | <i>£ s. d.</i> |
|-----------------------------------------------------|----------------|------------------------------------------------------|----------------|
| To National Debt Sinking Fund .. ..                 |                | By Profits (after provision for contingencies) .. .. |                |
| To Commonwealth Bank Reserve Fund .. ..             |                |                                                      |                |
| To Commonwealth Trading Bank Capital Account ..     |                |                                                      |                |
| To Rural Credits Department Capital Account ..      |                |                                                      |                |
| To Mortgage Bank Department Capital Account ..      |                |                                                      |                |
| To Industrial Finance Department Capital Account .. |                |                                                      |                |
| Total .. ..                                         |                | Total .. ..                                          |                |

FORM H.

Regulation 13.

*Commonwealth Bank Act 1945-1953.*

## RETURN OF AUSTRALIAN NOTES.

The amount of Australian notes held by (*name of bank*) at its head office and all branches, as at the close of business on Wednesday, 19 , was pounds shillings (£ ).

*Bank stamp.*

(*Signature of General Manager or other principal officer of Bank.*)

Date.

## COMMONWEALTH BANK (STAFF) REGULATIONS.\*

## PART I.—PRELIMINARY.

Citation.

1. These Regulations may be cited as the Commonwealth Bank (Staff) Regulations.\*

Commencement.

2. These Regulations shall come into operation on the twenty-first day of August, 1945.

\* The Commonwealth Bank (Staff) Regulations in force under the *Commonwealth Bank Act 1945-1953* comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in Gazette. | Date of Commencement. |
|---------------------|----------------------------------|-----------------------|
| 1945, No. 130 .. .. | 20th August, 1945 ..             | 21st August, 1945     |
| 1946, No. 80 .. ..  | 10th May, 1946 ..                | 10th May, 1946        |
| 1954, No. 9 .. ..   | 11th February, 1954 ..           | 11th February, 1954   |

**3.** These Regulations are divided into Parts, as follows\*:

Parts.

Part I.—Preliminary.

Amended by  
1946, No. 80.

Part II.—Appointments and Examinations.

Part III.—The Disciplinary Appeal Board.

Division 1.—Election of Officers' Representative.

Division 2.—Procedure on Appeals.

Part IV.—Classification and Promotions.

Part V.—The Promotions Appeal Board.

Division 1.—Election of Officers' Representative.

Division 2.—Procedure on Appeals.

**3A.** In these Regulations, "the Act" means the *Commonwealth Bank Act 1945-1953*.

Definition.

Inserted by  
1946, No. 80;  
substituted by  
1954, No. 9.**PART II.—APPOINTMENTS AND EXAMINATIONS.****4.** The entrance examination for appointment to the Service of the Bank shall be—Entrance  
examinations.

- (a) an examination in such subjects as the Bank determines of a public examination conducted by a University or other public examining body, together with a written examination conducted by, or on behalf of, the Bank in such additional subjects as the Bank determines; or
- (b) a written examination conducted by, or on behalf of, the Bank in such subjects, and at such standard, as the Bank determines.

**5.** The medical examination referred to in paragraph (b) of subsection (1.) of section 170 of the Act shall be an examination by a legally qualified medical practitioner nominated or approved by the Bank.Evidence as  
to health.Amended by  
1954, No. 9.**6.** The certificate referred to in section 171 of the Act shall be a certificate of—Admission to  
examinations.Amended by  
1954, No. 9.

- (a) the present or a past employer of the person desiring to be admitted to a prescribed entrance examination; or
- (b) the principal or the headmaster, or a teacher, of the school attended or last attended by that person.

**7.** A person desiring to be admitted to a prescribed entrance examination shall furnish to the Bank such evidence of his age as the Bank requires.Evidence as  
to age.

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\* The regulations contained in the various Parts and Divisions of Parts of these Regulations are as follows:—

Part I., rr. 1-3A;

Part II., rr. 4-8;

Part III., Divsn. 1., rr. 9-22;

Divsn. 2., rr. 23-32;

Part IV., rr. 33-35;

Part V., Divsn. 1., rr. 36-40;

Divsn. 2., rr. 42-43.

Appointments  
without  
entrance  
examination.  
Amended by  
1954, No. 9.

8. The positions, or classes of positions, in the Service of the Bank to which the Bank may appoint persons who have not passed a prescribed entrance examination shall be—

- (a) positions for males as cleaners, lift-men, watchmen, messengers, mechanics, motor-drivers, printers and other positions the work of which is of a non-clerical nature;
- (b) positions for females as luncheon-room employees, staff nurses, telephonists, note-printing assistants, note-sorters, note-checkers and cleaners; and
- (c) positions at any branch or agency of the Bank, of the Trading Bank or of the Savings Bank outside Australia.

### PART III.—THE DISCIPLINARY APPEAL BOARD.

#### *Division 1.—Election of Officers' Representative.*

Interpretation.

9. For the purposes of this Division, the head office of the Bank shall be deemed to be a branch of the Bank.

Election of  
the officers'  
representative.

10. The election by the officers of the Bank of an officer (in this Part referred to as "the officers' representative") as a member of the Disciplinary Appeal Board (in this Part referred to as "the Board") shall be conducted in accordance with the provisions of this Division.

Nominations.  
Sub-reg. (1.)  
amended by  
1954, No. 9.

11.—(1.) Nominations shall be called by the Governor on or about the first day of September in each year by notice to all branches of the Bank, of the Trading Bank and of the Savings Bank and shall be returnable to reach him not later than the first day of October next following.

(2.) Each nomination shall be in writing signed by not less than ten officers of the Bank and shall be accompanied by a written statement from the nominee signifying his consent to the nomination and his willingness to act if elected.

(3.) Any officer who has attained the age of twenty-one years shall be eligible for nomination.

Procedure on  
receipt of  
nominations.  
Sub-reg. (1.)  
amended by  
1954, No. 9.

12.—(1.) If only one officer is nominated, the Governor shall declare that officer elected and shall notify his election to all branches of the Bank, of the Trading Bank and of the Savings Bank.

(2.) If two or more officers are nominated, a poll of officers shall be held to decide the election.

Amended by  
1954, No. 9.

(3.) The nominations shall be notified to all branches of the Bank, of the Trading Bank and of the Savings Bank and a secret ballot shall be held at each branch not later than the first day of November following the calling for nominations.

13. The ballot-papers to be used shall, with such alterations as are necessary, be in accordance with Form F in the Schedule to the *Commonwealth Electoral Act 1918-1940*. Ballot-papers.

14.—(1.) The Governor shall appoint a Returning Officer (who shall be an officer of the Bank) to conduct the poll. Returning Officer.

(2.) A Deputy Returning Officer (who shall be an officer of the Bank) shall be appointed at each branch of the Bank, of the Trading Bank and of the Savings Bank at a meeting of the officers of the branch specially called for the purpose by the Manager of the branch. Amended by 1954, No. 9.

15.—(1.) The Deputy Returning Officer shall conduct the ballot at his branch in accordance with the directions of the Returning Officer and shall, immediately after the close of the poll, forward to the Returning Officer the ballot-papers of all officers who have voted at his branch. Conduct of ballot.

(2.) The Returning Officer may, with the approval of the Governor, make arrangements to enable officers who are not able to vote at their respective branches to vote by post.

16.—(1.) The counting of votes shall take place at the head office of the Bank under the supervision of the Returning Officer. Counting of votes.

(2.) The provisions of the *Commonwealth Electoral Act 1918-1940* and of the Regulations thereunder relating to a House of Representatives election shall, so far as they are applicable and with such alterations as are necessary, but subject to these Regulations, be applied by the Returning Officer in the counting of the votes.

(3.) If any question arises as to the admissibility of any ballot-paper, the question shall be determined by the Returning Officer, whose decision shall be final.

17.—(1.) Each candidate may appoint one scrutineer, who shall be an officer serving at a branch of the Bank, of the Trading Bank or of the Savings Bank within the Sydney metropolitan area, to represent him at the counting of the votes and all the proceedings of the counting shall be open to the inspection of the scrutineers. Scrutineers. Sub-reg. (1.) amended by 1954, No. 9.

(2.) The Returning Officer shall give to each scrutineer at least two days' notice of the date on which he proposes to count the votes.

18. Subject to this Division, if any question arises as to the regularity or validity of any nomination or as to the voting at any poll, or otherwise as to any election, it shall be determined by the Chairman of the Board, whose decision shall be final. Determinations of disputes.

19. The Returning Officer shall notify the Governor of the result of the election not later than the twenty-fifth day of November following the poll and the Governor shall forthwith notify the result of the poll to all branches of the Bank, of the Trading Bank and of the Savings Bank. Result of poll. Amended by 1954, No. 9.

Election of  
deputy of the  
officers'  
representative.

**20.** The election of the deputy of the officers' representative shall take place simultaneously with the election of the officers' representative and shall be conducted in accordance with the provisions of this Division.

Term of office.

**21.—(1.)** Subject to the next succeeding sub-regulation, the officers' representative and the deputy of the officers' representative shall hold office for a period of one year from and including the first day of December next following the date of their election, except in the case of a person elected at a by-election, in which case the person elected shall hold office until the thirtieth day of November next following his election.

(2.) If the officers' representative or the deputy of the officers' representative ceases to be an officer of the Bank, he shall forthwith cease to be a member of the Board.

By-elections.

**22.—(1.)** Where a vacancy occurs in the office of officers' representative or deputy of the officers' representative not less than four months before the expiration of the period for which the officers' representative or deputy of the officers' representative was elected, or where any such vacancy exists by reason of no candidate having been elected, a by-election shall be held to fill the vacancy.

(2.) A by-election shall be conducted in accordance with the provisions of this Division, but the dates for the calling of nominations, for the return of nominations, for the poll, and for the notification of the result of the election, shall be fixed by the Governor.

### *Division 2.—Procedure on Appeals.*

Appeals.  
Sub-reg. (1.)  
amended by  
1954, No. 9.

**23.—(1.)** An appeal under section 189 of the Act shall be in writing, shall state the grounds of appeal and shall be addressed to the Chairman of the Board.

(2.) The appeal shall be lodged with the Chairman of the Board within thirty days after the date on which the appellant receives notice of the matter in respect of which he desires to appeal.

(3.) The Chairman of the Board shall fix a time and place for the hearing of the appeal and shall cause notice thereof to be given to the members of the Board, to the appellant and to the Bank.

Particulars  
to be furnished.

**24.—(1.)** The Bank shall furnish to the Chairman of the Board and to the appellant, within seven days after the date on which the Bank receives notice of the appeal, or within such shorter time as the Chairman of the Board determines, particulars of the action taken by the Bank in respect of which the appeal has been lodged and the Bank's reasons for taking that action.

(2.) The Chairman of the Board may direct that further particulars be furnished, and the Bank shall furnish further particulars accordingly.

Appeals to be  
heard *in*  
*camera*.

**25.** The hearing of an appeal by the Board shall be *in camera* unless the Board otherwise decides.

**26.**—(1.) The appellant and the Bank respectively may lodge with the Board statements relating to the appeal. Statements may be lodged.

(2.) A copy of any such statement shall be furnished by the appellant or the Bank, as the case may be, to the other party.

(3.) The Board may direct that any statement lodged under the provisions of this regulation shall be in the form of a statutory declaration.

**27.**—(1.) On the hearing of the appeal the appellant and the Bank may call oral evidence. Evidence.

(2.) The Chairman may, by writing under his hand, summon any person to attend the Board at a time and place mentioned in the summons and then and there to give evidence and to produce any books, documents and writings in his custody or control which he is required by the summons to produce.

(3.) A summons under the last preceding sub-regulation shall be served personally or by leaving it at the usual place of abode of the person to whom it is addressed.

(4.) A person served with a summons to attend the Board shall not, without reasonable excuse, fail to attend the Board or to produce any documents, books or writings in his custody or control which he is required by the summons to produce.

Penalty: Fifty pounds.

(5.) It shall be a defence of a prosecution for an offence arising under the last preceding sub-regulation if the defendant proves that the documents, books or writings were not relevant to the matter before the Board.

(6.) A person appearing as a witness before the Board shall not refuse—

(a) to be sworn or to make an affirmation; or

(b) to answer any question relevant to the matter before the Board put to him by a member of the Board.

Penalty: Fifty pounds.

(7.) Nothing in this regulation shall be taken to require a person to answer any question which would tend to criminate him.

(8.) A witness before the Board shall not knowingly give false testimony in any evidence given by him to the Board.

Penalty: Fifty pounds.

**28.**—(1.) The appellant may be represented before the Board by not more than one counsel or solicitor, or by an agent (being an officer of the Bank), who may examine witnesses and address the Board on his behalf. Representation of appellant and Bank.

(2.) The Bank may be represented by not more than one counsel or solicitor, or by an officer of the Bank appointed for the purpose by the Governor, who may examine witnesses and address the Board on behalf of the Bank.

**29.** The Board shall make a thorough investigation without regard to legal forms and solemnities and shall not be bound by any rules of evidence, but may inform itself on any matter in such manner as it thinks fit. Board not to be bound by rules of evidence.

Proceedings  
where  
appellant or  
witness in  
remote locality.

**30.**—(1.) Where it appears to the Board that it is undesirable by reason of the appellant being stationed in a remote locality or by reason of expense, inconvenience or delay to require the appellant or any particular witness to attend before the Board to give evidence, the Board may, by order in writing under the hand of the Chairman, appoint some fit and proper person to take the evidence of the appellant or witness.

(2.) The person so appointed shall take evidence of the appellant or witness on oath or affirmation and for the purpose of so doing shall have all the powers of the Chairman of the Board.

(3.) Any party to the appeal shall be entitled to be represented, in the manner provided by regulation 28 of these Regulations, before any person taking evidence in pursuance of this regulation.

(4.) The evidence so taken shall be certified under the hand of the person taking it and forwarded to the Board and considered by it in connexion with the appeal.

(5.) Nothing in this regulation shall prevent an appellant from appearing in person at the hearing of the appeal by the Board.

Decision of  
the appeal.

**31.** A statement of the decision of the Board under the hand of the Chairman shall be furnished to the Bank and the appellant within seven days after the decision of the appeal.

Costs.

**32.**—(1.) The Board may recommend that all or any part of the costs or expenses incurred by the appellant in connexion with the appeal be paid by the Bank, in which case the Bank shall make payment accordingly.

(2.) The Board may make a recommendation under the last preceding sub-regulation, whether or not the appeal was successful.

Part IV. added  
by 1946, No. 80.

#### PART IV.—CLASSIFICATION AND PROMOTIONS.

List of  
officers.

Added by  
1946, No. 80;  
substituted by  
1954, No. 9.

**33.** For the purpose of circulating copies of lists prepared under sub-section (1.) of section 193 of the Act among officers of the Bank, the Governor shall dispatch copies of each list to the manager of each branch of the Bank, of the Trading Bank and of the Savings Bank and the copies received by the manager of each branch shall be circulated among, and made available for the information of, the officers at the branch by the manager.

Seniority.

Added by  
1946, No. 80.

**34.**—(1.) Subject to this regulation, the seniority of officers of the Bank shall be determined according to the respective dates on which they commenced duty as officers of the Bank.

(2.) An officer in the service of the Bank on the twentieth day of August, 1945, who, immediately prior to his appointment to the service of the Bank, was serving in the service of another bank, a savings bank or an assurance office, or was serving as a permanent officer of the Public Service of the Commonwealth or of a State, shall be entitled to have the period of such service taken into account in determining his relative seniority as if it were service as an officer of the Bank.



(3.) Where a person who is or has been appointed to the Service of the Bank has served as a member of the naval, military or air forces of any part of the King's dominions during the state of war which commenced on the fourth day of August, 1914, or the state of war which commenced on the third day of September, 1939, he shall be entitled to have his period of such war service taken into account in determining his relative seniority as if it were service as an officer of the Bank.

(4.) Where an officer of any other bank or of a savings bank is appointed to the Service of the Bank under sub-section (3.) of section 170 of the Act and it is provided in the arrangement entered into by the Trading Bank with the other bank, or in the arrangement entered into by the Savings Bank with the authority controlling the savings bank, as the case may be, that the whole or a part of the service of that officer with the other bank or with the savings bank shall be taken into account in determining his seniority as an officer of the bank, the whole or that part of that service shall be taken into account accordingly.

Substituted by  
1954, No. 9.

(5.) In the case of an officer appointed as a result of passing the prescribed entrance examination, the date of his commencing duty shall, for the purpose of determining his seniority, be deemed to be the date of appointment specified by the Bank provided that he commences duty within fourteen days after the date of issue by the Governor of notification of appointment and request to report for duty.

(6.) In any case in which the seniority of two or more officers would otherwise be equal, their seniority shall be as determined by the Governor.

(7.) Nothing contained in this regulation shall affect the authority, for purposes of management and control, vested in an officer by virtue of his temporary or permanent office.

**35.** The provisional promotion of an officer shall be notified by an advice sent by the Governor to each branch of the Bank, of the Trading Bank and of the Savings Bank, which advice shall be made available for the information of all officers.

Provisional  
promotions.  
Added by  
1946, No. 80;  
amended by  
1954, No. 9.

## PART V.—THE PROMOTIONS APPEAL BOARD.

Part V.  
added by  
1946, No. 80.

### *Division 1.—Election of Officers' Representative.*

**36.** Subject to this Division, the election by the officers of the Bank of an officer (in this Part referred to as the "officers' representative") as a member of the Promotions Appeal Board (in this Part referred to as "the Board") and the election of the deputy of the officers' representative, shall be conducted in accordance with the provisions of Division 1 of Part III. of these Regulations as if any reference in that Division to the Disciplinary Appeal Board were a reference to the Promotions Appeal Board.

Election of  
the officers'  
representative  
and the  
deputy of the  
officers'  
representative.  
Added by  
1946, No. 80.

**37.** Nominations shall be called by the Governor on or about the first day of May in each year by notice to all branches of the Bank, of the Trading Bank and of the Savings Bank and shall be returnable to reach him not later than the first day of June next following.

Nominations.  
Added by  
1946, No. 80;  
amended by  
1954, No. 9.

Date of poll.

Added by  
1946, No. 80;  
amended by  
1954, No. 9.

**38.** If a poll of officers is necessary to decide the election, a secret ballot shall be held at each branch of the Bank, of the Trading Bank and of the Savings Bank not later than the first day of July following the calling for nominations.

Result of poll.

Added by  
1946, No. 80.

**39.** The Returning Officer shall notify the Governor of the result of the election not later than the twenty-fifth day of July following the poll.

Term of office.

Added by  
1946, No. 80.

**40.**—(1.) Subject to the next succeeding sub-regulation, the officers' representative and the deputy of the officers' representative shall hold office for a period of one year from and including the first day of August next following the date of their election, except in the case of a person elected at a by-election, in which case the person elected shall hold office until the thirty-first day of July next following his election.

(2.) If the officers' representative or the deputy of the officers' representative ceases to be an officer of the Bank, he shall forthwith cease to be a member of the Board.

#### *Division 2.—Procedure on Appeals.*

Appeals.

Added by  
1946, No. 80.  
Sub-reg. (1.)  
amended by  
1954, No. 9.

**41.**—(1.) An appeal under sub-section (2.) of section 181 of the Act shall be in writing, shall state the grounds of the appeal and shall be addressed to the Chairman of the Board.

Amended by  
1954, No. 9.

(2.) The appeal shall be lodged with the Chairman of the Board within twenty-eight days after the date of the advice by the Governor to branches of the Bank, of the Trading Bank and of the Savings Bank of the provisional promotion.

(3.) Upon the expiration of a period of twenty-eight days after the date of notification of a provisional promotion, the Chairman of the Board shall notify the Governor whether or not an appeal has been lodged within the prescribed period and, if an appeal has been lodged, shall inform the Governor of the name of the appellant.

Meetings of  
the Board.

Added by  
1946, No. 80.

**42.**—(1.) The Chairman of the Board shall fix the time and place for meetings of the Board and shall cause notice thereof to be given to the members of the Board.

(2.) The procedure at meetings of the Board shall be as directed by the Chairman of the Board.

Decision of  
the appeal.

Added by  
1946, No. 80.

**43.** On an appeal being determined by the Board, a statement of the determination under the hand of the Chairman shall be furnished to the Governor and to the appellant forthwith.

**COMMONWEALTH SAVINGS BANK REGULATIONS.\***

1. These Regulations may be cited as the Commonwealth Savings Bank Regulations.\* Citation.

2. These Regulations shall come into operation on the twenty-first day of August, 1945. Commencement.

3. Branches, agencies and sub-agencies of the Savings Bank shall be open for the transaction of business on such days and during such hours as the Savings Bank determines. Office hours.

4. The Savings Bank may, if it considers that to do so would be in accordance with established savings bank practice— Deposits may be refused in certain cases.

(a) refuse to open an account for any person; and

(b) refuse to continue any person as a depositor, in which case the Savings Bank shall pay to that person any money standing to the credit of his account, including accrued interest.

5. The Savings Bank may conduct school savings bank accounts and may receive deposits of not less than One penny for the credit of such accounts. School savings bank accounts.

5A. The Savings Bank may invest any money held by it in a loan the repayment of which is guaranteed by a person authorized to give the guarantee for and on behalf of a State. Investment of funds.  
Inserted by  
1950, No. 70.

6. Where money has been deposited with the Savings Bank in an account in the names of two or more persons, the Savings Bank may, on the death of any of those persons, pay the money standing to the credit of the account to the survivor or the survivors and the receipt of the money by the survivor or the survivors shall be a good discharge to the Savings Bank. Joint accounts.

7. Where money has been deposited with the Savings Bank by a person or persons in trust for any other person, the Savings Bank may— Trustees.

(a) allow the name of another person, as a trustee, to be substituted for the name of an existing or deceased trustee;

\* The Commonwealth Savings Bank Regulations, in force under the *Commonwealth Bank Act 1945-1953*, comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in Gazette. | Date of Commencement. |
|---------------------|----------------------------------|-----------------------|
| 1945, No. 129 .. .. | 20th August, 1945.. ..           | 21st August, 1945     |
| 1950, No. 70 .. ..  | 26th October, 1950 .. ..         | 26th October, 1950    |
| 1951, No. 42 .. ..  | 18th May, 1951 .. ..             | 18th May, 1951        |
| 1954, No. 61 .. ..  | 27th May, 1954 .. ..             | 27th May, 1954        |

- (b) on the death of a trustee, pay the money standing to the credit of the account to the surviving trustee or trustees and the receipt of the money by that trustee or those trustees shall be a good discharge to the Savings Bank; and
- (c) in the event of the death of a sole trustee or the last surviving trustee, pay the money standing to the credit of the account to the beneficiary and the receipt of the money by the beneficiary shall be a good discharge to the Savings Bank.

Accounts  
opened by  
proxies.

8. Where a person opens an account as proxy for another person, the Savings Bank may withhold the pass book, and refuse to allow withdrawals from the account, until a specimen of the depositor's signature witnessed by the proxy or other person approved by the Savings Bank has been received by the Savings Bank.

Accounts  
of local  
authorities, &c.

9.—(1.) Where a local authority, friendly society, co-operative society, or any society, body or club, opens an account with the Savings Bank, it shall furnish through its secretary, treasurer, or other appropriate officer—

- (a) an authority in the form required by the Savings Bank specifying the names of the persons who may operate on the account; and
- (b) any information which the Savings Bank requires.

(2.) Where a local authority, friendly society, co-operative society, or any society, body or club, desires to make a change in the persons authorized to operate on its account, a further authority in the form required by the Savings Bank shall be furnished to the Savings Bank.

(3.) The Savings Bank shall not be under any liability by reason of any failure to ascertain that the method in accordance with which a local authority, friendly society, co-operative society, or any society, body or club, desires to operate on any account or to transact any other business with the Savings Bank is in accordance with any deed, articles, rules or other instrument of the local authority, friendly society, co-operative society, or of the society, body or club.

Authority  
to operate  
on account.

10. Where a depositor wishes his account to be operated upon by a person other than himself, he may be required to furnish an authority in accordance with a form determined by the Savings Bank.

Powers of  
attorney, &c.

11. When any business is to be transacted with the Savings Bank under a power of attorney, probate of a will or letters of administration of an estate, the Savings Bank may require the original power of attorney, probate or letters of administration to be produced to the Savings Bank and may require a copy of the power of attorney, probate or letters of administration to be lodged with the Savings Bank.

False entries  
in pass books.

12. A person (not being a person authorized by the Savings Bank to do so) shall not—

- (a) make an entry in a pass book; or
- (b) erase or alter any entry in a pass book.

**13.**—(1.) Each depositor shall, once in each year, produce his pass book for examination and verification with the books of the Savings Bank at such time and place as the Savings Bank determines. Production of pass books for inspection.

(2.) The Savings Bank shall give notice of the times and places at which depositors' pass books are to be so produced.

**14.** Whenever a deposit or withdrawal is made, the pass book shall be produced to the Savings Bank unless, in its discretion, the Savings Bank determines otherwise. Pass book to be produced.

**15.**—(1.) If a depositor loses his pass book, he shall forthwith give notice in writing of the loss to the Savings Bank. Lost pass books.

(2.) If the depositor desires a new passbook to be issued to him, or to close the account, the Savings Bank may require him—

- (a) to make a statutory declaration as to the loss of the pass book;
- (b) to satisfy the Savings Bank as to his identity; and
- (c) to give an indemnity satisfactory to the Savings Bank.

(3.) The Savings Bank may, after the expiration of fourteen days from the date of receipt by the Savings Bank of the notice of the loss of the pass book, and subject to compliance with any requirements made under the last preceding sub-regulation, issue to the depositor a new pass book showing the amount standing to the credit of the depositor in the records of the Savings Bank, or pay that amount to him.

**16.** The officers of the Bank shall endeavour diligently to prevent fraud and to identify every depositor transacting business with the Savings Bank, but where any person unlawfully withdraws money standing to the credit of a depositor by presenting to the Savings Bank a depositor's pass book and a withdrawal form purporting to be signed by the depositor, the Savings Bank shall not be under any liability to the depositor by reason of the withdrawal. Prevention of fraud.

**17.** The notice of withdrawal referred to in sub-section (3.) of section 156 of the *Commonwealth Bank Act* 1945-1953 shall be such notice, not exceeding one month, as, in any particular case, the Savings Bank requires. Notice of withdrawal. Amended by 1954, No. 61.

**17A.** The Savings Bank may, in its discretion, pay to an infant who has not attained the age of twelve years, or to the parent or guardian of such an infant, any money standing to the credit of the infant in the Savings Bank if a withdrawal form is signed by the infant or by the parent or guardian of the infant. Withdrawals by infants under twelve years of age. Inserted by 1954, No. 61.

**18.** The Savings Bank shall not be under any liability by reason of the withdrawal of, or other dealing with, any money standing to the credit of the account of a deceased depositor before it has received formal notice of his death. Death of depositors.

**19.** The Savings Bank may require a depositor to pay exchange (at such rate as the Savings Bank determines) on any amount transferred or remitted from one place to another, either by way of deposit or withdrawal. Exchange on deposits and withdrawals.

Secrecy.

20. An officer, agent or other person carrying on any business of the Savings Bank shall not—

- (a) allow any person to have access to books or papers belonging to, or in the possession of, the Savings Bank;
- (b) furnish extracts from any such books or papers; or
- (c) give any information of any kind relating to the business of the Savings Bank (except to or on the order of a depositor in respect of his own matters),

unless by direction or authority of the Savings Bank or under compulsion or obligation of law.

Balance-sheets  
and statements  
of profit and  
loss.  
Substituted by  
1954, No. 61.

21. Balance-sheets and statements of profit and loss of the Savings Bank prepared under sub-section (1.) of section 195 of the *Commonwealth Bank Act* 1945-1953 shall be in accordance with the form of balance-sheet and the form of statement of profit and loss respectively set out in the Schedule to these Regulations.

Substituted by  
1954, No. 61.

### THE SCHEDULE.

Regulation 21.

*Commonwealth Bank Act* 1945-1953.

#### COMMONWEALTH SAVINGS BANK OF AUSTRALIA.

##### BALANCE-SHEET AS AT

| <i>Liabilities.</i>                                          |   |       | <i>Assets.</i>                                                                    |   |       |
|--------------------------------------------------------------|---|-------|-----------------------------------------------------------------------------------|---|-------|
|                                                              | £ | s. d. |                                                                                   | £ | s. d. |
| Reserve Fund .. ..                                           |   |       | Australian notes and coin ..                                                      |   |       |
| Depositors' balances and accrued interest .. ..              |   |       | Cash balances and money at short call .. ..                                       |   |       |
| Other liabilities (including provision for contingencies) .. |   |       | Commonwealth Government Securities (including Commonwealth Treasury Bills) ..     |   |       |
|                                                              |   |       | Securities of other governments and of local and semi-governmental authorities .. |   |       |
|                                                              |   |       | Bank premises (at cost less amounts written off) ..                               |   |       |
|                                                              |   |       | Loans and advances .. ..                                                          |   |       |
|                                                              |   |       | Other assets .. ..                                                                |   |       |
| Total .. ..                                                  |   |       | Total .. ..                                                                       |   |       |

##### STATEMENT OF PROFIT AND LOSS FOR YEAR ENDED

| <i>Dr.</i>                    | £ | s. d. | <i>Cr.</i>                                                                                                                                                            | £ | s. d. |
|-------------------------------|---|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-------|
| To National Debt Sinking Fund |   |       | By Profits (after provision for payments amounting to £ due to State Authorities under Savings Bank Amalgamation Agreements and after provision for contingencies) .. |   |       |
| To Savings Bank Reserve Fund  |   |       |                                                                                                                                                                       |   |       |
| Total .. ..                   |   |       | Total .. ..                                                                                                                                                           |   |       |

**COMMONWEALTH TRADING BANK REGULATIONS.\***

1. These Regulations may be cited as the Commonwealth Trading Bank Regulations.\*

2. These Regulations shall come into operation on the third day of December, One thousand nine hundred and fifty-three. Commencement.

3. In these Regulations, "the Bank" means the Commonwealth Trading Bank of Australia established under the *Commonwealth Bank Act 1945-1953*. Definition.

4. Branches and agencies of the Bank shall be open for the transaction of business on such days and during such hours as the Bank determines. Office hours.

5. The Bank may require a person who wishes to transact banking business with the Bank to furnish to the Bank particulars of his name, address and occupation and such other particulars as, in the opinion of the Bank, are necessary to enable the Bank to conduct that business properly. Information to be furnished by customers.

6. The Bank shall not be under a liability by reason of its failure to ascertain that the method in accordance with which a firm, company, society, local authority, club or other body of persons desires to operate on an account, to deal with a security or to transact any other business with the Bank is in accordance with any deed, articles, rules or other instrument of the firm, company, society, local authority, club or body. Trading Bank not bound to inquire as to manner of operating on accounts, &c.

7. When any business is to be transacted with the Bank under a power of attorney, probate of a will or letters of administration of an estate, the Bank may require the original power of attorney, probate or letters of administration to be produced to the Bank and may require a copy of the power of attorney, probate or letters of administration to be lodged with the Bank. Powers of attorney, &c.

8. An officer, agent or other person carrying on any business of the Bank shall not— Secrecy.

- (a) permit any person to have access to, or furnish to any person copies of or extracts from, books or papers belonging to, or in the possession of, the Bank; or
- (b) furnish to any person any information relating to the business of the Bank, other than information furnished to or on the order of a customer in respect of his own matters,

except by direction or authority of the Bank or under compulsion or obligation of law.

9. Balance-sheets and statements of profit and loss of the Bank prepared under sub-section (1.) of section 195 of the *Commonwealth Bank Act 1945-1953* shall be in accordance with the form of balance-sheet and the form of statement of profit and loss respectively set out in the Schedule to these Regulations. Balance-sheets and statements of profit and loss.

\* Statutory Rules 1953, No. 103; in force under the *Commonwealth Bank Act 1945-1953*; notified in the *Gazette* on 30th November, 1953; commenced 3rd December, 1953 (see Reg. 2).

## COMMONWEALTH BANK ACT

## THE SCHEDULE.

Regulation 9.

*Commonwealth Bank Act 1945-1953.*

## COMMONWEALTH TRADING BANK OF AUSTRALIA.

## BALANCE-SHEET AS AT

| <i>Liabilities.</i>                                                                   | <i>£ s. d.</i> | <i>Assets.</i>                                                                                              | <i>£ s. d.</i> |
|---------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------|----------------|
| Capital .. ..                                                                         |                | Coin, bullion, notes and cash at bankers .. ..                                                              |                |
| Reserve Fund .. ..                                                                    |                | Money at short call—                                                                                        |                |
| Deposits, bills payable and other liabilities (including provision for contingencies) |                | (a) London .. ..                                                                                            |                |
| Balances due to other banks                                                           |                | (b) Elsewhere .. ..                                                                                         |                |
|                                                                                       |                | Special Account with Commonwealth Bank .. ..                                                                |                |
|                                                                                       |                | Cheques and bills of other banks and balances with and due from other banks                                 |                |
|                                                                                       |                | Treasury bills—                                                                                             |                |
|                                                                                       |                | (a) Australian Governments                                                                                  |                |
|                                                                                       |                | (b) Other governments .. ..                                                                                 |                |
|                                                                                       |                | Public securities (excluding treasury bills)—                                                               |                |
|                                                                                       |                | (a) Australian Governments                                                                                  |                |
|                                                                                       |                | (b) Other governments .. ..                                                                                 |                |
|                                                                                       |                | (c) Local and semi-governmental authorities .. ..                                                           |                |
|                                                                                       |                | Bills receivable and remittances in transit .. ..                                                           |                |
|                                                                                       |                | Bank premises (at cost less amounts written off) .. ..                                                      |                |
|                                                                                       |                | Loans, advances and bills discounted (after deducting provision for debts considered bad or doubtful) .. .. |                |
|                                                                                       |                | Other assets .. ..                                                                                          |                |
| Total .. ..                                                                           |                | Total .. ..                                                                                                 |                |

## STATEMENT OF PROFIT AND LOSS FOR YEAR ENDED

| <i>Dr.</i>                                   | <i>£ s. d.</i> | <i>Cr.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                | <i>£ s. d.</i> |
|----------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| To Expenses .. ..                            |                | By Discount and interest earned, net exchange, commissions and other items (including transfers from contingencies accounts), after deducting interest paid and accrued on deposits, rebate on bills current at balance date, amounts written off assets and losses on realization of assets and transfers to the credit of contingencies accounts (out of which accounts provisions for all bad and doubtful debts have been made) .. .. |                |
| To Taxes and payments in lieu of taxes .. .. |                |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |
| To Profits carried down .. ..                |                |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |
| Total .. ..                                  |                | Total .. ..                                                                                                                                                                                                                                                                                                                                                                                                                               |                |
| To Amounts written off bank premises .. ..   |                | By Profits .. ..                                                                                                                                                                                                                                                                                                                                                                                                                          |                |
| To Appropriations as follows:—               |                |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |
| (a) Reserve funds .. ..                      |                |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |
| (b) National Debt Sinking Fund .. ..         |                |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |
| (c) Other appropriations .. ..               |                |                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |
| Total .. ..                                  |                | Total .. ..                                                                                                                                                                                                                                                                                                                                                                                                                               |                |



## COMMONWEALTH DEBT CONVERSION ACT 1931

## COMMONWEALTH DEBT CONVERSION REGULATIONS.\*

1. These Regulations may be cited as the Commonwealth Debt Conversion Regulations.\* Short title.

\* \* \* \* \*

Reg. 2  
repealed by  
1956, No. 3.

3. Subject to the *Commonwealth Debt Conversion Act* 1931, the Regulations made under the *Commonwealth Inscribed Stock Act* 1911-1927, and in force at the commencement of this regulation, shall apply to Australian Consolidated Inscribed Stock and Australian Consolidated Treasury Bonds issued under the *Commonwealth Debt Conversion Act* 1931, and, for the purposes of such application, all references in those Regulations to Commonwealth Government Inscribed Stock and Treasury Bonds shall be read as references to Australian Consolidated Inscribed Stock and Australian Consolidated Treasury Bonds respectively.

Application of  
Commonwealth  
Inscribed Stock  
Regulations to  
certain stock  
and bonds.

Inserted by  
1931, No. 152.

4. The Treasurer may exercise his right to redeem in whole or in part at any time after the thirty-first day of December, 1950, a new security which is expressed to be redeemable after that date by giving not less than one month's notice in the *Gazette* of his intention so to redeem that new security.

Notice of  
intention to  
redeem new  
securities.

Inserted by  
1950, No. 72.

\* The Commonwealth Debt Conversion Regulations in force under the *Commonwealth Debt Conversion Act* 1931 comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification<br>in <i>Gazette</i> . | Date of Commencement. |
|---------------------|---------------------------------------------|-----------------------|
| 1931, No. 103 .. .. | 14th August, 1931 ..                        | 13th August, 1931     |
| 152 .. ..           | 31st December, 1931 ..                      | 1st August, 1931      |
| 1950, No. 72 .. ..  | 26th October, 1950 ..                       | 26th October, 1950    |
| 1956, No. 3 .. ..   | 26th January, 1956 ..                       | 26th January, 1956    |

## COMMONWEALTH ELECTORAL ACT 1918-1953

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## JOINT ELECTORAL (COMMONWEALTH AND NEW SOUTH WALES) REGULATIONS\*.

## PART I.—PRELIMINARY.

Short title and commencement.

1. These Regulations may be cited as the Joint Electoral (Commonwealth and New South Wales) Regulations,\* and shall come into operation on and from the second day of June, 1930.

Parts.

2. These Regulations are divided into Parts, as follows†:—

PART I.—Preliminary.

PART II.—Electoral—

Division 1.—Enrolment.

Division 2.—Objections.

Division 3.—Miscellaneous.

Definitions.

3. In these Regulations, unless the contrary intention appear:—
- “The Assembly” means the Legislative Assembly of the State;
- “The Chief Electoral Officer” means the Chief Electoral Officer for the Commonwealth appointed pursuant to the Commonwealth Electoral Act;
- “The Commonwealth Electoral Act” means the *Commonwealth Electoral Act* 1918, as amended from time to time;
- “The Commonwealth Electoral Officer” means the Commonwealth Electoral Officer for the State appointed pursuant to the Commonwealth Electoral Act;
- “Division” means an Electoral Division for the election of a Member of the House of Representatives of the Parliament of the Commonwealth;
- “The Divisional Returning Officer” means the Commonwealth Divisional Returning Officer for the Commonwealth Electoral Division in relation to which the expression is used;
- “The Electoral Commissioner” means the Electoral Commissioner for the State appointed pursuant to the Parliamentary Electorates and Elections Act;
- “Electoral district” means a district for the election of a member to serve in the Assembly;
- “The Justices Act” means the *Justices Act* 1902, as amended from time to time, of the State;

\* Statutory Rules 1930, No. 82; in force under the *Commonwealth Electoral Act* 1918-1953; notified in the *Gazette* on 24th July, 1930; commenced 2nd June, 1930 (see Reg. 1).

† The regulations contained in the various Parts and Divisions of Parts of these Regulations are as follows:—

Part I., rr. 1-5;

Part II., Divsn. 1., rr. 6-16;

Divsn. 2., rr. 26-31;

Divsn. 3., rr. 32-33.

“The Parliamentary Electorates and Elections Act” means the *Parliamentary Electorates and Elections Act 1912*, of the State, and if that Act is amended, includes the Act as so amended.

“The Registrar” means the Electoral Registrar for the Commonwealth Subdivision and the State Assembly Subdivision in relation to which the expression is used;

“State” means the State of New South Wales;

“Subdivision” means a subdivision of a Division or of an Electoral District; and

any reference to a form shall be read as a reference to a form in the Schedule to these Regulations.

4. These Regulations shall apply in relation to joint Rolls in the State of New South Wales. Application of these Regulations.

5. The Electoral and Referendum Regulations made under the Commonwealth Electoral Act and the Regulations made under the provisions of the Parliamentary Electorates and Elections Act shall not apply in relation to the joint Rolls in respect of matters for which provision is made by these Regulations but shall, to the extent to which they are applicable, apply in respect of other matters. Application of other Commonwealth and State Electoral and Referendum Regulations.

## PART II.—ELECTORAL.

### *Division 1.—Enrolment.*

6.—(1.) The Roll to be used jointly for Commonwealth elections and also State elections for the Assembly may be in accordance with Form 1, and shall contain the particulars indicated therein. Form of Joint Roll.

(2.) The Supplemental Roll shall contain similar particulars to those contained in the Roll; and shall have a number prefixed to each name beginning at the first name with the number next in arithmetical progression after the last number on the Roll last printed and continuing in like progression to the last name on the Supplemental Roll.

(3.) Where a person whose name is on the joint Roll is not enrolled thereon as an Assembly elector, an asterisk (\*) shall be placed against his name to indicate that he is not so enrolled.

(4.) Where a person whose name is on the joint Roll is not enrolled thereon as a Commonwealth elector, a circle (o) shall be placed against his name to indicate that he is not so enrolled.

(5.) Copies of the latest print of the roll for a Subdivision and of any Supplemental Roll for such Subdivision shall be open for public inspection without fee at the following places, viz.:—

- (a) The office of the Commonwealth Electoral Officer, and
- (b) Post offices within the Subdivision.

7.—(1.) The prices at which Rolls are sold shall be as follows:— Sale of electoral rolls.

|                                                                   | s. | d. |
|-------------------------------------------------------------------|----|----|
| Principal Roll for a Division .. .. .                             | 2  | 0  |
| Principal Roll for an Electoral District ..                       | 1  | 0  |
| Principal Roll for a Subdivision .. .. .                          | 0  | 6  |
| Supplemental Roll for a Division or an Electoral District .. .. . | 0  | 6  |
| Supplemental Roll for a Subdivision ..                            | 0  | 3  |

(2.) Moneys received from the sale of joint Rolls shall be divided equally between the Commonwealth and the State.

Form of  
electoral claim.

8.—(1.) The form of claim for enrolment, or transfer of enrolment, or notification of change of address within the same subdivision, may be in accordance with Form 2, and shall be valid for the Commonwealth notwithstanding that it contains a claim for enrolment, or transfer of enrolment, or change of address for both the Commonwealth and the Assembly, and the form of claim for enrolment, or transfer of enrolment, or change of address, shall be valid for the Assembly, notwithstanding that it contains a claim for enrolment, or transfer of enrolment, or change of address for both the Assembly and the Commonwealth.

(2.) Any person applying for correction of the entry on the Roll of his name or particulars of enrolment may apply in accordance with Form 2, or in such other form, signed by the applicant, as the Registrar approves.

(3.) A claim for enrolment or transfer of enrolment shall be signed by the claimant with his personal signature, and attested by a person who shall sign his name as witness in his own handwriting.

(4.) Every such witness shall be an elector of the Commonwealth, or of the Assembly, or a person qualified to be such an elector.

Registration  
of claim.

9.—(1.) Upon receipt of a claim for enrolment or transfer of enrolment, or notification of change of address within a Subdivision, or application for the alteration or correction of particulars of an existing enrolment, the Registrar shall note thereon the date of its receipt by him, and if the claim, notification or application is in order and he is satisfied that the claimant is entitled to be enrolled, or to have his name transferred, or the particulars of his enrolment altered or corrected, the Registrar shall forthwith—

- (i) enter on the Subdivision Roll the name of the claimant and the particulars relating to him or alter or correct the particulars of his enrolment, as the case requires, and where the claimant is enrolled as a Commonwealth elector only, or as an Assembly elector only, place the appropriate prescribed distinguishing mark opposite the name of the claimant; and
- (ii) in the case of an enrolment or a transfer of enrolment, notify the claimant, in accordance with Form 3, that he has been enrolled; and
- (iii) in the case of a transfer of enrolment, give notice of the transfer to the Registrar keeping the Subdivision Roll from which the elector's name has been transferred.

(2.) An interim acknowledgment of the receipt, after the issue of the writ for a Commonwealth election, and before the close of the polling at the election, of a claim for enrolment or transfer of enrolment, may be issued to the elector by the Registrar, in the form authorized by the Chief Electoral Officer.

(3.) An interim acknowledgement of the receipt, after the issue of a Writ for a State Assembly election, and before the close of the polling at the election, of a claim for enrolment or transfer of enrolment, may be issued to the elector by the Registrar, in the form authorized by the Electoral Commissioner.

Notification of  
transfer of  
enrolment.

10. The notification to the Registrar of the transfer of the enrolment of an elector, or the enrolments of electors, may be in accordance with Form 4.

11.—(1.) The reference of an electoral claim to the Divisional Returning Officer for his decision pursuant to sub-section (1.) of section 44 of the Commonwealth Electoral Act and sub-section (1.) of section 36 of the Parliamentary Electorates and Elections Act may be made in the form authorized by the Chief Electoral Officer and the Electoral Commissioner.

Reference of claim to Divisional Returning Officer.

(2.) The notification to the claimant of such reference may be in accordance with Form 5.

12.—(1.) The notification by the Divisional Returning Officer to the Registrar of the rejection of an electoral claim may be in the form authorized by the Chief Electoral Officer and the Electoral Commissioner.

Notification of rejection of claim.

(2.) The notification to the claimant of the rejection of an electoral claim may be in accordance with Form 6.

13. The Registrar, upon receipt of an electoral claim which is not in order by reason of some formal defect only, may send to the claimant a notification in accordance with Form 7 indicating the nature of the defect, and, as the case requires—

Formally defective claim.

- (a) return the claim to him for completion or correction; or
- (b) furnish him with a fresh form of claim for completion.

14. The certificate of the Commonwealth Electoral Officer and the Electoral Commissioner authorizing the removal of the name of an elector, or the names of electors, from a roll, and the direction of the Divisional Returning Officer thereon, may be in accordance with Form 8.

Certificate authorizing removal of name.

15. Where a name is removed from a Roll by direction of the Divisional Returning Officer upon the certificate of the Commonwealth Electoral Officer and the Electoral Commissioner, pursuant to paragraph (h) of sub-section (1.) of section 47 of the Commonwealth Electoral Act, and paragraph (i) of sub-section (1.) of section 39 of the Parliamentary Electorates and Elections Act, the Registrar shall send to the elector whose name is so removed a notification in accordance with Form 9.

Notification of removal of name from roll.

16.—(1.) The change of electors from one Roll to another, in accordance with section 28 of the Commonwealth Electoral Act and section 24 of the Parliamentary Electorates and Elections Act, shall be effected, where necessary, by removing the names of the electors from the Roll from which they are changed, and by inserting the names so removed on the Roll to which they are changed.

Change of electors from one roll to another.

(2.) In the following cases notice of the change shall be given by notice in the *Commonwealth Gazette*, and the *New South Wales Government Gazette* and in some newspaper circulating in the part affected—

- (a) When a Subdivision is abolished and all electors whose names are on the roll for that Subdivision are changed to another Subdivision Roll; or
- (b) When by reason of the alteration of the boundaries of a Commonwealth Division or State Electoral District, any Subdivision is changed from one Commonwealth Division or State Electoral District to another Commonwealth Division or State Electoral District and all the names of electors which are on the Subdivision Roll for the first-mentioned Commonwealth Division or State Electoral District are changed to a Subdivision Roll for the last-mentioned Commonwealth Division or State Electoral District; or
- (c) When in consequence of a proclamation for the preparation of new Rolls or action thereunder (other than action by

an elector) the enrolment of any electors is changed to a Subdivision or Commonwealth Division or State Electoral District which differs in name from the Subdivision or Commonwealth Division or State Electoral District for which they were enrolled prior to the proclamation, and in the opinion of the officers charged with the preparation of the new Rolls, a reasonably effective notice, generally applicable to all electors in a Subdivision whose enrolments have been changed can be so given.

(3.) In any case to which the last preceding sub-regulation does not apply, notice of the change shall be sent by post to each elector concerned, and may be in accordance with Form 10.

\* \* \* \* \*

### *Division 2.—Objections.*

Notice of objection.

**26.**—(1.) The notice of objection lodged by an elector or officer (not being a Registrar) in respect of a name on a Roll as that of an elector of the Commonwealth and the Assembly, or either, may be in accordance with Form 15.

(2.) The notice of objection lodged by a Registrar in respect of a name on a Roll as that of an elector of the Commonwealth and the Assembly, or either, and the direction of the Divisional Returning Officer, may be in accordance with Form 16.

Notice to person objected to on the ground of non-residence.

**27.** The notice to be forwarded by the Divisional Returning Officer to a person whose name has been objected to as that of an elector of the Commonwealth and the Assembly, or either, upon the ground of non-residence, may be in accordance with Form 17.

Notice to person objected to on ground other than non-residence.

**28.** The notice to be forwarded by the Divisional Returning Officer to a person whose name has been objected to as that of an elector of the Commonwealth and the Assembly, or either, on a ground other than non-residence, may be in accordance with Form 18.

Manner of answering objection.

**29.** Any person against whom an objection has been lodged or made may answer the objection as follows:—

- (a) By attending before the Divisional Returning Officer at the place mentioned in the notice sent to him by the Divisional Returning Officer and making an oral statement to show that the objection is not good; or
- (b) By sending by post, or delivering, to the Divisional Returning Officer at his office a statement in writing to show that the objection is not good.

Inquiry into objection.

**30.** Before determining an objection, the Divisional Returning Officer may make such inquiries as he thinks necessary to ascertain the facts in relation to the objection.

Notice of determination of objection.

**31.**—(1.) Upon determining an objection, the Divisional Returning Officer shall send notice of his decision, in accordance with Form 19, to the objector if the objector is not a Registrar, and to the person objected to if the person objected to has answered the objection within the prescribed period.

(2.) Where an objector is a Registrar, notice of the decision on the objection may be sent to him in accordance with the indorsement on Form 16, and such notice may contain a direction for the removal of an elector's name from the Roll when an objection has been sustained.

*Division 3.—Miscellaneous.*

**32.**—(1.) The manner in which a person may apply to a Court under section 58 of the Commonwealth Electoral Act and section 48 of the Parliamentary Electorates and Elections Act shall be by making a complaint to a Justice in accordance with the procedure set out in the Justices Act. Electoral appeals.

(2.) Such complaint shall be made within one calendar month after receipt of the notice of the rejection of the claim or a notice of the determination of the objection.

(3.) Notice of an application having reference to the decision of a Divisional Returning Officer upon an objection shall be served by serving the summons in the manner provided by section 63 of the Justices Act.

(4.) All such applications shall be heard in the Court held nearest to the office of the Divisional Returning Officer whose decision is in question.

(5.) The person to be named as defendant in the complaint and summons should—

(a) in cases referring to a claim for enrolment or transfer of enrolment, be the Divisional Returning Officer whose decision is complained of; and

(b) in cases referring to the determination of an objection by the Divisional Returning Officer, be the objector or the person objected to (as the case may be).

(6.) The Divisional Returning Officer may, by himself or some person appointed to represent him, appear at the hearing and produce to the Court all papers connected with the claim for enrolment or transfer of enrolment, or the objection, as the case requires, but if he does not desire to appear he may send the papers to the clerk, to be produced at the hearing, together with a statement in writing containing such observations as he sees fit to make, and any such statement shall be considered by the Court at the hearing.

(7.) The Divisional Returning Officer, if present at the hearing, or the person representing him, shall be entitled to be heard.

**33.** Strict compliance with the forms in the Schedule shall not be required, and substantial compliance shall suffice for the purposes of these Regulations. Strict compliance with forms in the Schedule not required.

## THE SCHEDULE.

### Regulation 6.

#### FORM 1.

#### COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

#### ELECTORAL ROLL.

Commonwealth Division of [*here insert name of Division*].

State Electoral District of [*here insert name of District*].

Roll of Electors for the Commonwealth and State Subdivision of [*here insert name of Subdivision*].

No., Names in Full (i.e., Surname, Christian or other names), Place of Living, Occupation, and Sex of each Elector.

(*To be arranged in alphabetical order of surnames, and where the surnames are identical then in alphabetical order of the Christian or other names.*)

[*Here follow names, &c.*]

#### Footnotes.

\* Not enrolled on this Roll as an Assembly Elector.

o Not enrolled on this Roll as a Commonwealth Elector.

M signifies Male.

F signifies Female.

## COMMONWEALTH ELECTORAL ACT

FORM 2.

Regulation 8 (1.).

[Front of Form.]

COMMONWEALTH OF AUSTRALIA AND  
STATE OF NEW SOUTH WALES.  
ELECTORAL CLAIM. FORM 2.

Particulars for Enrolment.

Surname .....

Christian Names.....  
(in full)Place of Living.....  
(Give full address)

Occupation..... Sex.....

The following particulars relating to claimant will not appear on the Roll, but must be stated on this card.

Date and Year of Birth..... Place of Birth..... Former Surname\*

\*See instruction (f) on other side.

To the Electoral Registrar for the Subdivision of  
Commonwealth Division of..... and State Electoral  
District of.....

- 1.—I am an inhabitant of Australia. 2.—I have lived in Australia for six months continuously, and in New South Wales for at least three months.†  
3.—I am a natural-born or naturalized subject of the King, am not under the age of 21 years, and am not disqualified for enrolment as a Commonwealth and a State† elector.

†See Instruction (b) on other side.

- 4.—I now live and have lived in the above-named Subdivision for a period of not less than one month immediately preceding the date of this Claim.

- 5.—My name is at present enrolled for the..... Subdivision in the State of..... in respect of the following address in that Subdivision, namely:—.....

- 6.—I hereby claim enrolment as an elector of the Commonwealth and of the State, or either, as the case requires, to which I am entitled pursuant to this Claim.

I declare that the whole of the statements made in this Claim are true to the best of my knowledge and belief.

Personal Signature }  
of Claimant } ..... Date...../...../19.....

I, the undersigned, am an elector or a person qualified to be an elector of the Commonwealth or the State, and I certify that I have seen the above-named claimant sign the above claim, and that I either know the statements contained in the claim to be true or have satisfied myself by inquiry of the claimant or otherwise that the said statements are true. (Penalty on witness for failure to fully comply with this requirement—£50.)

Personal Signature of Witness (in own handwriting).....

Occupation..... Place of Living.....

Before filling in, or witnessing this claim, carefully read instructions on other side.



## [Back of Form.]

Form to be used in respect of both the Commonwealth and the State, or either, by a qualified person (a) when claiming enrolment or transfer of enrolment, or (b) when notifying a change of address within the same subdivision or applying for the correction of any particulars of an existing enrolment.

NOTE.—The claimant should see that he receives an acknowledgment of this claim in due course.

## INSTRUCTIONS TO BE OBSERVED WHEN FILLING IN PARTICULARS ON THE OTHER SIDE OF THIS CLAIM.

- (a) PLACE OF LIVING.—Full address, including name and street number (if any), of habitation must be inserted.
- (b) IF CLAIMANT has not lived in New South Wales for at least three months continuously he must strike out the words in italics in paragraphs 2 and 3.
- (c) IF CLAIMANT is an aboriginal native of Australia, Asia, Africa, or the islands of the Pacific (except New Zealand), and is qualified for State enrolment, but is disqualified for Commonwealth enrolment, he must strike out the words "Commonwealth and a" in paragraph 3.
- (d) PARAGRAPH 5 should be struck out if claimant is NOT already enrolled.
- (e) PERSONAL SIGNATURE OF CLAIMANT.—The signature of the Claimant must be his personal signature. If unable to sign his name in his own handwriting, he may make his mark as his signature, but such signature must be made in the presence of the person who signs as witness.
- (f) FORMER SURNAME is to be filled in ONLY in the case of a married woman who has changed her name by marriage since her last enrolment.

## INSTRUCTIONS TO PERSON WITNESSING ELECTORAL CLAIM.

- (i) The person witnessing an electoral claim must be an elector, or a person qualified to be an elector, of the Commonwealth or the State.
- (ii) A person shall not sign his name as witness—
  - (a) on any blank electoral claim; or
  - (b) on any electoral claim which has been wholly or partly filled up unless it has been signed by the person intended to sign it; or
  - (c) on any electoral claim unless he has seen the person, whose signature he purports to witness, sign it.
- (iii) A person shall not write on any electoral claim as his own name (a) the name of another person; or (b) any name not being his own name.

This space to be filled in by Electoral Registrar—

|                    |                    |
|--------------------|--------------------|
| Rec'd. (date)..... | Ack'd. (date)..... |
| Reg'd. (date)..... | Initials .....     |

N.B.—An elector may only have his name placed upon the Roll for the Subdivision in which he lives. A map and description of the boundaries of the Subdivision may be inspected at any post office in that Subdivision, and Electoral Forms for public use may be obtained from any Post Office.

## COMMONWEALTH ELECTORAL ACT

## FORM 3.

[Front of Form.]

Regulation 9 (1.).

COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

## ACKNOWLEDGMENT OF RECEIPT OF ELECTORAL CLAIM.

To the elector whose name appears on the back hereof.

Your electoral claim (a) dated.....has been received and, communication (a) pursuant thereto, your enrolment for the..... Subdivision of the Commonwealth Division (b) of.....and State Electoral District (c) of.....has been effected or adjusted [as required].

Points for elector to remember—

1. You should bear in mind the name of the Subdivision, Commonwealth Division and State Electoral District for which you are enrolled and retain this acknowledgment as evidence of your enrolment.
2. Voting at Elections and Referendums is compulsory.
3. If you change your place of living from the address in the Subdivision for which you are enrolled to another address in the same Subdivision you should, within 21 days after making such change, notify the Electoral Registrar for the Subdivision of your new address, in the prescribed form.\*
4. If you change your place of living to any other Subdivision you should, after you have lived in that Subdivision for a period of one month, send or deliver to the Electoral Registrar for the Subdivision a claim for transfer of enrolment, in the prescribed form,\* within 21 days after the expiration of that period.

Failure to comply with paragraphs 2, 3, or 4 above will render you liable to a penalty.

\*Obtainable at any Post Office.

Electoral Registrar for the above-named Subdivision.

Date—

Address—

NOTE TO ELECTOR.—An elector who is only temporarily absent from his place of living, although the period of such absence may exceed one month, is not thereby deemed to have changed his place of living for the purposes of transfer of enrolment or change of address on the Roll.

DIRECTIONS TO REGISTRAR.—(a) The Registrar will strike out the words “electoral claim” or the word “communication” as the case requires.

(b) If the elector’s enrolment relates to the State Assembly only, the Registrar will strike out the words “Commonwealth Division of.....and”;

(c) If the elector’s enrolment relates to the Commonwealth only, the Registrar will strike out the words “and State Electoral District of.....”

[Back of Form.]

O.H.M.S.

Commonwealth Electoral  
Paper Only.

Post Free.

To

M.....  
 .....  
 .....

Regulation 10.

FORM 4.

## COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

## NOTIFICATION OF TRANSFER OF ENROLMENT.

To the Electoral Registrar for the Subdivision of—

Commonwealth Division of—

State Electoral District of—

You are requested to remove from the Roll for the above-mentioned Subdivision the name of each elector set out in Column 1 herein, on the ground that the elector has now been enrolled by me as an elector for the Commonwealth and State Assembly, in pursuance of a claim for transfer of enrolment, for the Subdivision specified in Column 3 opposite the elector's name.

| (1)<br>Particulars appearing in claim for<br>transfer received by me. |                                  |             |      | (2)<br>Address of<br>Elector in<br>Subdivision<br>Roll kept by<br>you as set out<br>in Paragraph 5<br>of claim for<br>transfer re-<br>ceived by me. | (3)<br>Sub-<br>division<br>for<br>which<br>Elector<br>has now<br>been<br>enrolled. | (4)<br>(To be filled in by Registrar to whom<br>notification addressed.) |                                                                                                       |          |
|-----------------------------------------------------------------------|----------------------------------|-------------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------|
| Surname.                                                              | Christian<br>Names<br>(in full). | Occupation. | Sex. |                                                                                                                                                     |                                                                                    | Name<br>removed<br>(date).                                               | Elector's Number on<br>Roll (if name in<br>print) or Date of<br>Enrolment (if name<br>in manuscript). | Remarks. |
|                                                                       |                                  |             |      |                                                                                                                                                     |                                                                                    |                                                                          |                                                                                                       |          |

Electoral Registrar for the Subdivision (or Subdivisions)  
specified in Column 3.  
Commonwealth Division of—  
State Electoral District of—

Received (date)—

Acted upon and forwarded to Divisional  
Returning Officer (date)—

Dated the                      day of

19

Signature of Registrar—

NOTES.—(1) If the elector is enrolled for the Commonwealth only, strike out the references to State Electoral District. If the elector is enrolled for the State Assembly only, strike out the references to Commonwealth Division.

(2) Where notifications of transfer of enrolment in this form are required to be sent to another Registrar relating to electors, some of whom are enrolled as Commonwealth electors and State electors, and others as Commonwealth electors only, or State electors only, separate forms of notification, each dealing with one description of elector only, should be used.

## COMMONWEALTH ELECTORAL ACT

Regulation 11 (2.).

FORM 5.

COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

Commonwealth Division of— State Electoral District of—

NOTIFICATION TO CLAIMANT OF REFERENCE OF ELECTORAL CLAIM.

To—

As I am not satisfied that you are entitled to be enrolled for the Subdivision of the—

(a) Commonwealth Division of—

(b) State Electoral District of—

[NOTE.—Strike out (a) or (b) if the case so requires.]

in pursuance of your claim dated the \_\_\_\_\_, I am referring the claim to the Divisional Returning Officer for his decision.

Upon receipt of the Divisional Returning Officer's decision you will be duly notified in accordance therewith.

Electoral Registrar for the Subdivision of—

Address—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Regulation 12 (2.).

FORM 6.

COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

NOTIFICATION TO CLAIMANT OF REJECTION OF ELECTORAL CLAIM.

To—

You are hereby notified that your claim to be enrolled on the Electoral Roll for the Subdivision of the—

(a) Commonwealth Division of—

(b) State Electoral District of—

[NOTE.—Strike out (a) or (b) if the case so requires.]

has been rejected by the Divisional Returning Officer on the ground that [*here specify reason for rejection*].

You are entitled, at any time within one calendar month after the receipt of this notification, to appeal to a court of summary jurisdiction for an order directing that your name be enrolled on the Roll.

Electoral Registrar for the Subdivision of—

Address—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Regulation 13.

FORM 7.

COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

Commonwealth Division of— State Electoral District of—

NOTIFICATION TO CLAIMANT OF FORMAL DEFECT IN ELECTORAL CLAIM.

To—

Your claim to be enrolled on the Electoral Roll for the Sub-division of the above-named Division and District is defective by reason of [*here set out nature of defect*].

\* The claim is forwarded herewith for completion or correction, and return to me without delay.

\* Please complete the accompanying fresh form of claim and return it to me without delay.

Electoral Registrar for the Subdivision of—

Address—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

\* The Registrar will strike out whichever of these paragraphs is not applicable to the case.

Regulation 14.

FORM 8.

COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

Consecutive No.

CERTIFICATE AUTHORIZING REMOVAL OF NAMES OF ELECTORS FROM ROLL.

To the Divisional Returning Officer for the Commonwealth Division of

I certify that each elector named in Column (1) has ceased to be qualified for enrolment on the Roll for the Subdivision specified in Column (2) opposite his name, and has secured enrolment for the Subdivision specified in Column (3) opposite his name.

| (1)<br>Surname,<br>Christian<br>Names,<br>Place of<br>Living,<br>Occupation<br>and Sex. | (2)<br>Subdivision<br>for which<br>Elector<br>has ceased<br>to be<br>entitled to<br>be enrolled. | (3)<br>Subdivision, Division,<br>and Electoral District,<br>for which Elector has<br>now been enrolled. |                |                        | (4)<br>(To be filled in by Registrar.) |                             |                                                                                                       |          |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------|------------------------|----------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------|----------|
|                                                                                         |                                                                                                  | Subdi-<br>vision.                                                                                       | Divi-<br>sion. | Electoral<br>District. | Name<br>removed<br>(date).             | Form 9<br>issued<br>(date). | Elector's Number on<br>Roll (if name in<br>print) or Date of<br>Enrolment (if name<br>in manuscript). | Remarks. |
|                                                                                         |                                                                                                  |                                                                                                         |                |                        |                                        |                             |                                                                                                       |          |

Commonwealth Electoral Officer.

Electoral Commissioner for the State.

Date / /19

To the Electoral Registrar

for the Subdivision or Subdivisions specified  
in Column (2) above.

You are directed to remove the name of each of the above-named electors from the Roll on which it appears, as specified in Column (2), and to forthwith notify the elector in Form 9. You will specify in Column (4) the action taken by you, and return this form to me for transmission to the Commonwealth Electoral Officer.

Divisional Returning Officer.

Date / /19

Received (date)—

Acted upon and returned to Divisional Returning  
Officer (date)—

Signature of Registrar—

## COMMONWEALTH ELECTORAL ACT

Regulation 15.

FORM 9.

COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

## NOTIFICATION TO ELECTOR OF REMOVAL OF NAME FROM ROLL.

To—

*[The full Christian names and surname to be inserted.]*

Occupation

Address—

*[as appearing on the Roll for the Subdivision from which the name has been removed.]*

Your name has been removed from the Electoral Roll for the  
 Subdivision of the Commonwealth Division of \_\_\_\_\_ and the State  
 Electoral District of \_\_\_\_\_  
 on the ground that you have changed your place of living and have secured enrolment  
 for the \_\_\_\_\_ Subdivision of the Commonwealth Division  
 of \_\_\_\_\_ and the State Electoral District of \_\_\_\_\_

If you desire to make any representation in regard to this matter, your communication may be written in the space provided for the purpose at the foot of this form, and should be sent to the Commonwealth Electoral Officer for the State of New South Wales.

Electoral Registrar

for the Subdivision of \_\_\_\_\_

Date \_\_\_\_\_ / \_\_\_\_\_ /19 \_\_\_\_ .

(NOTE.—If the notification relates to the Commonwealth Roll only, or to the Assembly Roll only, the form should be varied accordingly.)

---

 Reply (if any).

Personal Signature of elector

Present place of living

Witness to Signature

(Being an elector or person qualified to be an elector.)

Occupation

Place of living

Dated the

day of

19 \_\_\_\_ .

## Regulation 16.

## FORM 10.

COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

NOTIFICATION OF CHANGE OF ENROLMENT CONSEQUENT UPON ALTERATION OF BOUNDARIES OF COMMONWEALTH DIVISION OR STATE ELECTORAL DISTRICT OR SUBDIVISIONS.

To—

You are hereby informed, in accordance with the provisions of Section 28 of the Commonwealth Electoral Act and Section 24 of the Parliamentary Electorates and Elections Act, New South Wales, that your name has been removed from the Roll for the Subdivision of the Commonwealth Division of and State Electoral District of and has been placed on the Roll for the Subdivision of the Commonwealth Division of and State Electoral District of

Electoral Registrar for the Subdivision of—

or

Commonwealth Electoral Officer for the State.

Electoral Commissioner.

(as the case requires).

Address—

Dated the day of 19 .

## Regulation 26 (1.).

## FORM 15.

Form to be used by an Elector for the same Electoral Subdivision or by an Officer (not being a Registrar) when lodging an objection in respect of the retention of a name on the Roll as that of an Elector for the Commonwealth and the State Assembly or either.]

COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

Commonwealth Division of State Electoral District of—

## NOTICE OF OBJECTION.

To the Divisional Returning Officer for the Commonwealth Electoral Division of—  
I object to the name of

| No. on Roll. | Surname. | Christian Names at full length. | Place of Living as appearing on Roll. | Occupation. | Place of Abode for time being, if known to the objector. |
|--------------|----------|---------------------------------|---------------------------------------|-------------|----------------------------------------------------------|
|              |          |                                 |                                       |             |                                                          |

being retained on the Electoral Roll for the Subdivision of the Commonwealth Division of and the State Electoral District of , on the ground that *[here insert ground of objection]*.

(Signature)—

(Occupation)—

(Address)—

Dated the day of 19 .

NOTES.—(a) The names and boundaries of the Commonwealth and the State Electoral Subdivisions are identical.

(b) If an objection is lodged in respect of the name of a person as an elector for the Commonwealth but not as an elector for the Assembly, or *vice versa*, the words "and the State Electoral District of " or the words "the Commonwealth Division of and" as the case requires, should be struck out.

(c) An objection that an elector does not live in the subdivision in question shall not be good unless it alleges that the person objected to does not live in that subdivision *and has not so lived for at least one month last past*.

(d) A sum of five shillings must be deposited with the Divisional Returning Officer in respect of each objection lodged by any person other than an officer, to be forfeited if the objection is held by the Divisional Returning Officer to be frivolous.

## COMMONWEALTH ELECTORAL ACT

Regulation 26 (2.).

## FORM 16.

[Form to be used by a Registrar when lodging objections to the retention of names on the Subdivision Roll kept by him as those of Electors for the Commonwealth and the State Assembly, or either.]

[*Front of Form.*]

## COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

## NOTICE OF OBJECTION.

To the Divisional Returning Officer—

I object to each undermentioned name being retained on the Electoral Roll for the Subdivision of the Commonwealth Division of and the State Electoral District of on the ground [*here insert ground of objection*].

Registrar for the Subdivision of—

Dated the                      day of                      19                      .

| Person Objected to |          |                                    | Place of Living<br>as appearing<br>on Roll. | Occupation. | Place of<br>Abode for<br>time being,<br>if known<br>to Registrar. | Regis-<br>trar's<br>Initials. |
|--------------------|----------|------------------------------------|---------------------------------------------|-------------|-------------------------------------------------------------------|-------------------------------|
| No. on<br>Roll.    | Surname. | Christian Names<br>at full length. |                                             |             |                                                                   |                               |
|                    |          |                                    |                                             |             |                                                                   |                               |

NOTES.—(a) The names and boundaries of the Commonwealth and the State Electoral Subdivisions are identical.

(b) If an objection is lodged in respect of the name of a person as an elector for the Commonwealth but not as an elector for the State Assembly, or *vice versa*, the words "and the State Electoral District of" or the words "the Commonwealth Division of" and" as the case requires, should be struck out.

(c) Where notices of objection are required to be made relating to electors, some of whom are enrolled as Commonwealth electors and State electors, and others as Commonwealth electors only, or State electors only, separate forms of notification, each dealing with one description of elector only, should be used.

(d) This form must be prepared in triplicate, one form retained by the Registrar and the other two furnished to the Divisional Returning Officer.

[*Back of Form.*]

## INDORSEMENT BY DIVISIONAL RETURNING OFFICER.

- (1) Notices of objection posted by Divisional Returning Officer to persons objected to
- (2) Date of expiration of period allowed for answers to objections. (*See* Section 57 of the Commonwealth Electoral Act and Section 47 (1) of the Parliamentary Electorates and Elections Act.
- (3) Answers received from—

.....

.....

.....

.....



Notification to the Registrar for the Subdivision.  
(A) Objections sustained excepting as to the following names, viz:—

.....  
.....  
.....

(B) You are hereby required to forthwith remove from the Roll as—[*here insert Commonwealth and State Assembly electors or Commonwealth electors only, or State Assembly electors only, as the case requires.*] all the names appearing on the within list of objections, with the exception of those mentioned in the foregoing paragraph (A), in regard to which the objections have not been sustained.

Divisional Returning Officer for the Division of—

All necessary action taken in accordance with the above direction.

Registrar for the Subdivision of—

Regulation 27.

FORM 17.

[*Front of Form.*]

COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

NOTICE OF OBJECTION TO PERSON OBJECTED TO ON THE GROUND OF NON-RESIDENCE.

To the person objected to, whose name and address appear on the back hereof:

Notice is hereby given that an objection has been lodged with me by [*here insert the name and description of the objector*] objecting to your name being retained on the Electoral Roll for the Subdivision of [*here insert name of Subdivision*] of the Commonwealth Division of [*here insert name of Division*] and the State Electoral District of [*here insert name of Electoral District*], on the ground that you do not live in the Subdivision and have not so lived for at least one month last past.

You are entitled at any time, within twenty days from the posting of this notice, to answer the objection either orally or in writing.

If you intend to answer the objection orally you should attend at my Office at [*here insert address of office*] between the hours of 9 a.m. and 4.30 p.m. on any day other than Saturday, or between the hours of 9 a.m. and 12 noon on a Saturday, before the expiration of twenty days from the posting of this notice.

If you claim that your place of living is still in the Subdivision, and you do not desire to attend at my office for the purpose of answering this objection orally, you should, with the least delay, but before the expiration of twenty days from the posting of this notice—

- (a) complete, personally sign, and date the reply at the foot hereof in the presence of a witness; and
- (b) fold the notice so that the address "The Commonwealth Divisional Returning Officer for the Division of " shall be visible, and send or deliver the notice to me with reply attached.

If you have ceased to live in the subdivision as alleged you need not reply to this objection.

If you answer the objection, notice of the decision on the objection will be sent to you.

## COMMONWEALTH ELECTORAL ACT

If you fail to answer the objection within twenty days from the posting of this notice, the objection will be determined, and your name may be struck off the Roll, but no notice of the decision on the objection will be sent to you.

Divisional Returning Officer for the Division of

Dated the                      day of                      19                      .

Postal Address—

NOTE.—*If the objection is lodged in respect of Commonwealth enrolment only*, the words “and the State Electoral District of” should be struck out. *If the objection is lodged in respect of State Assembly enrolment only*, the words “the Commonwealth Division of” and “and” should be struck out.

(To be completed only if the elector claims that his place of living is still in the Subdivision.)

## REPLY.

1. I am the elector whose enrolment is objected to in this notice.
2. My place of living is still in the Subdivision of [*here insert name of Subdivision*], for which I retain my qualification for enrolment.

Personal Signature of Elector—

(To be made in presence of witness.)

Address in Subdivision—

Witness to Signature—

(*Being an elector or person qualified to be an elector.*)

Occupation—

Place of Living—

Dated the                      day of                      19                      .

[*Back of Form.*]

Signature and Address of Sender—  
Divisional Returning Officer for the  
Division of

Commonwealth Electoral  
Papers Only.

Post Free.

M

[*Here insert full Christian names and surname, occupation, and place of abode for the time being, if known to the Divisional Returning Officer, or, if not so known, place of living as appearing, on Roll.*]

Signature and Address of Sender—

Commonwealth Electoral  
Papers Only.

Post Free.

The Commonwealth Divisional Returning Officer

for the Division of

Postal Address

Regulation 28.

FORM 18.

[Front of Form.]

COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

NOTICE OF OBJECTION TO PERSON OBJECTED TO ON A GROUND OTHER THAN THAT OF NON-RESIDENCE.

To the person objected to, whose name and address appear on the back hereof:

Notice is hereby given that an objection has been lodged with me by [*here insert the name and description of the objector*] objecting to your name being retained on the Electoral Roll for the Subdivision of [*here insert name of Subdivision*] of the Commonwealth Division of [*here insert name of Division*] and the State Electoral District of [*here insert name of Electoral District*] on the following grounds, namely:—[*Here insert ground of objection.*]

You are entitled at any time, within twenty days from the posting of this notice, to answer the objection either orally or in writing.

If you intend to answer the objection orally you should attend at my Office at [*here insert address of office*] between the hours of 9 a.m. and 4.30 p.m. on any day other than a Saturday, or between the hours of 9 a.m. and 12 noon on Saturday, before the expiration of twenty days from the posting of this notice.

If you claim that you are qualified for the enrolment objected to, and do not desire to attend at my office for the purpose of answering this objection orally, you should with the least delay, but before the expiration of twenty days from the posting of this notice—

- (a) complete, personally sign, and date the reply at the foot hereof in the presence of a witness; and
- (b) fold the notice so that the address "The Commonwealth Divisional Returning Officer for the Division of" shall be visible, and send or deliver the notice to me with reply attached.

If you are not qualified for the enrolment objected to, you need not reply to this objection.

If you answer the objection, notice of the decision on the objection will be sent to you.

If you fail to answer the objection within twenty days from the posting of this notice, the objection will be determined, and your name may be struck off the Roll, but no notice of the decision on the objection will be sent to you.  
Divisional Returning Officer for the Division of

Postal Address—

Dated the                      day of                      19                      .

NOTE.—If the objection is lodged in respect of Commonwealth enrolment only, the words "and the State Electoral District of" should be struck out. If the objection is lodged in respect of Assembly enrolment only, the words "the Commonwealth Division of" and "and" should be struck out.

## COMMONWEALTH ELECTORAL ACT

## REPLY.

(To be completed only if the elector claims that he is qualified for the enrolment objected to.)

I am the elector whose enrolment is objected to in this notice, and I claim that I am qualified for such enrolment.

My reasons for so claiming are as follows:—

*[Here set forth reasons relied upon as an answer to the objection.]*

Personal Signature of Elector—

(To be made in presence of witness.)

Address in Subdivision—

Witness to Signature—

*(Being an elector or person qualified to be an elector.)*

Occupation—

Place of Living—

Dated the                      day of                      19                     

*[Back of Form.]*

Signature and Address of Sender—  
Divisional Returning Officer for the  
Division of

Commonwealth Electoral  
Papers Only.

Post Free.

*M*

*[Here insert full Christian names and surname, occupation, and place of abode for the time being, if known to the Divisional Returning Officer, or, if not so known, place of living as appearing on Roll.]*

Signature and Address of Sender—

Commonwealth Electoral  
Papers Only.

Post Free.

The Commonwealth Divisional Returning Officer

for the Division of

Postal Address

Regulation 31.

FORM 19.

## COMMONWEALTH OF AUSTRALIA. STATE OF NEW SOUTH WALES.

The Commonwealth Electoral Act. The Parliamentary Electorates and Elections Act.

## NOTICE OF DETERMINATION OF OBJECTION.

To—

Notice is hereby given that I have considered the objection lodged by [*here set out the name of objector*] to the retention of the name of [*here set out name of person objected to*] on the Electoral Roll for the Subdivision of the Commonwealth Division of and the State Electoral District of— and have decided—

- (a) to remove the said name from the said Electoral Roll as that of an elector of the Commonwealth and the State Assembly;
- (b) to dismiss the objection and to retain the said name on the said Electoral Roll.

(NOTE.—Strike out sub-paragraph (a) or sub-paragraph (b) as the case requires.)

If aggrieved by this decision you may, at any time within one calendar month after the receipt of this notice, appeal against the decision to a court of summary jurisdiction.

Divisional Returning Officer for the Division of—

Dated the                      day of                      19                      .

NOTE.—If the objection is in respect of Commonwealth enrolment only, the words “and the State Electoral District of                      ” and the words “and the State Assembly” should be struck out. If the objection is in respect of State Assembly enrolment only, the words “Commonwealth Division of                      and the” and the words “Commonwealth and the” should be struck out.

## JOINT ELECTORAL (COMMONWEALTH AND SOUTH AUSTRALIA) REGULATIONS.\*

### PART I.—PRELIMINARY.

1. These Regulations may be cited as the *Joint Electoral (Commonwealth and South Australia) Regulations\**, and shall come into operation on and from the seventeenth day of February, 1921. Short title.

\* The Joint Electoral (Commonwealth and South Australia) Regulations in force under the *Commonwealth Electoral Act 1918-1953* comprise the following Statutory Rules:—

| Year and Number.               | Date of Notification<br>in <i>Gazette</i> . | Date of Commencement. |
|--------------------------------|---------------------------------------------|-----------------------|
| 1921, No. 32    ..    ..    .. | 5th February, 1921    ..    ..              | 17th February, 1921   |
| 1929, No. 57    ..    ..    .. | 30th May, 1929    ..    ..                  | 15th May, 1929        |

Regulation 2 of Statutory Rules 1929, No. 57, by which these Regulations were amended, reads as follows:—

“2. The Joint Electoral (Commonwealth and South Australia) Regulations 1921, as amended from time to time, may be cited as the *Joint Electoral (Commonwealth and South Australia) Regulations*.”

**Parts.**

2. These Regulations are divided into Parts, as follows\* :—

PART I.—Preliminary.

PART II.—Electoral—

Division 1.—Enrolment.

Division 2.—Objections.

Division 3.—Miscellaneous.

**Definitions.**

3. In these Regulations unless the contrary intention appears—

“The Chief Electoral Officer” means the Chief Electoral Officer for the Commonwealth appointed pursuant to the Commonwealth Electoral Act;

“The Commonwealth Electoral Act” means the Act or Acts of the Commonwealth for the time being in force relating to Parliamentary Elections;

“The Commonwealth Electoral Officer” means the Commonwealth Electoral Officer for the State of South Australia appointed pursuant to the Commonwealth Electoral Act;

“The Divisional Returning Officer” means the Commonwealth Divisional Returning Officer for the Commonwealth Electoral Division;

“The Electoral Acts, South Australia” means the Act or Acts of the State of South Australia for the time being in force relating to Parliamentary Elections;

“The House of Assembly” means the House of Assembly of the State of South Australia;

“The Registrar” means the Electoral Registrar for the Commonwealth Subdivision and the House of Assembly Subdivision;

“The Returning Officer for the State” means the Returning Officer for the State of South Australia appointed pursuant to the Electoral Acts, South Australia; and

any reference to a form shall be read as a reference to a form in the Schedule.

**Application of these Regulations.**

4. These Regulations shall apply in relation to joint Rolls in the State of South Australia.

**Application of Commonwealth Electoral and Referendum Regulations 1919.**

5. The Electoral and Referendum Regulations 1919 made under the Commonwealth Electoral Act shall not apply in relation to the joint Rolls in respect of matters for which provision is made by these Regulations but shall, to the extent to which they are applicable, apply in respect of other matters.

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\* The regulations contained in the various Parts and Divisions of Parts of these Regulations are as follows:—

Part I., rr. 1-5;

Part II., Divsn. 1., rr. 6-16;

Divsn. 2., rr. 26-31;

Divsn. 3., rr. 32-33.

## PART II.—ELECTORAL.

## Division 1.—Enrolment.

6.—(1.) The Roll to be used jointly for Commonwealth elections and also State elections for the House of Assembly may be in accordance with Form 1, and shall contain the particulars indicated therein.

Form of  
Joint Roll.  
Com. s. 31.  
S.A. s. 25.

(2.) Where a person whose name is on the joint Roll is not enrolled thereon as a House of Assembly elector, an asterisk(\*) shall be placed against his name to indicate that he is not so enrolled.

(3.) Where a person whose name is on the joint Roll is not enrolled thereon as a Commonwealth elector, a circle (o) shall be placed against his name to indicate that he is not so enrolled.

7.—(1.) The prices at which Rolls are sold shall be as follow:—

|                                                                  | s. | d. |
|------------------------------------------------------------------|----|----|
| Principal Roll for a Division .. .. .                            | 2  | 0  |
| Principal Roll for an Assembly District .. .. .                  | 1  | 0  |
| Principal Roll for a Subdivision .. .. .                         | 0  | 6  |
| Supplemental Roll for a Division or an Assembly District .. .. . | 0  | 6  |
| Supplemental Roll for a Subdivision .. .. .                      | 0  | 3  |

Sale of  
electoral rolls.  
Com. s. 37 (1).  
S.A. Act 1920  
s. 32 (1).

(2.) Moneys received from the sale of joint Rolls shall be divided equally between the Commonwealth and the State.

8.—(1.) The form of claim for enrolment, or transfer of enrolment, or notification of change of address within the same subdivision may be in accordance with Form 2, and shall be valid for the Commonwealth notwithstanding that it contains a claim for enrolment, or transfer of enrolment, or change of address for both the Commonwealth and the House of Assembly, and the form of claim for enrolment, or transfer of enrolment, or change of address, shall be valid for the House of Assembly, notwithstanding that it contains a claim for enrolment, or transfer of enrolment, or change of address for both the House of Assembly and the Commonwealth.

Form of  
electoral claim.  
Com. secs.  
40-42 and 47.  
S.A. secs. 35,  
36, and 41.

(2.) Any person applying for correction of the entry on the Roll of his name or particulars of enrolment may apply in accordance with Form 2, or in such other form, signed by the applicant, as the Registrar approves.

9.—(1.) Upon receipt of a claim for enrolment or transfer of enrolment, or notification of change of address within a Subdivision, or application for the alteration or correction of particulars of an existing enrolment, the Registrar shall note thereon the date of its receipt by him, and if the claim, notification, or application is in order and he is satisfied that the claimant is entitled to be enrolled, or to have his name transferred, or the particulars of his enrolment altered or corrected, the Registrar shall forthwith—

Registration  
of claim.  
Com. secs.  
43 (1), 47 (1)  
(a) and (b).  
S.A. secs.  
37 (1), 41 (1)  
(a) and (b).

- (i) enter on the Subdivision Roll the name of the claimant and the particulars relating to him or alter or correct the particulars of his enrolment, as the case requires, and where the claimant is enrolled as a Commonwealth elector only, or as a House of Assembly elector only, place the appropriate prescribed distinguishing mark opposite the name of the claimant; and

- (ii) in the case of an enrolment or a transfer of enrolment, notify the claimant, in accordance with Form 3, that he has been enrolled; and
- (iii) in the case of a transfer of enrolment, give notice of the transfer to the Registrar keeping the Subdivision Roll from which the elector's name has been transferred.

(2.) An interim acknowledgment of the receipt, after the issue of the writ for an election, and before the close of the polling at the election, of a claim for enrolment or transfer of enrolment, may be issued to the elector by the Registrar, in the form authorized by the Chief Electoral Officer and the Returning Officer for the State.

Notification of transfer of enrolment.  
Com. sec. 43(1).  
S.A. Act 1920 s. 37 (1).

**10.** The notification of the transfer of the enrolment of an elector, or the enrolments of electors, may be in accordance with Form 4.

Reference of claim to Divisional Returning Officer.  
Com. sec. 44 (1).  
S.A. sec. 38 (1).

**11.—(1.)** The reference of an electoral claim to the Divisional Returning Officer for his decision pursuant to section 44 (1.) of the Commonwealth Electoral Act and section 38 (1) of the *Electoral Code Further Amendment Act* 1920 of the State of South Australia may be made in the form authorized by the Chief Electoral Officer and the Returning Officer for the State.

(2.) The notification to the claimant of such reference may be in accordance with Form 5.

Notification of rejection of claim.  
Com. sec. 44 (4).  
S.A. sec. 38 (4).

**12.—(1.)** The notification by the Divisional Returning Officer to the Registrar of the rejection of an electoral claim may be in the form authorized by the Chief Electoral Officer and the Returning Officer for the State.

(2.) The notification to the claimant of the rejection of an electoral claim may be in accordance with Form 6.

Formally defective claim.

**13.** The Registrar, upon receipt of an electoral claim which is not in order by reason of some formal defect only, may send to the claimant a notification in accordance with Form 7 indicating the nature of the defect, and, as the case requires—

- (a) return the claim to him for completion or correction; or
- (b) furnish him with a fresh form of claim for completion.

Certificate authorizing removal of name.  
Com. sec. 47 (1) (h).  
S.A. sec. 41 (1) (i).

**14.** The certificate of the Commonwealth Electoral Officer and the Returning Officer for the State authorizing the removal of the name of an elector, or the names of electors, from a roll, and the direction of the Divisional Returning Officer thereon, may be in accordance with Form 8.

Notification of removal of name from roll.  
Com. sec. 47 (1) (h).  
S.A. sec. 41 (1) (i).

**15.** Where a name is removed from a Roll by direction of the Divisional Returning Officer upon the certificate of the Commonwealth Electoral Officer and the Returning Officer for the State, pursuant to section 47 (1.) (h) of the Commonwealth Electoral Act, and section 41 (1) (i) of the *Electoral Code Further Amendment Act* 1920 of the State of South Australia, the Registrar shall send to the elector whose name is so removed a notification in accordance with Form 9.



**16.**—(1.) The change of electors from one Roll to another, in accordance with section 28 of the Commonwealth Electoral Act and section 19 of the *Electoral Code Further Amendment Act* 1920 of the State of South Australia, shall be effected, where necessary, by removing the names of the electors from the Roll from which they are changed, and by inserting the names so removed on the Roll to which they are changed.

Change of electors from one roll to another.  
Com. sec. 28.  
S.A. sec. 19.

(2.) In the following cases notice of the change shall be given by notice in the *Commonwealth Gazette* and the *Government Gazette* (South Australia) and in some newspaper circulating in the part affected:—

Substituted by 1929, No. 57.

- (a) when a Subdivision is abolished and all electors whose names are on the roll for that Subdivision are changed to another Subdivision roll; or
- (b) when by reason of the alteration of the boundaries of a Division, or of an Assembly District, any Subdivision is changed from one Division or Assembly District to another Division or Assembly District, and all the names of electors which are on the Subdivision roll for the first-mentioned Division or Assembly District are changed to a Subdivision roll for the last-mentioned Division or Assembly District; or
- (c) when in consequence of a proclamation for the preparation of new rolls or action thereunder (other than action by an elector), the enrolment of any electors is changed to a Subdivision or Division or Assembly District which differs in name from the Subdivision or Division or Assembly District for which they were enrolled prior to the proclamation, and, in the opinion of the Officers charged with the preparation of the new rolls, a reasonably effective notice, generally applicable to all electors in a Subdivision whose enrolments have been changed, can be so given.

(3.) In any case to which the last preceding sub-regulation does not apply, notice of the change shall be sent by post to each elector concerned, and may be in accordance with Form 10.

Added by 1929, No. 57.

\* \* \* \* \*

### Division 2.—Objections.

**26.**—(1.) The notice of objection lodged by an elector or officer—not being a Registrar—in respect of a name on a Roll as that of an elector of the Commonwealth and the House of Assembly, or either, may be in accordance with Form 15.

Notice of objection.  
Com. sec. 53.  
S.A. Act 1920, sec. 45.

(2.) The notice of objection lodged by a Registrar in respect of a name on a Roll as that of an elector of the Commonwealth and the House of Assembly, or either, and the direction of the Divisional Returning Officer, may be in accordance with Form 16.

**27.** The notice to be forwarded by the Divisional Returning Officer to a person whose name has been objected to as that of an elector of the Commonwealth and the House of Assembly, or either, upon the ground of non-residence, may be in accordance with Form 17.

Notice to person objected to on the ground of non-residence.  
Com. sec. 55.  
S.A. sec. 47.

**28.** The notice to be forwarded by the Divisional Returning Officer to a person whose name has been objected to as that of an elector of the Commonwealth and the House of Assembly, or either, on a ground other than non-residence, may be in accordance with Form 18.

Notice to person objected to on ground other than non-residence.  
Com. sec. 55.  
S.A. sec. 47.

Manner of  
answering  
objection.

Com. sec. 56.  
S.A. sec. 48.

29. Any person against whom an objection has been lodged or made may answer the objection as follows:—

- (a) By attending before the Divisional Returning Officer at the place mentioned in the notice sent to him by the Divisional Returning Officer and making an oral statement to show that the objection is not good; or
- (b) By sending by post, or delivering, to the Divisional Returning Officer at his office a statement in writing to show that the objection is not good.

Inquiry into  
objection.

Com. sec. 57.

30. Before determining an objection, the Divisional Returning Officer may make such inquiries as he thinks necessary to ascertain the facts in relation to the objection.

Notice of  
determination  
of objection.

Com. sec. 57.

31.—(1.) Upon determining an objection the Divisional Returning Officer shall send notice of his decision, in accordance with Form 19, to the objector if the objector is not a Registrar, and to the person objected to if the person objected to has answered the objection within the prescribed period.

(2.) Where an objector is a Registrar, notice of the decision on the objection may be sent to him in accordance with the indorsement on Form 16, and such notice may contain a direction for the removal of an elector's name from the Roll when an objection has been sustained.

#### *Division 3.—Miscellaneous.*

Electoral  
appeals.

Com. sec. 58.  
S.A. Act 1920,  
sec. 50.

32.—(1.) An application under section 58 of the Commonwealth Electoral Act and section 50 of the *Electoral Code Further Amendment Act* 1920 of the State of South Australia, or either, as the case requires, to a court of summary jurisdiction may be made at any time within one calendar month after the receipt of notice under Regulation 12 of the rejection of a claim for enrolment or transfer of enrolment, or of notice under Regulation 31 of the determination of an objection, and may be made in writing in the form of a complaint setting out the material facts and asking that the Divisional Returning Officer be summoned to answer the complaint.

(2.) Upon the complaint being lodged with him, the clerk of the court shall issue a summons to the Divisional Returning Officer to appear before the court at a time and place mentioned in the summons to answer the complaint and produce all papers connected with the claim for enrolment or transfer of enrolment, or the objection, as the case requires.

(3.) The Divisional Returning Officer may, by himself or some person appointed to represent him, appear at the hearing and produce to the court all papers connected with the claim for enrolment or transfer of enrolment, or the objection, as the case requires, but if he does not desire to appear he may send the papers to the clerk, to be produced at the hearing, together with a statement in writing containing such observations as he sees fit to make, and any such statement shall be considered by the court at the hearing.

(4.) The Divisional Returning Officer, if present at the hearing, or the person representing him, shall be entitled to be heard.

Strict  
compliance  
with forms in  
the schedule  
not required.

33. Strict compliance with the forms in the schedule shall not be required and substantial compliance shall suffice for the purposes of these Regulations.

## SCHEDULES.

Regulation 6.

## Form 1.

Commonwealth of Australia. State of South Australia.

## ELECTORAL ROLL.

Commonwealth Division of [*here insert name of Division*].State Assembly District of [*here insert name of District*].Roll of Electors for the Commonwealth and State subdivision of [*here insert name of Subdivision*].

No., Name in Full, Place of Living, Occupation, and Sex of each Elector.

[*Here follow names, &c.*]

## Footnotes.

\* Not enrolled on this Roll as a House of Assembly Elector.

o Not enrolled on this Roll as a Commonwealth Elector.

M signifies Male.

F signifies Female.

[FRONT OF FORM.]

## FORM 2.

Commonwealth of Australia and  
State of South Australia.  
ELECTORAL CLAIM. Form 2.Substituted by  
1929, No. 57.Particulars for  
Enrolment.

SURNAME .....

CHRISTIAN NAMES.....  
(in full)PLACE OF LIVING.....  
(Give full address)

OCCUPATION..... SEX.....

The following particulars relating to claimant will not appear on the Roll,  
but must be stated on this card:—

Date and Year of Birth ..... Place of Birth ..... Former Surname\* .....

\* See Instruction (f) on other side.

To the Electoral Registrar for the Subdivision of .....  
Division of ..... and State Assembly District of .....1.—I am an inhabitant of Australia. 2.—I have lived in Australia for six months  
continuously, and in South Australia for at least three months.† 3.—I am a  
natural-born or naturalized subject of the King, am not under the age of 21  
years, and am not disqualified for enrolment as a Commonwealth and a  
State Assembly† elector.

† See Instruction (b) on other side.

4.—I now live and have lived in the above-named Subdivision for a period of not  
less than one month immediately preceding the date of this Claim.5.—My name is at present enrolled for the..... Subdivision in the  
State of..... in respect of the following address in that Sub-  
division, namely:—.....6.—I hereby claim enrolment as an elector of the Commonwealth and of the  
State Assembly, or either, as the case requires, to which I am entitled pursuant  
to this Claim.I declare that the whole of the statements made in this Claim are true to the  
best of my knowledge and belief.Personal Signature } ..... Date...../...../19....  
of Claimant }I, the undersigned, am an elector or a person qualified to be an elector of the  
Commonwealth or the State Assembly, and I certify that I have seen the above-  
named claimant sign the above claim, and that I either know the statements  
contained in the claim to be true or have satisfied myself by inquiry of the  
claimant or otherwise that the said statements are true. (Penalty, under Com-  
monwealth Electoral Act, on witness for failure to fully comply with this require-  
ment—£50.)Personal Signature of Witness.....  
(In own handwriting)

Occupation..... Place of Living.....

[BACK OF FORM.]

Form to be used in respect of both the Commonwealth and the State Assembly,  
or either by a qualified person (a) when claiming enrolment or transfer  
of enrolment, or (b) when notifying a change of address within the same  
subdivision or applying for the correction of any particulars of an existing  
enrolment.NOTE.—The claimant should see that he receives an acknowledgment of this  
claim in due course.

Before filling in, or witnessing, this claim, carefully read instructions on other side.

## COMMONWEALTH ELECTORAL ACT

## INSTRUCTIONS TO BE OBSERVED WHEN FILLING IN PARTICULARS ON THE OTHER SIDE OF THIS CLAIM.

- (a) *Place of Living*.—Full address, including name and street number (if any), of habitation must be inserted.
- (b) If *Claimant* has not lived in South Australia for at least three months he must strike out the words in italics in paragraphs 2 and 3.
- (c) If *Claimant* is an aboriginal native of Australia, Asia, Africa, or the islands of the Pacific (except New Zealand), and is qualified for State enrolment, but is disqualified for Commonwealth enrolment, he must strike out the words "Commonwealth and a" in paragraph 3.
- (d) *Paragraph 5* should be struck out if claimant is *not* already enrolled.
- (e) *Personal Signature of Claimant*.—The signature of the Claimant must be his personal signature. If unable to sign his name in his own handwriting, he may make his mark as his signature, but such signature must be made in the presence of the person who signs as witness.
- (f) *Former Surname* is to be filled in *only* in the case of a married woman who has changed her name by marriage since her last enrolment.

## INSTRUCTIONS TO PERSON WITNESSING ELECTORAL CLAIM.

- (i) The person witnessing an electoral claim must be an elector, or a person qualified to be an elector, of the Commonwealth or the State Assembly.
- (ii) A person shall not sign his name as witness—
  - (a) on any blank electoral claim; or
  - (b) on any electoral claim which has been wholly or partly filled up unless it has been signed by the person intended to sign it; or
  - (c) on any electoral claim unless he has seen the person, whose signature he purports to witness, sign it.
- (iii) A person shall not write on any electoral claim as his own name (a) the name of another person; or (b) any name not being his own name.

This space to be filled in by Electoral Registrar—

Rec'd. (date)..... Reg'd. (date).....

Ack'd. (date)..... Initials.....

N.B.—An elector may only have his name placed upon the Roll for the Subdivision in which he lives. A map and description of the boundaries of the Subdivision may be inspected at, and Electoral Forms for public use may be obtained from, any post office.

Substituted by  
1929, No. 57.

## FORM 3.

[FRONT OF FORM.]

Regulation 9 (1).

## COMMONWEALTH OF AUSTRALIA AND STATE OF SOUTH AUSTRALIA.

*The Commonwealth Electoral Act, The Electoral Acts, South Australia.*

## ACKNOWLEDGMENT OF RECEIPT OF ELECTORAL CLAIM.

*To the elector whose name appears on the back hereof.*

Your electoral claim (a) dated.....has been received and,  
communication (a) pursuant thereto, your enrolment for the.....Subdivision of the  
Commonwealth Division (b) of.....and State Assembly District  
(c) of.....has been effected or adjusted as required.

## POINTS FOR ELECTOR TO REMEMBER—

1. You should bear in mind the name of the Subdivision, Division, and State Assembly District for which you are enrolled and retain this acknowledgment as evidence of your enrolment.
2. Voting at Commonwealth Elections and Referendums is compulsory.
3. If you change your place of living from the address in the Subdivision for which you are enrolled to another address in the same Subdivision you should, within 21 days after making such change, notify the Electoral Registrar for the Subdivision of your new address, in the prescribed form.\*

4. If you change your place of living to any other Subdivision you should, after you have lived in that Subdivision for a period of one month, send or deliver to the Electoral Registrar for the Subdivision a claim for transfer of enrolment, in the prescribed form,\* within 21 days after the expiration of that period.

Failure to comply with paragraphs 2, 3, or 4 above will render you liable under the provisions of the Commonwealth Electoral Act to a penalty not exceeding £2 (Two pounds).

\* Obtainable at any Post Office.

*Electoral Registrar for the above-named Subdivision.*

Date—

Address—

NOTE TO ELECTOR.—An elector who is only temporarily absent from his place of living, although the period of such absence may exceed one month, is not thereby deemed to have changed his place of living for the purpose of transfer of enrolment or change of address on the Roll.

DIRECTIONS TO REGISTRAR.—

- (a) The Registrar will strike out the words "electoral claim" or the word "communication" as the case requires;
- (b) If the elector's enrolment relates to the State only, the Registrar will strike out the words "Commonwealth Division of..... and";
- (c) If the elector's enrolment relates to the Commonwealth only, the Registrar will strike out the words "and State Assembly District of....."

[BACK OF FORM.]

O.H.M.S.

COMMONWEALTH ELECTORAL  
PAPER ONLY.

Post Free.

To—

M.....

Form 4.

Regulation 10.

Commonwealth of Australia. State of South Australia.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*

NOTIFICATION OF TRANSFER OF ENROLMENT.

To the Electoral Registrar for the Subdivision of—  
Commonwealth Division of— State Assembly District of—

You are requested to remove from the Roll for the above-mentioned Subdivision the name of each elector set out in Column 1 herein, on the ground that the elector has now been enrolled by me as an elector for the Commonwealth and House of Assembly, in pursuance of a claim for transfer of enrolment, for the Subdivision specified in Column 2 opposite the elector's name.

| (1)<br>Particulars appearing in claim<br>for transfer received by me. |                                  |             |      | (2)<br>Sub-<br>division<br>for<br>which<br>Elector<br>has now<br>been<br>enrolled. | (3)<br>Address of<br>Elector in<br>Subdivision<br>Roll kept by<br>you as set out<br>in Paragraph 4<br>of claim for<br>transfer received<br>by me. | (4)<br>(To be filled in by Registrar to<br>whom notification addressed.) |                                                                                                       |          |
|-----------------------------------------------------------------------|----------------------------------|-------------|------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------|
| Surname.                                                              | Christian<br>Names<br>(in full). | Occupation. | Sex. |                                                                                    |                                                                                                                                                   | Name<br>removed<br>(date).                                               | Elector's Number on<br>Roll (if name in<br>print) or Date of<br>Enrolment (if name<br>in manuscript). | Remarks. |
|                                                                       |                                  |             |      |                                                                                    |                                                                                                                                                   |                                                                          |                                                                                                       |          |

Electoral Registrar for the Subdivision (or Subdivisions) specified in Column 2.

Commonwealth Division of—

State Assembly District of—

Dated the                      day of

19

Received (date)—

Acted upon and forwarded to  
Divisional Returning Officer  
(date)—

Signature of Registrar—

NOTES.—(1) If the elector is enrolled for the Commonwealth only, strike out the references to State Assembly District. If the elector is enrolled for the State Assembly only, strike out the references to Commonwealth Division.

(2) Where notifications of transfer of enrolment in this form are required to be sent to another Registrar relating to electors, some of whom are enrolled as Commonwealth electors and State electors, and others as Commonwealth electors only, or State electors only, separate forms of notification, each dealing with one description of elector only, should be used.

## COMMONWEALTH ELECTORAL ACT

Regulation 11 (2.).

Form 5.

Commonwealth of Australia. State of South Australia.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*

Commonwealth Division of—

State Assembly District of—

NOTIFICATION TO CLAIMANT OF REFERENCE OF ELECTORAL CLAIM.

To—

As I am not satisfied that you are entitled to be enrolled for the  
Subdivision of the—

(a) Commonwealth Division of—

(b) State Assembly District of—

[NOTE.—Strike out (a) or (b) if the case so requires.]

in pursuance of your claim dated the \_\_\_\_\_, I am referring the claim to  
the Divisional Returning Officer for his decision.

Upon receipt of the Divisional Returning Officer's decision you will be duly  
notified in accordance therewith.

Electoral Registrar for the Subdivision of—

Address—

Dated the \_\_\_\_\_

day of \_\_\_\_\_

19 \_\_\_\_ .

Regulation 12 (2.).

Form 6.

Commonwealth of Australia. State of South Australia.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*

NOTIFICATION TO CLAIMANT OF REJECTION OF ELECTORAL CLAIM.

To—

You are hereby notified that your claim to be enrolled on the Electoral Roll  
for the Subdivision of the—

(a) Commonwealth Division of—

(b) State Assembly District of—

[NOTE.—Strike out (a) or (b) if the case so requires.]

has been rejected by the Divisional Returning Officer on the ground that [*here  
specify reason for rejection*].

You are entitled, at any time within one calendar month after the receipt of  
this notification, to appeal to a court of summary jurisdiction for an order directing  
that your name be added to the Roll.

Electoral Registrar for the Subdivision of—

Address—

Dated the \_\_\_\_\_

day of \_\_\_\_\_

19 \_\_\_\_ .

Regulation 13.

Form 7.

Commonwealth of Australia. State of South Australia.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*

Commonwealth Division of—

State Assembly District of

NOTIFICATION TO CLAIMANT OF FORMAL DEFECT IN ELECTORAL CLAIM.

To—

Your claim to be enrolled on the Electoral Roll for the \_\_\_\_\_ Subdivision  
of the above-named Division and District is defective by reason of [*here set out  
nature of defect*].

\* The claim is forwarded herewith for completion or correction, and return  
to me without delay.

\* Please complete the accompanying fresh form of claim and return it to me  
without delay.

Electoral Registrar for the Subdivision of—

Address—

Dated the \_\_\_\_\_

day of \_\_\_\_\_

19 \_\_\_\_ .

\* The Registrar will strike out whichever of these paragraphs is not applicable to the case.

## Regulation 14.

## Form 8.

Commonwealth of Australia. State of South Australia.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*

Consecutive No.

## CERTIFICATE AUTHORIZING REMOVAL OF NAMES OF ELECTORS FROM ROLL.

To the Divisional Returning Officer for the Commonwealth Division of

I certify that each elector named in Column (1) has ceased to be qualified for enrolment on the Roll for the Subdivision specified in Column (2) opposite his name, and has secured enrolment for the Subdivision specified in Column (3) opposite his name.

| (1)<br>Surname,<br>Christian<br>Names,<br>Place of<br>Living,<br>Occupation<br>and Sex. | (2)<br>Subdivision<br>for which<br>Elector has<br>ceased to be<br>entitled to<br>be enrolled. | (3)<br>Subdivision, Division,<br>and Assembly District,<br>for which Elector has<br>now been enrolled. |                |                       | (4)<br>(To be filled in by Registrar.) |                             |                                                                                                       |          |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------|-----------------------|----------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------|----------|
|                                                                                         |                                                                                               | Subdi-<br>vision.                                                                                      | Divi-<br>sion. | Assembly<br>District. | Name<br>removed<br>(date).             | Form 9<br>issued<br>(date). | Elector's Number on<br>Roll (if name in<br>print) or Date of<br>Enrolment (if name<br>in manuscript). | Remarks. |
|                                                                                         |                                                                                               |                                                                                                        |                |                       |                                        |                             |                                                                                                       |          |

Commonwealth Electoral Officer.

Returning Officer for the State.

Date     /     /19     .

Received (date)

Acted upon and returned to Divisional Returning Officer (date)—

Signature of Registrar—

To the Electoral Registrar

for the Subdivision or Subdivisions specified  
in Column (2) above.

You are directed to remove the name of each of the above-named electors from the Roll on which it appears, as specified in Column (2), and to forthwith notify the elector in Form 9. You will specify in Column (4) the action taken by you, and return this form to me for transmission to the Commonwealth Electoral Officer.

Divisional Returning Officer.

Date     /     /19     .

## COMMONWEALTH ELECTORAL ACT

Regulation 15.

Form 9.

Commonwealth of Australia. State of South Australia.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*

## NOTIFICATION TO ELECTOR OF REMOVAL OF NAME FROM ROLL.

To—

*[The full Christian names and surname to be inserted].*

Occupation—

Address—

*[as appearing on the Roll for the Subdivision from which the name has been removed].*

Your name has been removed from the Electoral Roll for the  
 Subdivision of the Commonwealth Division of \_\_\_\_\_ and the State  
 Assembly District of \_\_\_\_\_  
 on the ground that you have changed your place of living and have secured enrolment  
 for the \_\_\_\_\_ Subdivision of the Commonwealth Division  
 of \_\_\_\_\_ and the State Assembly District of \_\_\_\_\_

If you desire to make any representations in regard to this matter, your communication may be written in the space provided for the purpose at the foot of this form, and should be sent to the Commonwealth Electoral Officer for the State of South Australia.

Electoral Registrar

for the Subdivision of \_\_\_\_\_

Date \_\_\_\_\_ / \_\_\_\_\_ /19 \_\_\_\_ .

(NOTE.—If the notification relates to the Commonwealth Roll only, or to the House of Assembly Roll only, the form should be varied accordingly.)

Reply (if any).

Personal Signature of Elector

Present place of living

Witness to signature

(Being an elector or person qualified to be an elector).

Occupation

Place of living

Dated the

day of

19 \_\_\_\_ .



FORM 10.

Regulation 16. Substituted by  
1929, No. 57.

## COMMONWEALTH OF AUSTRALIA. STATE OF SOUTH AUSTRALIA.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*NOTIFICATION OF CHANGE OF ENROLMENT CONSEQUENT UPON ALTERATION OF  
BOUNDARIES OF DIVISIONS, ASSEMBLY DISTRICTS, OR SUBDIVISIONS.

To.....

You are hereby informed that in accordance with the provisions of Section 28 of the Commonwealth Electoral Act and Section 19 of the *Electoral Code Further Amendment Act 1920* (South Australia) your name has been removed from the Roll for the..... Subdivision of the Commonwealth Electoral Division of..... and the State Assembly District of..... and has been placed on the Roll for the..... Subdivision of the Commonwealth Electoral Division of..... and the State Assembly District of.....

Electoral Registrar for the Subdivision of—

or

Commonwealth Electoral Officer for the State

State Returning Officer

(as the case requires)

Address—

Dated the                      day of                      19                      .

Regulation 26 (1.).

Form 15.

Form to be used by an Elector for the same Electoral Subdivision or by an Officer (not being a Registrar) when lodging an objection in respect of the retention of a name on the Roll as that of an Elector for the Commonwealth and the State Assembly or either.]

Commonwealth of Australia.

State of South Australia.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*

Commonwealth Division of—

State Assembly District of—

## NOTICE OF OBJECTION.

To the Divisional Returning Officer for the Commonwealth Electoral Division of—

I object to the name of

| No. on Roll. | Surname. | Christian Names<br>at full length. | Place of Living<br>as appearing<br>on Roll. | Occupation. | Place of Abode for<br>time being, if known<br>to the objector. |
|--------------|----------|------------------------------------|---------------------------------------------|-------------|----------------------------------------------------------------|
|              |          |                                    |                                             |             |                                                                |

being retained on the Electoral Roll for the                      Subdivision  
of the Commonwealth Division of                      and the State Assembly District  
of                      , on the ground that [*here insert ground of objection*].

(Signature)—

(Occupation)—

(Address)—

Dated the                      day of                      19                      .

NOTES.—(a) The names and boundaries of the Commonwealth Electoral Subdivisions and the House of Assembly Electoral Subdivisions are identical.

(b) If an objection is lodged in respect of the name of a person as an elector for the Commonwealth, but not as an elector for the House of Assembly, or *vice versa*, the words "and the State Assembly District of                      " or the words "the Commonwealth Division of                      and," as the case requires, should be struck out.

## COMMONWEALTH ELECTORAL ACT

Regulation 26 (2.).

Form 16.

[Form to be used by a Registrar when lodging objections to the retention of names on the Subdivision Roll kept by him as those of Electors for the Commonwealth and the State Assembly, or either.]

[Front of Form.]

Commonwealth of Australia.

State of South Australia.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*

## NOTICE OF OBJECTION.

To the Divisional Returning Officer

I object to each undermentioned name being retained on the Electoral Roll for the \_\_\_\_\_ Subdivision of the Commonwealth Division of \_\_\_\_\_ and the State Assembly District of \_\_\_\_\_ on the ground [here insert ground of objection].

Registrar for the Subdivision of—

Dated \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

| Person Objected to. |          |                                 | Place of Living as appearing on Roll. | Occupation. | Place of Abode for time being, if known to Registrar. | Registrar's Initials. |
|---------------------|----------|---------------------------------|---------------------------------------|-------------|-------------------------------------------------------|-----------------------|
| No. on Roll.        | Surname. | Christian Names at full length. |                                       |             |                                                       |                       |
|                     |          |                                 |                                       |             |                                                       |                       |

NOTES.—(a) The names and boundaries of the Commonwealth Electoral Subdivisions and the State Assembly Electoral Subdivisions are identical.

(b) If an objection is lodged in respect of the name of a person as an elector for the Commonwealth but not as an elector for the State Assembly, or *vice versa*, the words "and the State Assembly District of \_\_\_\_\_," or the words "the Commonwealth Division of \_\_\_\_\_ and," as the case requires, should be struck out.

(c) Where notices of objection are required to be made relating to electors, some of whom are enrolled as Commonwealth electors and State electors, and others as Commonwealth electors only, or State electors only, separate forms of notification, each dealing with one description of elector only, should be used.

(d) This form must be prepared in triplicate, one form retained by the Registrar and the other two furnished to the Divisional Returning Officer.

[Back of Form.]

## INDORSEMENT BY DIVISIONAL RETURNING OFFICER.

(1) Notices of objection posted by Divisional Returning Officer to persons objected to }

(2) Date of expiration of period allowed for answers to objections. (See Sec. 57 of the Commonwealth Electoral Act and Sec. 49 of the *Electoral Code Further Amendment Act 1920* (South Australia.) }

(3) Answers received from—

.....  
 .....  
 .....

Notification to the Registrar for the

Subdivision.

(A) Objections sustained excepting as to the following names, viz.:—

.....  
 .....  
 .....

(B) You are hereby required to forthwith remove from the Roll as—[here insert *Commonwealth and State Assembly electors or Commonwealth electors only, or State Assembly electors only, as the case requires.*] all the names appearing on the within list of objections, with the exception of those mentioned in the foregoing paragraph (A), in regard to which the objections have not been sustained.

Divisional Returning Officer for the Division of—

All necessary action taken in accordance with the above direction.

Registrar for the Subdivision of—

## FORM 17.

Substituted by  
1929, No. 57.

[FRONT OF FORM.]

Regulation 27.

COMMONWEALTH OF AUSTRALIA. STATE OF SOUTH AUSTRALIA.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*

NOTICE OF OBJECTION TO PERSON OBJECTED TO ON THE GROUND OF NON-RESIDENCE.

*To the person objected to, whose name and address appear on the back hereof:*

Notice is hereby given that an objection has been lodged with me by [*here insert the name and description of the objector*] objecting to your name being retained on the Electoral Roll for the Subdivision of [*here insert name of Subdivision*] of the Commonwealth Electoral Division of [*here insert name of Division*] and the State Assembly District of [*here insert name of District*], on the ground that you do not live in the Subdivision and have not so lived for at least one month last past.

You are entitled at any time within twenty days from the posting of this notice, to answer the objection either orally or in writing.

If you intend to answer the objection orally you should attend at my Office at [*here insert address of office*] between the hours of 9 a.m. and 4.30 p.m. on any day other than a Saturday, or between the hours of 9 a.m. and 12 noon on a Saturday, before the expiration of twenty days from the posting of this notice.

If you claim that your place of living is still in the Subdivision, and you do not desire to attend at my office for the purpose of answering this objection orally, you should with the least delay, but before the expiration of twenty days from the posting of this notice—

- (a) complete, personally sign, and date the reply at the foot hereof in the presence of a witness; and
- (b) fold the notice so that the address "Commonwealth Divisional Returning Officer for the Division of \_\_\_\_\_" shall be visible, and send or deliver the notice to me with reply attached.

If you have ceased to live in the subdivision as alleged you need not reply to this objection.

If you answer the objection, notice of the decision on the objection will be sent to you.

If you fail to answer the objection within twenty days from the posting of this notice, the objection will be determined, and your name may be struck off the Roll, but no notice of the decision on the objection will be sent to you.

Divisional Returning Officer for the Division of—

Postal Address—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

NOTE.—If the objection is lodged in respect of Commonwealth enrolment only, the words "and the State Assembly District of \_\_\_\_\_" should be struck out. If the objection is lodged in respect of House of Assembly enrolment only, the words "Commonwealth Electoral Division of \_\_\_\_\_ and the" should be struck out.

## REPLY.

(To be completed only if the elector claims that his place of living is still in the Subdivision.)

1. I am the elector whose enrolment is objected to in this notice.
2. My place of living is still in the Subdivision of [*here insert name of Subdivision*], for which I retain my qualification for enrolment.

Personal Signature of elector—

(To be made in presence of witness.)

Address in Subdivision—

Witness to Signature—

(Being an elector or person qualified to be an elector.)

Occupation—

Place of living—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

## COMMONWEALTH ELECTORAL ACT

[BACK OF FORM.]

Signature and Address of Sender—  
Divisional Returning Officer for the  
Division of—Commonwealth Electoral  
Papers Only.

Post Free.

M

[Here insert full Christian names and surname, occupation, and place of abode for the time being, if known to the Divisional Returning Officer, or, if not so known, place of living as appearing on Roll.]

Signature and Address of Sender—

Commonwealth Electoral  
Papers Only.

Post Free.

The Commonwealth Divisional Returning Officer

for the Division of

Postal Address

FORM 18.

Regulation 28.

[FRONT OF FORM.]

Substituted by  
1929, No. 57.

## COMMONWEALTH OF AUSTRALIA. STATE OF SOUTH AUSTRALIA.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*NOTICE OF OBJECTION TO PERSON OBJECTED TO ON A GROUND OTHER THAN THAT  
OF NON-RESIDENCE.*To the person objected to, whose name and address appear on the back hereof:*

Notice is hereby given that an objection has been lodged with me by [*here insert the name and description of the objector*] objecting to your name being retained on the Electoral Roll for the Subdivision of [*here insert name of Subdivision*] of the Commonwealth Electoral Division of [*here insert name of Division*] and the State Assembly District of [*here insert name of District*] on the following grounds, namely:—[*Here insert grounds of objection.*]

You are entitled at any time within twenty days from the posting of this notice, to answer the objection either orally or in writing.

If you intend to answer the objection orally you should attend at my Office at [*here insert address of office*] between the hours of 9 a.m. and 4.30 p.m. on any day other than a Saturday, or between the hours of 9 a.m. and 12 noon on a Saturday, before the expiration of twenty days from the posting of this notice.

If you claim that you are qualified for the enrolment objected to, and do not desire to attend at my office for the purpose of answering this objection orally, you should with the least delay, but before the expiration of twenty days from the posting of this notice—

- (a) complete, personally sign, and date the reply at the foot hereof in the presence of a witness; and
- (b) fold the notice so that the address "Commonwealth Divisional Returning Officer for the Division of " shall be visible, and send or deliver the notice to me with reply attached.

If you are not qualified for the enrolment objected to, you need not reply to this objection.

If you answer the objection, notice of the decision on the objection will be sent to you.

If you fail to answer the objection within twenty days from the posting of this notice, the objection will be determined, and your name may be struck off the Roll, but no notice of the decision on the objection will be sent to you.

Divisional Returning Officer for the Division of—

Postal Address—

Dated the                      day of                      19                      .

NOTE.—If the objection is lodged in respect of Commonwealth enrolment only, the words “and the State Assembly District of                      ” should be struck out. If the objection is lodged in respect of House of Assembly enrolment only, the words “Commonwealth Electoral Division of                      and the” should be struck out.

REPLY.

(To be completed only if the elector claims that he is qualified for the enrolment objected to.)

I am the elector whose enrolment is objected to in this notice, and I claim that I am qualified for such enrolment.

My reasons for so claiming are as follow:—

[Here set forth reasons relied upon as an answer to the objection.]

Personal Signature of Elector—

(To be made in presence of witness.)

Address in Subdivision—

Witness to Signature—

(Being an elector or person qualified to be an elector.)

Occupation—

Place of Living—

Dated the                      day of                      19                      .

[BACK OF FORM.]

Signature and Address of Sender—  
Divisional Returning Officer for the  
Division of—

Commonwealth Electoral  
Papers Only.

Post Free.

M

[Here insert full Christian names and surname, occupation, and place of abode for the time being, if known to the Divisional Returning Officer, or, if not so known, place of living as appearing on Roll.]

Signature and Address of Sender—

Commonwealth Electoral  
Papers Only.

Post Free.

The Commonwealth Divisional Returning Officer

for the Division of

Postal Address

Commonwealth of Australia. State of South Australia.

*The Commonwealth Electoral Act. The Electoral Acts, South Australia.*

## NOTICE OF DETERMINATION OF OBJECTION.

To—

Notice is hereby given that I have considered the objection lodged by [*here set out the name of the objector*] to the retention of the name of [*here set out name of person objected to*] on the Electoral Roll for the Subdivision of the Commonwealth Division of \_\_\_\_\_ and the State Assembly District of—  
and have decided—

- (a) to remove the said name from the said Electoral Roll as that of an elector of the Commonwealth and the House of Assembly;
- (b) to dismiss the objection and to retain the said name on the said Electoral Roll.

(NOTE.—Strike out sub-paragraph (a) or sub-paragraph (b) as the case requires.)

If aggrieved by this decision you may, at any time within one calendar month after the receipt of this notice, appeal against the decision to a court of summary jurisdiction.

Divisional Returning Officer for the Division of—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

NOTE.—If the objection is in respect of Commonwealth enrolment only, the words “and the State Assembly District of \_\_\_\_\_” and the words “and the House of Assembly” should be struck out. If the objection is in respect of House of Assembly enrolment only, the words “Commonwealth Division of \_\_\_\_\_ and the \_\_\_\_\_” and the words “Commonwealth and the \_\_\_\_\_” should be struck out.

## JOINT ELECTORAL (COMMONWEALTH AND TASMANIA) REGULATIONS.\*

### PART I.—PRELIMINARY.

Short title.

1. These Regulations may be cited as the *Joint Electoral (Commonwealth and Tasmania) Regulations*,\* and shall come into operation on and from the third day of May, 1922.

\* The Joint Electoral (Commonwealth and Tasmania) Regulations, in force under the *Commonwealth Electoral Act 1918-1953*, comprise the following Statutory Rules:—

| Year and Number.     | Date of Notification<br>in <i>Gazette</i> . | Date of Commencement. |
|----------------------|---------------------------------------------|-----------------------|
| 1922, No. 61 .. .. . | 2nd May, 1922 .. .. .                       | 3rd May, 1922         |
| 1929, No. 78 .. .. . | 11th July, 1929 .. .. .                     | 15th May, 1929        |

Regulation 2 of Statutory Rules 1929, No. 78, by which these Regulations were amended, reads as follows:—

“2. The Joint Electoral (Commonwealth and Tasmania) Regulations 1922, as amended from time to time, may be cited as the *Joint Electoral (Commonwealth and Tasmania) Regulations*.”

2. These Regulations are divided into Parts, as follows\*:

Parts.

PART I.—Preliminary.

PART II.—Electoral—

Division 1.—Enrolment.

Division 2.—Objections.

Division 3.—Miscellaneous.

3. In these Regulations unless the contrary intention appears—

Definitions.

“The Chief Electoral Officer” means the Chief Electoral Officer for the Commonwealth appointed pursuant to the Commonwealth Electoral Act;

“The Commonwealth Electoral Act” means the Act or Acts of the Commonwealth for the time being in force relating to Parliamentary Elections;

“The Commonwealth Electoral Officer” means the Commonwealth Electoral Officer for the State of Tasmania appointed pursuant to the Commonwealth Electoral Act;

“The Electoral Act, Tasmania,” means the *Electoral Act* 1907 of the State of Tasmania as amended by any subsequent Acts;

“The House of Assembly” means the House of Assembly of the State of Tasmania;

“The Registrar” means the Electoral Registrar for the Commonwealth Subdivision and the House of Assembly Subdivision;

“The Returning Officer” means the Commonwealth Divisional Returning Officer for the Commonwealth Electoral Division or the State Returning Officer for the Assembly Electoral Division, as the case requires;

“The State Chief Electoral Officer” means the Chief Electoral Officer for the State of Tasmania appointed pursuant to the Electoral Acts, Tasmania; and

any reference to a form shall be read as a reference to a form in the Schedule.

4. These Regulations shall apply in relation to joint Rolls in the State of Tasmania.

Application of these Regulations.

5. The Electoral and Referendum Regulations 1919 made under the Commonwealth Electoral Act shall not apply in relation to the joint Rolls in respect of matters for which provision is made by these Regulations but shall, to the extent to which they are applicable, apply in respect of other matters.

Application of Commonwealth Electoral and Referendum Regulations 1919.

\* The regulations contained in the various Parts and Divisions of Parts of these Regulations are as follows:—

Part I., rr. 1-5;

Part II., Divsn. 1., rr. 6-16;  
Divsn. 2., rr. 26-31;  
Divsn. 3., rr. 32-34.

## PART II.—ELECTORAL.

*Division 1.—Enrolment.*

Form of  
Joint Roll.  
Com. s. 31.  
Tas. s. 19.

**6.—(1.)** The Roll to be used jointly for Commonwealth elections and also State elections for the House of Assembly may be in accordance with Form 1, and shall contain the particulars indicated therein.

(2.) Where a person whose name is on the joint Roll is not enrolled thereon as a House of Assembly elector, an asterisk (\*) shall be placed against his name to indicate that he is not so enrolled.

(3.) Where a person whose name is on the joint Roll is not enrolled thereon as a Commonwealth elector, a circle (o) shall be placed against his name to indicate that he is not so enrolled.

Sale of  
electoral rolls.  
Com. s. 37(1).  
Tas. sec. 26 (1).

**7.—(1.)** The prices at which Rolls are sold shall be as follow:—

|                                             | <i>s.</i> | <i>d.</i> |
|---------------------------------------------|-----------|-----------|
| Principal Roll for a Division .. .. .       | 2         | 0         |
| Principal Roll for a Subdivision .. .. .    | 0         | 6         |
| Supplemental Roll for a Division .. .. .    | 0         | 6         |
| Supplemental Roll for a Subdivision .. .. . | 0         | 3         |

(2.) Moneys received from the sale of joint Rolls shall be divided equally between the Commonwealth and the State.

Form of  
electoral claim.  
Com. secs. 40-  
42 and 47.  
Tas. secs. 28-  
31 and 36.

**8.—(1.)** The form of claim for enrolment, or transfer of enrolment, or notification of change of address within the same subdivision may be in accordance with Form 2, and shall be valid for the Commonwealth notwithstanding that it contains a claim for enrolment, or transfer of enrolment, or change of address for both the Commonwealth and the House of Assembly, and the form of claim for enrolment, or transfer of enrolment, or change of address, shall be valid for the House of Assembly, notwithstanding that it contains a claim for enrolment, or transfer of enrolment, or change of address for both the House of Assembly and the Commonwealth.

(2.) Any person applying for correction of the entry on the Roll of his name or particulars of enrolment may apply in accordance with Form 2, or in such other form, signed by the applicant, as the Registrar approves.

Registration  
of claim.  
Com. secs. 43  
(1) 47 (1) (a)  
and (b)  
Tas. secs. 32  
and 36 (1) i  
and ii.

**9.—(1.)** Upon receipt of a claim for enrolment or transfer of enrolment, or notification of change of address within a Subdivision, or application for the alteration or correction of particulars of an existing enrolment, the Registrar shall note thereon the date of its receipt by him, and if the claim, notification, or application is in order and he is satisfied that the claimant is entitled to be enrolled, or to have his name transferred, or the particulars of his enrolment altered or corrected, the Registrar shall forthwith—

- (i) enter on the Subdivision Roll the name of the claimant and the particulars relating to him or alter or correct the particulars of his enrolment, as the case requires, and where the claimant is enrolled as a Commonwealth elector only, or as a House of Assembly elector only, place the appropriate prescribed distinguishing mark opposite the name of the claimant; and
- (ii) in the case of an enrolment or a transfer of enrolment, notify the claimant, in accordance with Form 3, that he has been enrolled; and



- (iii) in the case of a transfer of enrolment, give notice of the transfer to the Registrar keeping the Subdivision Roll from which the elector's name has been transferred.

(2.) An interim acknowledgement of the receipt, after the issue of the writ for an election, and before the close of the polling at the election, of a claim for enrolment or transfer of enrolment, may be issued to the elector by the Registrar, in the form authorized by the Chief Electoral Officer and the State Chief Electoral Officer.

**10.** The notification of the transfer of the enrolment of an elector, or the enrolments of electors, may be in accordance with Form 4.

Notification of transfer of enrolment.  
Com. sec. 43 (1)  
Tas. sec. 32.

**11.—(1.)** The reference of an electoral claim to the Returning Officer for his decision pursuant to section 44 (1.) of the Commonwealth Electoral Act and section 34 (1) of the *Electoral Act*, Tasmania, may be made in the form authorized by the Chief Electoral Officer for the Commonwealth and the State Chief Electoral Officer.

Reference of claim to Returning Officer.  
Com. sec. 44 (1).  
Tas. sec. 34 (1).

(2.) The notification to the claimant of such reference may be in accordance with Form 5.

**12.—(1.)** The notification by the Returning Officer to the Registrar of the rejection of an electoral claim may be in the form authorized by the Chief Electoral Officer for the Commonwealth and the State Chief Electoral Officer.

Notification of rejection of claim.  
Com. sec. 44 (2) and (4).  
Tas. sec. 34 (2) and (4).

(2.) The notification to the claimant of the rejection of an electoral claim may be in accordance with Form 6.

**13.** The Registrar, upon receipt of an electoral claim which is not in order by reason of some formal defect only, may send to the claimant a notification in accordance with Form 7 indicating the nature of the defect, and, as the case requires—

Formally defective claim.

- (a) return the claim to him for completion or correction; or  
(b) furnish him with a fresh form of claim for completion.

**14.** The certificate of the Commonwealth Electoral Officer and the State Chief Electoral Officer authorizing the removal of the name of an elector, or the names of electors, from a roll, and the direction of the Returning Officer thereon, may be in accordance with Form 8.

Certificate authorizing removal of name.  
Com. sec. 47 (1) (h).  
Tas. sec. 36 (1) viii.

**15.** Where a name is removed from a Roll by direction of the Returning Officer upon the certificate of the Commonwealth Electoral Officer and the State Chief Electoral Officer, pursuant to section 47 (1.) (h) of the Commonwealth Electoral Act, and section 36 (1) viii of the *Electoral Act*, Tasmania, the Registrar shall send to the elector whose name is so removed a notification in accordance with Form 9.

Notification of removal of name from roll.  
Com. sec. 47 (1) (h).  
Tas. sec. 36 (1) viii.

**16.—(1.)** The change of electors from one Roll to another, in accordance with section 28 of the Commonwealth Electoral Act and section 16 of the *Electoral Act*, Tasmania, shall be effected, where necessary, by removing the names of the electors from the Roll from which they are changed, and by inserting the names so removed on the Roll to which they are changed.

Change of electors from one roll to another.  
Com. sec. 28.  
Tas. sec. 16.

Substituted by  
1929, No. 78.

(2.) In the following cases notice of the change shall be given by notice in the *Commonwealth Gazette*, and the *Tasmanian Government Gazette* and in some newspaper circulating in the part affected:—

- (a) When a Subdivision is abolished and all electors whose names are on the roll for that subdivision are changed to another Subdivision roll; or
- (b) when by reason of the alteration of the boundaries of a Commonwealth or State Assembly Division, any Subdivision is changed from one Commonwealth or State Assembly Division to another Commonwealth or State Assembly Division, and all the names of electors which are on the Subdivision roll for the first-mentioned Division are changed to a Subdivision roll for the last-mentioned Division; or
- (c) When in consequence of a proclamation for the preparation of new rolls or action thereunder (other than action by an elector), the enrolment of any electors is changed to a Subdivision or Commonwealth or State Assembly Division which differs in name from the Subdivision or Commonwealth or State Assembly Division for which they were enrolled prior to the proclamation, and, in the opinion of the officers charged with the preparation of the new rolls, a reasonably effective notice, generally applicable to all electors in a Subdivision whose enrolments have been changed, can be so given.

Inserted by  
1929, No. 78.

(3.) In any case to which the last preceding sub-regulation does not apply, notice of the change shall be sent by post to each elector concerned, and may be in accordance with Form 10.

\* \* \* \* \*

### *Division 2.—Objections.*

Notice of  
objection.  
Com. sec. 53.  
Tas. sec. 43.

**26.—(1.)** The notice of objection lodged by an elector or a member of the Police Force or an officer—not being a Registrar—in respect of a name on a Roll as that of an elector of the Commonwealth and the House of Assembly, or either, may be in accordance with Form 15.

(2.) The notice of objection lodged by a Registrar in respect of a name on a Roll as that of an elector of the Commonwealth and the House of Assembly, or either, and the direction of the Returning Officer, may be in accordance with Form 16.

Notice to  
person objected  
to on the  
ground of  
non-residence.  
Com. sec. 55.  
Tas. sec. 45.

**27.** The notice to be forwarded by the Returning Officer to a person whose name has been objected to as that of an elector of the Commonwealth and the House of Assembly, or either, upon the ground of non-residence, may be in accordance with Form 17.

Notice to  
person objected  
to on ground  
other than  
non-residence.  
Com. sec. 55.  
Tas. sec. 45.

**28.** The notice to be forwarded by the Returning Officer to a person whose name has been objected to as that of an elector of the Commonwealth and the House of Assembly, or either, on a ground other than non-residence, may be in accordance with Form 18.

Manner of  
answering  
objection.  
Com. sec. 56.  
Tas. sec. 46.

**29.** Any person against whom an objection has been lodged or made may answer the objection as follows:—

- (a) By attending before the Returning Officer at the place mentioned in the notice sent to him by the Returning Officer and making an oral statement to show that the objection is not good; or

- (b) By sending by post, or delivering, to the Returning Officer at his office a statement in writing to show that the objection is not good.

**30.** Before determining an objection, the Returning Officer may make such inquiries as he thinks necessary to ascertain the facts in relation to the objection.

Inquiry into objection.  
Com. sec. 57.  
Tas. sec. 47.

**31.—(1.)** Upon determining an objection the Returning Officer shall send notice of his decision, in accordance with Form 19, to the objector if the objector is not a Registrar, and to the person objected to if the person objected to has answered the objection within the prescribed period.

Notice of determination of objection.  
Com. sec. 57.  
Tas. sec. 47.

(2.) Where an objector is a Registrar, notice of the decision on the objection may be sent to him in accordance with the indorsement on Form 16, and such notice may contain a direction for the removal of an elector's name from the Roll when an objection has been sustained.

*Division 3.—Miscellaneous.*

**32.—(1.)** An application under section 58 of the Commonwealth Electoral Act and section 48 of the *Electoral Act*, Tasmania, or either, as the case requires, to a court of summary jurisdiction (Court of Petty Sessions) may be made at any time within one calendar month after the receipt of notice under regulation 12 of the rejection of a claim for enrolment or transfer of enrolment, or of notice under regulation 31 of the determination of an objection, and may be made in writing in the form of a complaint setting out the material facts and asking that the Returning Officer be summoned to answer the complaint.

Electoral appeals.  
Com. sec. 58.  
Tas. sec. 48.

(2.) Upon the complaint being lodged with him, the clerk of the court shall issue a summons to the Returning Officer to appear before the court at a time and place mentioned in the summons to answer the complaint and produce all papers connected with the claim for enrolment or transfer of enrolment, or the objection, as the case requires.

(3.) The Returning Officer may, by himself or some person appointed to represent him, appear at the hearing and produce to the court all papers connected with the claim for enrolment or transfer of enrolment, or the objection, as the case requires, but if he does not desire to appear he may send the papers to the clerk, to be produced at the hearing, together with a statement in writing containing such observations as he sees fit to make, and any such statement shall be considered by the court at the hearing.

(4.) The Returning Officer, if present at the hearing, or the person representing him, shall be entitled to be heard.

(5.) In this regulation "complaint" shall include any appropriate proceeding for the institution of a proceeding in a court of summary jurisdiction (Court of Petty Sessions).

**33.** Strict compliance with the forms in the schedule shall not be required, and substantial compliance shall suffice for the purposes of these Regulations.

Strict compliance with forms in the schedule not required.

**34.** The Regulations relating to joint Electoral Rolls in the State of Tasmania (being Statutory Rules 1912, No. 67 as amended by Statutory Rules 1915, No. 86) are hereby repealed:

Repeal.

Provided that any forms prescribed by these Regulations may be validly used for a period of three months from the commencement of these Regulations.

## COMMONWEALTH ELECTORAL ACT

## THE SCHEDULE.

Form 1.

Regulation 6.

Commonwealth of Australia. State of Tasmania.

## ELECTORAL ROLL.

Commonwealth Division of [here insert name of Division].....  
 State Assembly Division of [here insert name of Division].....  
 Roll of Electors for the Commonwealth and State Subdivision of [here insert name  
 of Subdivision]  
 No., Name in Full, Place of Living, Occupation, and Sex of each Elector.  
 [Here follow names, &c.]

## Footnotes.

\* Not enrolled on this Roll as a House of Assembly Elector.

o Not enrolled on this Roll as a Commonwealth Elector.

M signifies Male.

F signifies Female.

Substituted by  
 1929, No. 78.

## FORM 2.

[Front of Form.]

COMMONWEALTH OF AUSTRALIA AND  
 STATE OF TASMANIA.  
 ELECTORAL CLAIM. Form 2.

Particulars for Enrolment. { Surname.....  
 { Christian Names.....  
 { (in full)  
 { Place of Living.....  
 { (Give Full Address.)  
 { Occupation..... Sex.....

The following particulars relating to claimant will not appear on the Roll, but must be stated on this card:—

Date and Year..... Place of..... Former  
 of Birth..... Birth..... Surname\*

\* See instruction (f) on other side.

To the Electoral Registrar for the Subdivision of.....  
 Commonwealth and State Assembly Division of

1.—I am an inhabitant of Australia.

2.—I have lived continuously in Australia for six months, and in Tasmania for at least six months.†

3.—I am a natural-born or naturalized subject of the King, am not under the age of 21 years, and am not disqualified for enrolment as a Commonwealth and a State Assembly † elector.

† See Instruction (b) on other side.

4.—I now live and have lived in the above-named Subdivision for a period of not less than one month immediately preceding the date of this Claim.

5.—My name is at present enrolled for the..... Subdivision in the State of..... in respect of the following address in that Subdivision, namely:—.....

6.—I hereby claim enrolment as an elector of the Commonwealth and of the State Assembly, or either, as the case requires, to which I am entitled pursuant to this Claim.

I declare that the whole of the statements made in this Claim are true to the best of my knowledge and belief.

Personal Signature }  
 of Claimant } ..... Date...../...../19.....

I, the undersigned, am an elector or a person qualified to be an elector of the Commonwealth or the State Assembly, and I certify that I have seen the above-named claimant sign the above claim, and that I either know the statements contained in the claim to be true or have satisfied myself by inquiry of the claimant or otherwise that the said statements are true. (Penalty, under Commonwealth Electoral Act, on witness for failure to fully comply with this requirement—£50.)

Personal Signature of Witness (in own handwriting).....  
 Occupation..... Place of Living.....

Before filling in, or witnessing, this claim, carefully read instructions on other side.

## [Back of Form.]

Form to be used in respect of both the Commonwealth and the State Assembly, or either, by a qualified person (a) when claiming enrolment or transfer of enrolment, or (b) when notifying a change of address within the same subdivision or applying for the correction of any particulars of an existing enrolment.

NOTE.—The claimant should see that he receives an acknowledgment of this claim in due course.

---

INSTRUCTIONS TO BE OBSERVED WHEN FILLING IN PARTICULARS  
ON THE OTHER SIDE OF THIS CLAIM.

- (a) PLACE OF LIVING.—Full address, including name and street number (if any), of habitation must be inserted.
- (b) IF CLAIMANT has not lived in Tasmania for at least six months continuously he must strike out the words in italics in paragraphs 2 and 3.
- (c) IF CLAIMANT is an aboriginal native of Australia, Asia, Africa, or the islands of the Pacific (except New Zealand), and is qualified for State enrolment, but is disqualified for Commonwealth enrolment, he must strike out the words "Commonwealth and a" in paragraph 3.
- (d) PARAGRAPH 5 should be struck out if claimant is NOT already enrolled.
- (e) PERSONAL SIGNATURE OF CLAIMANT.—The signature of the Claimant must be his personal signature. If unable to sign his name in his own handwriting, he may make his mark as his signature, but such signature must be made in the presence of the person who signs as witness.
- (f) FORMER SURNAME is to be filled in ONLY in the case of a married woman who has changed her name by marriage since her last enrolment.

---

INSTRUCTIONS TO PERSON WITNESSING ELECTORAL CLAIM.

- (i) The person witnessing an electoral claim must be an elector, or a person qualified to be an elector, of the Commonwealth or the State Assembly.
- (ii) A person shall not sign his name as witness—
  - (a) on any blank electoral claim; or
  - (b) on any electoral claim which has been wholly or partly filled up unless it has been signed by the person intended to sign it; or
  - (c) on any electoral claim unless he has seen the person, whose signature he purports to witness, sign it.
- (iii) A person shall not write on any electoral claim as his own name (a) the name of another person; or (b) any name not being his own name.

This space to be filled in by Electoral Registrar—

Rec'd. (date)..... Ack'd. (date).....

Reg'd. (date)..... Initials.....

N.B.—An elector may only have his name placed upon the Roll for the Subdivision in which he lives. A map and description of the boundaries of the Subdivision may be inspected at, and Electoral Forms for public use may be obtained from, any Post Office.

Substituted by  
1929, No. 78.

## FORM 3.

[Front of Form.]

Regulation 9 (1.).

COMMONWEALTH OF AUSTRALIA AND STATE OF TASMANIA.

*The Commonwealth Electoral Act, The Electoral Act, Tasmania.*

## ACKNOWLEDGMENT OF RECEIPT OF ELECTORAL CLAIM.

*To the elector whose name appears on the back hereof.*

Your electoral claim(a) dated.....has been received and,  
communication (a) pursuant thereto, your enrolment for the.....  
Subdivision of the Commonwealth (b) and State Assembly Division (c) of.....  
.....has been effected or adjusted as required.

## Points for elector to remember—

1. You should bear in mind the name of the Subdivision and Division for which you are enrolled and retain this acknowledgment as evidence of your enrolment.
2. Voting at Elections and Commonwealth Referendums is compulsory.
3. If you change your place of living from the address in the Subdivision for which you are enrolled to another address in the same Subdivision you should, within 21 days after making such change, notify the Electoral Registrar for the Subdivision of your new address, in the prescribed form.\*
4. If you change your place of living to any other Subdivision you should, after you have lived in that Subdivision for a period of one month, send or deliver to the Electoral Registrar for the Subdivision a claim for transfer of enrolment, in the prescribed form,\* within 21 days after the expiration of that period.

Failure to comply with paragraphs 2, 3, or 4 above will render you liable to a penalty not exceeding £2 (Two pounds).

\* Obtainable at any Post Office.

*Electoral Registrar for the above-named Subdivision.*

Date—

Address—

NOTE TO ELECTOR.—An elector who is only temporarily absent from his place of living, although the period of such absence may exceed one month, is not thereby deemed to have changed his place of living for the purpose of transfer of enrolment or change of address on the Roll.

DIRECTIONS TO REGISTRAR.—(a) The Registrar will strike out the words “electoral claim” or the word “communication” as the case requires;

(b) If the elector’s enrolment relates to the State only, the Registrar will strike out the words “Commonwealth and”;

(c) If the elector’s enrolment relates to the Commonwealth only, the Registrar will strike out the words “and State Assembly”.

[Back of Form.]

O.H.M.S.

Commonwealth Electoral  
Paper Only.

Post Free.

To

M.....  
.....  
.....

## Form 4.

Regulation 10.

Commonwealth of Australia. State of Tasmania.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*

## NOTIFICATION OF TRANSFER OF ENROLMENT.

To the Electoral Registrar for the Subdivision of—

Commonwealth Division of—  
State Assembly Division of—

You are requested to remove from the Roll for the above-mentioned Subdivision the name of each elector set out in Column 1 herein, on the ground that the elector has now been enrolled by me as an elector for the Commonwealth and House of Assembly, in pursuance of a claim for transfer of enrolment, for the Subdivision specified in Column 2 opposite the elector's name.

| (1)<br>Particulars appearing in claim<br>for transfer received by me. |                                  |             |      | (2)<br>Sub-<br>division<br>for<br>which<br>Elector<br>has now<br>been<br>enrolled. | (3)<br>Address of<br>Elector in<br>Subdivision<br>Roll kept by<br>you as set out<br>in Paragraph 4<br>of claim for<br>transfer<br>received by me. | (4)<br>(To be filled in by Registrar to<br>whom notification addressed). |                                                                                                       |          |
|-----------------------------------------------------------------------|----------------------------------|-------------|------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------|
| Surname.                                                              | Christian<br>Names<br>(in full). | Occupation. | Sex. |                                                                                    |                                                                                                                                                   | Name<br>removed<br>(date).                                               | Elector's Number on<br>Roll (if name in<br>print) or Date of<br>Enrolment (if name<br>in manuscript). | Remarks. |
|                                                                       |                                  |             |      |                                                                                    |                                                                                                                                                   |                                                                          |                                                                                                       |          |

Electoral Registrar for the Subdivision (or  
Subdivisions) specified in Column 2.

Commonwealth Division of—

State Assembly Division of—

Dated the                      day of                      19                      .

Received (date)—

Acted upon and forwarded to  
Returning Officer (date)—

Signature of Registrar—

NOTES.—(1) *If the elector is enrolled for the Commonwealth only, strike out the references to State Assembly Division. If the elector is enrolled for the State Assembly only, strike out the references to Commonwealth Division.*

(2) Where notifications of transfer or enrolment in this form are required to be sent to another Registrar relating to electors, some of whom are enrolled as Commonwealth electors and State Assembly electors, and others as Commonwealth electors only, or State Assembly electors only, separate forms of notification, each dealing with one description of elector only, should be used.

Regulation 11 (2.).

## Form 5.

Commonwealth of Australia. State of Tasmania.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*Commonwealth Division of—  
State Assembly Division of—

## NOTIFICATION TO CLAIMANT OF REFERENCE OF ELECTORAL CLAIM.

To—

As I am not satisfied that you are entitled to be enrolled for the  
Subdivision of the—

(a) Commonwealth Division of—

(b) State Assembly Division of—

[NOTE.—Strike out (a) or (b) if the case so requires.]

n pursuance of your claim dated the                      , I am referring the claim  
to the Returning Officer for his decision.

Upon receipt of the Returning Officer's decision you will be duly notified in  
accordance therewith.

Electoral Registrar for the Subdivision of—

Address—

Dated the                      day of                      19                      .

## COMMONWEALTH ELECTORAL ACT

Regulation 12 (2.).

Form 6.

Commonwealth of Australia. State of Tasmania.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*

## NOTIFICATION TO CLAIMANT OF REJECTION OF ELECTORAL CLAIM.

To—

You are hereby notified that your claim to be enrolled on the Electoral Roll for the Subdivision of the—

(a) Commonwealth Division of—

(b) State Assembly Division of—

[NOTE.—Strike out (a) or (b) if the case so requires.]

has been rejected by the Returning Officer on the ground that [*here specify reason for rejection.*]

You are entitled, at any time within one calendar month after the receipt of this notification, to appeal to a court of summary jurisdiction (Court of Petty Sessions) for an order directing that your name be added to the Roll.

Electoral Registrar for the Subdivision of—

Address—

Dated the                      day of                      19     .

Regulation 13.

Form 7.

Commonwealth of Australia. State of Tasmania.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*

Commonwealth Division of—

State Assembly Division of—

## NOTIFICATION TO CLAIMANT OF FORMAL DEFECT IN ELECTORAL CLAIM.

To—

Your claim to be enrolled on the Electoral Roll for the                      Subdivision of the above-named Divisions is defective by reason of [*here set out nature of defect.*]

\* The claim is forwarded herewith for completion or correction, and return to me without delay.

\* Please complete the accompanying fresh form of claim, and return it to me without delay.

Electoral Registrar for the Subdivision of—

Address—

Dated the                      day of                      19     .

\* The Registrar will strike out whichever of these paragraphs is not applicable to the case.



Regulation 14.

Form 8.

Commonwealth of Australia. State of Tasmania.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*

Consecutive No.

CERTIFICATE AUTHORIZING REMOVAL OF NAMES OF ELECTORS FROM ROLL.

To the Returning Officer for the Commonwealth Division of \_\_\_\_\_ and  
the State Assembly Division of \_\_\_\_\_

I certify that each elector named in Column (1) has ceased to be qualified for enrolment on the Roll for the Subdivision specified in Column (2) opposite his name, and has secured enrolment for the Subdivision specified in Column (3) opposite his name.

| (1)<br>Surname,<br>Christian<br>Names,<br>Place of<br>Living,<br>Occupation<br>and Sex. | (2)<br>Subdivision<br>for which<br>Elector<br>has ceased<br>to be<br>entitled<br>to be<br>enrolled. | (3)<br>Subdivision, Commonwealth<br>Division, and Assembly<br>Division for which Elector<br>has now been enrolled. |                                |                                | (4)<br>(To be filled in by Registrar.) |                             |                                                                                                       |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------|----------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------|
|                                                                                         |                                                                                                     | Subdi-<br>vision.                                                                                                  | Common-<br>wealth<br>Division. | State<br>Assembly<br>Division. | Name<br>removed<br>(date).             | Form 9<br>issued<br>(date). | Elector's Number<br>on Roll (if name in<br>print) or Date of<br>Enrolment (if name<br>in manuscript). |
|                                                                                         |                                                                                                     |                                                                                                                    |                                |                                |                                        |                             | Remarks.                                                                                              |

Commonwealth Electoral Officer  
for the State.

State Chief Electoral Officer.

Date        /        /19        .

Received (date)—

Acted upon and returned to Returning  
Officer (date)—

Signature of Registrar—

To the Electoral Registrar

for the Subdivision or Subdivisions specified

in Column (2) above.

You are directed to remove the name of each of the above-named electors from the Roll on which it appears, as specified in Column (2), and to forthwith notify the elector in Form 9. You will specify in Column (4) the action taken by you, and return this form to me for transmission to the Commonwealth Electoral Officer.

Returning Officer.

Date        /        /19        .

Form 9.

Commonwealth of Australia. State of Tasmania.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*

## NOTIFICATION TO ELECTOR OF REMOVAL OF NAME FROM ROLL.

To

*[The full Christian names and surname to be inserted].*

Occupation—

Address—

*[as appearing on the Roll for the Subdivision from which the name has been removed].*

Your name has been removed from the Electoral Roll for the  
 Subdivision of the Commonwealth Division of                      and the State Assembly  
 Division of                      on the ground that you have changed your place of living  
 and have secured enrolment for the                      Subdivision of the Commonwealth  
 Division of                      and the State Assembly Division of

If you desire to make any representations in regard to this matter, your communication may be written in the space provided for the purpose at the foot of this form, and should be sent to the Commonwealth Electoral Officer for the State of Tasmania.

Electoral Registrar

for the Subdivision of

Date            /            /19    .

(NOTE.—If the notification relates to the Commonwealth Roll only, or to the House of Assembly Roll only, the form should be varied accordingly.)

Reply (if any).

Personal Signature of elector

Present place of living

Witness to signature

(Being an elector or person qualified to be an elector).

Occupation

Place of living

Dated the

day of

19    .

FORM 10.

Regulation 16.

Substituted by  
1929, No. 78.

## COMMONWEALTH OF AUSTRALIA. STATE OF TASMANIA.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*NOTIFICATION OF CHANGE OF ENROLMENT CONSEQUENT UPON ALTERATION OF  
BOUNDARIES OF COMMONWEALTH OR STATE ASSEMBLY DIVISION OR SUBDIVISIONS.

To.....

You are hereby informed, that in accordance with the provisions of Section 28 of the Commonwealth Electoral Act and Section 16 of the Electoral Act of Tasmania, your name has been removed from the Roll for the Subdivision of the Electoral Division of \_\_\_\_\_ and has been placed on the Roll for the \_\_\_\_\_ Subdivision of the Commonwealth and State Assembly Electoral Division of \_\_\_\_\_

Electoral Registrar for the Subdivision of—  
or  
Commonwealth Electoral Officer for the State,  
State Chief Electoral Officer  
(as the case requires).

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .  
Address—  
\_\_\_\_\_

Regulation 26 (1.).

Form 15.

Form to be used by an Elector for the same Electoral Subdivision or by a member of the Police Force, or by an Officer (not being a Registrar) when lodging an objection in respect of the retention of a name on the Roll as that of an Elector for the Commonwealth and the State Assembly or either.]

Commonwealth of Australia. State of Tasmania.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*

The Commonwealth Division of \_\_\_\_\_ and the State Assembly  
Division of \_\_\_\_\_

## NOTICE OF OBJECTION.

To the Returning Officer for the Commonwealth Division of \_\_\_\_\_ and  
the State Assembly Division of—  
I object to the name of \_\_\_\_\_

| No. on Roll. | Surname. | Christian Names<br>at full length. | Place of Living<br>as appearing on<br>Roll. | Occupation. | Place of Abode for<br>time being, if known<br>to the objector. |
|--------------|----------|------------------------------------|---------------------------------------------|-------------|----------------------------------------------------------------|
|              |          |                                    |                                             |             |                                                                |

being retained on the Electoral Roll for the \_\_\_\_\_ Subdivision of the  
Commonwealth Division of \_\_\_\_\_ and the State Assembly Division  
of \_\_\_\_\_, on the ground that [here insert ground of objection].

(Signature)—  
(Occupation)—  
(Address)—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

NOTES.—(a) The names and boundaries of the Commonwealth Electoral Subdivisions and the House of Assembly Electoral Subdivisions are identical.

(b) If an objection is lodged in respect of the name of a person as an elector for the Commonwealth but not as an elector for the House of Assembly, or *vice versa*, the words "and the State Assembly Division of \_\_\_\_\_," or the words "the Commonwealth Division of \_\_\_\_\_ and," as the case requires, should be struck out.

## COMMONWEALTH ELECTORAL ACT

Regulation 26 (2.).

## Form 16.

[Form to be used by a Registrar when lodging objections to the retention of names on the Subdivision Roll kept by him as those of Electors for the Commonwealth and the State Assembly, or either.]

[Front of Form.]

Commonwealth of Australia. State of Tasmania.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*

## NOTICE OF OBJECTION.

To the Returning Officer

I object to each undermentioned name being retained on the Electoral Roll for the Subdivision of the Commonwealth Division of and the State Assembly Division of on the ground [*here insert ground of objection*].

Registrar for the Subdivision of—

Dated day of 19 .

| Person Objected to. |          |                                 | Place of Living as appearing on Roll. | Occupation. | Place of Abode for time being, if known to Registrar. | Registrar's Initials. |
|---------------------|----------|---------------------------------|---------------------------------------|-------------|-------------------------------------------------------|-----------------------|
| No. on Roll.        | Surname. | Christian Names at full length. |                                       |             |                                                       |                       |
|                     |          |                                 |                                       |             |                                                       |                       |

NOTES.—(a) The names and boundaries of the Commonwealth Electoral Subdivisions and the State Assembly Electoral Subdivisions are identical.

(b) If an objection is lodged in respect of the name of a person as an elector for the Commonwealth but not as an elector for the State Assembly, or *vice versa*, the words “and the State Assembly Division of ” or the words “the Commonwealth Division of and,” as the case requires should be struck out.

(c) Where notices of objection are required to be made relating to electors, some of whom are enrolled as Commonwealth electors and State electors, and others as Commonwealth electors only, or State electors only, separate forms of notification, each dealing with one description of elector only, should be used.

(d) This form must be prepared in triplicate, one form retained by the Registrar and the other two furnished to the Returning Officer.

[Back of Form.]

## INDORSEMENT BY RETURNING OFFICER.

- (1) Notices of objection posted by Returning Officer }  
to persons objected to }  
(2) Date of expiration of period allowed for answers }  
to objections. (See Sec. 57 of the Common- }  
wealth Electoral Act and Sec. 47 of the }  
*Electoral Act, Tasmania.*) }  
(3) Answers received from—

.....  
.....  
.....

Notification to the Registrar for the Subdivision.  
(A) Objections sustained excepting as to the following names, viz.:—

.....  
.....  
.....

(B) You are hereby required to forthwith remove from the Roll as—[*here insert Commonwealth and State Assembly electors or Commonwealth electors only, or State Assembly electors only, as the case requires*] all the names appearing on the within list of objections, with the exception of those mentioned in the foregoing paragraph (A), in regard to which the objections have not been sustained.

If any name in the within List has already been removed from the Roll pursuant to a notification of transfer, or from other cause, a notation setting out the reason for the removal, and the date thereof, must be inserted opposite the name in the Schedule, *e.g.*—

“Removed by transfer (date )”

Returning Officer for the Commonwealth Division of and State Assembly Division of

All necessary action taken in accordance with the above direction.

Registrar for the Subdivision of—

FORM 17.

Regulation 27.

Substituted by  
1929, No. 78.

[Front of Form.]

## COMMONWEALTH OF AUSTRALIA. STATE OF TASMANIA.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*

## NOTICE OF OBJECTION TO PERSON OBJECTED TO ON THE GROUND OF NON-RESIDENCE.

*To the person objected to, whose name and address appear on the back hereof:*

Notice is hereby given that an objection has been lodged with me by [*here insert the name and description of the objector*] objecting to your name being retained on the Electoral Roll for the Subdivision of [*here insert name of Subdivision*] of the Commonwealth and the State Assembly Division of [*here insert name of Division*], on the ground that you do not live in the Subdivision and have not so lived for at least one month last past.

You are entitled, at any time within twenty days from the posting of this notice, to answer the objection either orally or in writing.

If you intend to answer the objection orally you should attend at my Office at [*here insert address of office*] between the hours of 9 a.m. and 4.30 p.m. on any day other than a Saturday, or between the hours of 9 a.m. and 12 noon on a Saturday, before the expiration of twenty days from the posting of this notice.

If you claim that your place of living is still in the Subdivision, and you do not desire to attend at my office for the purpose of answering this objection orally, you should, with the least delay, but before the expiration of twenty days from the posting of this notice—

- (a) complete, personally sign, and date the reply at the foot hereof in the presence of a witness; and
- (b) fold the notice so that the address "Divisional Returning Officer for the Division of " shall be visible, and send or deliver the notice to me with reply attached.

If you have ceased to live in the subdivision as alleged you need not reply to this objection.

If you answer the objection, notice of the decision on the objection will be sent to you.

If you fail to answer the objection within twenty days from the posting of this notice, the objection will be determined, and your name may be struck off the Roll, but no notice of the decision on the objection will be sent to you.

Returning Officer for the Commonwealth and the State Assembly Division of

Dated the                      day of                      Postal Address—  
19                      .

NOTE.—If the objection is lodged in respect of Commonwealth enrolment only, the words "and the State Assembly" should be struck out. If the objection is lodged in respect of House of Assembly enrolment only, the words "the Commonwealth and" should be struck out.

## REPLY.

(To be completed only if the elector claims that his place of living is still in the Subdivision.)

1. I am the elector whose enrolment is objected to in this notice.
2. My place of living is still in the Subdivision of [*here insert name of Subdivision*], for which I retain my qualification for enrolment.

Personal Signature of Elector—

(To be made in presence of witness.)

Address in Subdivision—

Witness to Signature—

(Being an elector or person qualified to be an elector.)

Occupation—

Place of Living—

Dated the                      day of                      19                      .

## COMMONWEALTH ELECTORAL ACT

[Back of Form.]

Signature and Address of Sender—  
Divisional Returning Officer for the  
Division ofCommonwealth Electoral  
Papers Only.

Post Free.

M

[Here insert full Christian names and surname, occupation, and place of abode for the time being, if known to the Divisional Returning Officer, or, if not so known, place of living as appearing on Roll.]

Signature and Address of Sender—

Commonwealth Electoral  
Papers Only.

Post Free.

The Divisional Returning Officer

for the Division of

Postal Address

Substituted by  
1929, No. 78.

FORM 18.

Regulation 28.

[Front of Form.]

## COMMONWEALTH OF AUSTRALIA. STATE OF TASMANIA.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*NOTICE OF OBJECTION TO PERSON OBJECTED TO ON A GROUND OTHER THAN THAT OF  
NON-RESIDENCE.*To the person objected to, whose name and address appear on the back hereof:*

Notice is hereby given that an objection has been lodged with me by [*here insert the name and description of the objector*] objecting to your name being retained on the Electoral Roll for the Sub-division of [*here insert name of Sub-division*] of the Commonwealth and the State Assembly Division of [*here insert name of Division*] on the following grounds, namely:—[*Here insert grounds of objection.*]

.....  
 .....

You are entitled, at any time within twenty days from the posting of this notice, to answer the objection either orally or in writing.

If you intend to answer the objection orally you should attend at my Office at [*here insert address of office*] between the hours of 9 a.m. and 4.30 p.m. on any day other than a Saturday, or between the hours of 9 a.m. and 12 noon on a Saturday, before the expiration of twenty days from the posting of this notice.

If you claim that you are qualified for the enrolment objected to, and do not desire to attend at my office for the purpose of answering this objection orally, you should, with the least delay, but before the expiration of twenty days from the posting of this notice—

- (a) complete, personally sign, and date the reply at the foot hereof in the presence of a witness; and
- (b) fold the notice so that the address "Divisional Returning Officer for the Commonwealth and the State Assembly Division of " shall be visible, and send or deliver the notice to me with reply attached.

If you are not qualified for the enrolment objected to, you need not reply to this objection.

If you answer the objection, notice of the decision on the objection will be sent to you.

If you fail to answer the objection within twenty days from the posting of this notice, the objection will be determined, and your name may be struck off the Roll, but no notice of the decision on the objection will be sent to you.

Returning Officer for the Commonwealth Division of \_\_\_\_\_ and  
the State Assembly Division of—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .  
Postal Address—

NOTE.—If the objection is lodged in respect of Commonwealth enrolment only, the words “and the State Assembly” should be struck out. If the objection is lodged in respect of House of Assembly enrolment only, the words, “the Commonwealth and” should be struck out.

REPLY.

(To be completed only if the elector claims that he is qualified for the enrolment objected to.)

I am the elector whose enrolment is objected to in this notice, and I claim that I am qualified for such enrolment.

My reasons for so claiming are as follow:—

[Here set forth reasons relied upon as an answer to the objection.]

Personal Signature of Elector—  
(To be made in presence of witness.)

Address in Subdivision—

Witness to Signature—  
(Being an elector or person qualified to be an elector.)

Occupation—  
Place of Living—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_

[Back of Form.]

Signature and Address of Sender—  
Divisional Returning Officer for the  
Division of

Commonwealth Electoral  
Papers Only.

Post Free.

M

[Here insert full Christian names and surname, occupation, and place of abode for the time being, if known to the Divisional Returning Officer, or, if not so known, place of living as appearing on Roll.]

Signature and Address of Sender—

Commonwealth Electoral  
Papers Only.

Post Free.

The Divisional Returning Officer

for the Division of

Post Address

Commonwealth of Australia. State of Tasmania.

*The Commonwealth Electoral Act. The Electoral Act, Tasmania.*

NOTICE OF DETERMINATION OF OBJECTION.

To—

Notice is hereby given that I have considered the objection lodged by [*here set out the name of objector*] to the retention of the name of [*here set out name of person objected to*] on the Electoral Roll for the Subdivision of the Commonwealth Division of \_\_\_\_\_ and the State Assembly Division of \_\_\_\_\_ and have decided—

(a) to remove the said name from the said Electoral Roll as that of an elector of the Commonwealth Division of \_\_\_\_\_ and the State Assembly Division of \_\_\_\_\_ ;

(b) to dismiss the objection and to retain the said name on the said Electoral Roll.

(NOTE.—Strike out sub-paragraph (a) or sub-paragraph (b) as the case requires.)

If aggrieved by this decision you may, at any time within one calendar month after the receipt of this notice, appeal against the decision to a court of summary jurisdiction (Court of Petty Sessions).

Returning Officer for the Division of—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

NOTE.—If the objection is in respect of Commonwealth enrolment only, the words “and the State Assembly Division of \_\_\_\_\_” should be struck out. If the objection is in respect of House of Assembly enrolment only, the words “the Commonwealth Division of \_\_\_\_\_ and” should be struck out.

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**JOINT ELECTORAL (COMMONWEALTH AND VICTORIA)  
REGULATIONS.\***

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**PART I.—PRELIMINARY.**

Short title and  
commence-  
ment.

1. These Regulations may be cited as the *Joint Electoral (Commonwealth and Victoria) Regulations,\** and shall come into operation on the twentieth day of January, 1930, but the Chief Electoral Officer for the Commonwealth and the Chief Electoral Officer for the State of Victoria may permit the continuance of the use of Forms repealed by these Regulations for such time, after the commencement of these Regulations, as they consider desirable.

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\* Statutory Rules 1930, No. 10; in force under the *Commonwealth Electoral Act* 1918-1953; notified in the *Gazette* on 13th February, 1930; commenced on 20th January, 1930 (*see* Reg. 1.).



2. These Regulations are divided into Parts, as follows\*:  
Parts.

PART I.—Preliminary.

PART II.—Electoral.

Division 1.—Enrolment.

Division 2.—Objections.

Division 3.—Miscellaneous.

3.—(1.) In these Regulations unless the contrary intention appears— Definitions.

“the Assembly” means the Legislative Assembly of the State of Victoria;

“the Commonwealth Chief Electoral Officer” means the Chief Electoral Officer for the Commonwealth appointed pursuant to the Commonwealth Electoral Act;

“the Commonwealth Electoral Act” means the *Commonwealth Electoral Act* 1918, as amended from time to time;

“the Commonwealth Electoral Officer” means the Commonwealth Electoral Officer for the State of Victoria appointed pursuant to the Commonwealth Electoral Act;

“*The Constitution Act Amendment Act* 1928” means the Act bearing that title of the State of Victoria, and includes any Act amending that Act;

“The Divisional Returning Officer” means the Commonwealth Divisional Returning Officer for the Commonwealth Electoral Division in relation to which the expression is used;

“the Registrar” means the Electoral Registrar for the Commonwealth Subdivision and the State Assembly Subdivision in relation to which the expression is used;

“the State Chief Electoral Officer” means the Chief Electoral Officer for the State of Victoria appointed pursuant to *The Constitution Act Amendment Act* 1928.

(2.) Any reference in these Regulations to a form shall be read as a reference to a form in the Schedule to these Regulations.

4. These Regulations shall apply in relation to joint Rolls in the State of Victoria. Application of these Regulations.

5. The Electoral and Referendum Regulations made under the Commonwealth Electoral Act and the Regulations made under the provisions of *The Constitution Act Amendment Act* 1928 shall not apply in relation to the joint Rolls in respect of matters for which provision is made by these Regulations but shall, to the extent to which they are applicable, apply in respect of other matters. Application of other Commonwealth and State Electoral Regulations.

\* The regulations contained in the various Parts and Divisions of Parts of these Regulations are as follows:—

Part I., rr. 1-5;

Part II., Divsn. 1., rr. 6-16;

Divsn. 2., rr. 26-31;

Divsn. 3., rr. 32-33.

## PART II.—ELECTORAL.

*Division 1.—Enrolment.*Form of  
joint roll.

6.—(1.) The Roll to be used jointly for Commonwealth elections and also State elections for the Assembly may be in accordance with Form 1 and shall contain the particulars indicated therein.

(2.) Where a person whose name is on the joint Roll is not enrolled thereon as an Assembly elector, an asterisk (\*) shall be placed against his name to indicate that he is not so enrolled.

(3.) Where a person whose name is on the joint Roll is not enrolled thereon as a Commonwealth elector, a circle (o) shall be placed against his name to indicate that he is not so enrolled.

Sale of  
electoral rolls.

7.—(1.) The prices at which Rolls are sold shall be as follows:—

|                                                                  | <i>s.</i> | <i>d.</i> |
|------------------------------------------------------------------|-----------|-----------|
| Principal Roll for a Division .. .. .                            | 2         | 0         |
| Principal Roll for an Assembly District .. .. .                  | 1         | 0         |
| Principal Roll for a Subdivision .. .. .                         | 0         | 6         |
| Supplemental Roll for a Division or an Assembly District .. .. . | 0         | 6         |
| Supplemental Roll for a Subdivision .. .. .                      | 0         | 3         |

(2.) Moneys received from the sale of joint Rolls shall be divided equally between the Commonwealth and the State.

Form of  
electoral claim.

8.—(1.) The form of claim for enrolment in respect of the place of living of a claimant, or transfer of such enrolment, or notification of change of address within the same subdivision may be in accordance with Form 2, and shall be valid for the Commonwealth notwithstanding that it contains a claim for enrolment, or transfer of enrolment, or change of address for both the Commonwealth and the Assembly, and the form of claim for enrolment, or transfer of enrolment, or change of address, shall be valid for the Assembly, notwithstanding that it contains a claim for enrolment, or transfer of enrolment, or change of address for both the Assembly and the Commonwealth.

(2.) Any person, enrolled in respect of his place of living, applying for correction of the entry on the Roll of his name or particulars of enrolment may apply in accordance with Form 2, or in such other form, signed by the applicant, as the Registrar approves.

(3.) The form of claim for enrolment as an elector for the Assembly in respect of a property qualification may be in accordance with Form 2A.

Registration  
of claim.

9.—(1.) Upon receipt of a claim for enrolment or transfer of enrolment, or notification of change of address within a Subdivision, or application for the alteration or correction of particulars of an existing enrolment, the Registrar shall note thereon the date of its receipt by him, and if the claim, notification or application is in order and he is satisfied

that the claimant is entitled to be enrolled, or to have his name transferred, or the particulars of his enrolment altered or corrected, the Registrar shall forthwith—

- (i) enter on the Subdivision Roll the name of the claimant and the particulars relating to him or alter or correct the particulars of his enrolment, as the case requires, and where the claimant is enrolled as a Commonwealth elector only, or as an Assembly elector only, place the appropriate prescribed distinguishing mark opposite the name of the claimant; and
- (ii) in the case of an enrolment or a transfer of enrolment, notify the claimant, in accordance with Form 3 or 3A (as the case requires), that he has been enrolled; and
- (iii) in the case of a transfer of enrolment, give notice of the transfer to the Registrar keeping the Subdivision Roll from which the elector's name has been transferred:

Provided that the Registrar before enrolling a claimant as an Assembly elector, in respect of a property qualification, shall—

- (a) obtain from the Registrar for the subdivision in which the claimant resides a certificate in the form authorized by the Commonwealth Chief Electoral Officer and the State Chief Electoral Officer to the effect that the claimant is enrolled as an elector for the Assembly on the Roll in force for the subdivision in which he resides; and
- (b) verify his claim to such property qualification by inquiry from the proper municipal authority.

(2.) An interim acknowledgment of the receipt, after the issue of the writ for a Commonwealth election, and before the close of the polling at the election, of a claim for enrolment or transfer of enrolment, may be issued to the elector by the Registrar, in the form authorized by the Commonwealth Chief Electoral Officer.

(3.) An interim acknowledgment of the receipt of a claim for enrolment or transfer of enrolment, during the period commencing on the day following the thirtieth day before the issue of the writs for an Assembly General Election, and terminating at the close of the polling at such election, may be issued to the elector by the Registrar in the form authorized by the State Chief Electoral Officer.

**10.** The notification of the transfer of the enrolment of an elector or the enrolments of electors, may be in accordance with Form 4.

Notification of transfer of enrolment.

**11.—(1.)** The reference of an electoral claim to the Divisional Returning Officer for his decision pursuant to section 44 (1.) of the Commonwealth Electoral Act and section 164 (1.) of *The Constitution Act Amendment Act* 1928, may be made in the form authorized by the Commonwealth Chief Electoral Officer and the State Chief Electoral Officer.

Reference of claim to Divisional Returning Officer.

(2.) The notification to the claimant of such reference may be in accordance with Form 5.

Notification of rejection of claim.

**12.**—(1.) The notification by the Divisional Returning Officer to the Registrar of the rejection of an electoral claim may be in the form authorized by the Commonwealth Chief Electoral Officer and the State Chief Electoral Officer.

(2.) The notification to the claimant of the rejection of an electoral claim may be in accordance with Form 6.

Formally defective claim.

**13.** The Registrar, upon receipt of an electoral claim which is not in order by reason of some formal defect only, may send to the claimant a notification in accordance with Form 7 indicating the nature of the defect, and, as the case requires—

- (a) return the claim to him for completion or correction; or
- (b) furnish him with a fresh form of claim for completion.

Certificate authorizing removal of name.

**14.** The certificate of the Commonwealth Electoral Officer and the State Chief Electoral Officer authorizing the removal of the name of an elector, or the names of electors, from a Roll, and the direction of the Divisional Returning Officer thereon, may be in accordance with Form 8.

Notification of removal of name from roll.

**15.** Where a name is removed from a Roll by direction of the Divisional Returning Officer upon the certificate of the Commonwealth Electoral Officer and the State Chief Electoral Officer, pursuant to paragraph (h) of sub-section (1.) of section 47 of the Commonwealth Electoral Act, and paragraph (i) of sub-section (1.) of section 166 of *The Constitution Act Amendment Act 1928*, the Registrar shall send to the elector whose name is so removed a notification in accordance with Form 9.

Change of electors from one roll to another.

**16.**—(1.) The change of electors from one Roll to another, in accordance with section 28 of the Commonwealth Electoral Act and section 151 of *The Constitution Act Amendment Act 1928*, shall be effected, where necessary, by removing the names of the electors from the Roll from which they are changed, and by entering the names so removed on the Roll to which they are changed.

(2.) In the following cases notice of the change shall be given by notice in the *Commonwealth Gazette* and the *Victoria Government Gazette* and in some newspaper circulating in the part affected:—

- (a) When a Subdivision is abolished and all electors whose names are on the Roll for that Subdivision are changed to another Subdivision Roll;
- (b) When by reason of the alteration of the boundaries of a Division, or of an Assembly District, any Subdivision is changed from one Division or Assembly District to another Division or Assembly District, and all the names of electors which are on the Subdivision Roll for the first-mentioned Division or Assembly District are changed to a Subdivision Roll for the last-mentioned Division or Assembly District; or
- (c) When in consequence of a proclamation for the preparation of new Rolls or action thereunder (other than action by an elector), the enrolment of any electors is changed to a Subdivision or Division or Assembly District which differs in name from the Subdivision or Division or Assembly District for which they were enrolled prior to the proclamation, and in the opinion of the officers charged with

the preparation of the new Rolls, a reasonably effective notice, generally applicable to all electors in a Subdivision whose enrolments have been changed can be so given.

(3.) In any case to which the last preceding sub-regulation does not apply, notice of the change shall be sent by post to each elector concerned, and may be in accordance with Form 10.

\* \* \* \* \*

*Division 2.—Objections.*

**26.**—(1.) The notice of objection lodged by an elector in respect of a name on a Roll as that of an elector of the Commonwealth and the Assembly, or either, may be in accordance with Form 15. Notice of objection.

(2.) The notice of objection lodged by a Registrar in respect of a name on a Roll as that of an elector of the Commonwealth and the Assembly, or either, and the direction of the Divisional Returning Officer, may be in accordance with Form 16.

**27.** The notice to be forwarded by the Divisional Returning Officer to a person whose name has been objected to as that of an elector of the Commonwealth and the Assembly, or either, upon the ground of non-residence, may be in accordance with Form 17. Notice to person objected to on the ground of non-residence.

**28.** The notice to be forwarded by the Divisional Returning Officer to a person whose name has been objected to as that of an elector of the Commonwealth and the Assembly, or either, on a ground other than non-residence, may be in accordance with Form 18. Notice to person objected to on ground other than non-residence.

**29.** Any person against whom an objection has been lodged or made may answer the objection— Manner of answering objection.

- (a) by attending before the Divisional Returning Officer at the place mentioned in the notice sent to him by the Divisional Returning Officer and making an oral statement to show that the objection is not good; or
- (b) by sending by post, or delivering, to the Divisional Returning Officer at his office a statement in writing to show that the objection is not good.

**30.** Before determining an objection, the Divisional Returning Officer may make such inquiries as he thinks necessary to ascertain the facts in relation to the objection. Inquiry into objection.

**31.**—(1.) Upon determining an objection the Divisional Returning Officer shall send notice of his decision, in accordance with Form 19, to the objector if the objector is not a Registrar, and to the person objected to if the person objected to has answered the objections within the prescribed period. Notice of determination of objection.

(2.) Where an objector is a Registrar, notice of the decision on the objection may be sent to him in accordance with the indorsement on Form 16, and such notice may contain a direction for the removal of an elector's name from the Roll when an objection has been sustained.

*Division 3.—Miscellaneous.*

**32.**—(1.) An application under section 58 of the Commonwealth Electoral Act and section 173 of *The Constitution Act Amendment Act 1928*, or either, as the case requires, to a court of summary jurisdiction (Court of Petty Sessions) may be made at any time within one calendar Electoral appeals.

month after the receipt of notice under regulation 12 of these Regulations of the rejection of a claim for enrolment or transfer of enrolment, or of notice under regulation 31 of the determination of an objection, and may be made in writing in the form of a complaint setting out the material facts and asking that the Divisional Returning Officer be summoned to answer the complaint.

(2.) Upon the complaint being lodged with him, the clerk of the court shall issue a summons to the Divisional Returning Officer to appear before the court at a time and place mentioned in the summons to answer the complaint and produce all papers connected with the claim for enrolment or transfer of enrolment, or the objection, as the case requires.

(3.) The Divisional Returning Officer may, by himself or some person appointed to represent him, appear at the hearing and produce to the court all papers connected with the claim for enrolment or transfer of enrolment, or the objection, as the case requires, but if he does not desire to appear he may send the papers to the clerk, to be produced at the hearing, together with a statement in writing containing such observations as he sees fit to make, and any such statement shall be considered by the court at the hearing.

(4.) The Divisional Returning Officer, if present at the hearing, or the person representing him, shall be entitled to be heard.

(5.) In this regulation "complaint" shall include any appropriate proceeding for the institution of a proceeding in a court of summary jurisdiction (Court of Petty Sessions).

Strict compliance with forms in the schedule not required.

**33.** Strict compliance with the forms in the Schedule shall not be required, and substantial compliance shall suffice for the purposes of these Regulations.

Repeal of existing Regulations.

**34.** The *Joint Electoral (Commonwealth and Victoria) Regulations* (being Statutory Rules 1924, No. 37, as amended by Statutory Rules, 1927, No. 13) are repealed.

## THE SCHEDULE.

Regulation 6.

FORM 1.

### COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

#### *Electoral Roll.*

Commonwealth Division of [here insert name of Division].....

State Assembly District of [here insert name of District].....

Roll of Electors for the Subdivision of [here insert name of Subdivision].

M signifies Male.

F signifies Female.

[Here insert, in alphabetical order and numbered consecutively, the names in full of all electors for the Subdivision, specifying as regards each elector his or her place of living, occupation, and sex; and, in the case of a person enrolled in virtue of a property qualification as an elector of the State Assembly, the description and situation of his or her qualifying property.]

Where a person is enrolled in virtue of a property qualification as an elector for the State Assembly only, the name and particulars regarding that person as such elector may be shown in the roll in the following manner:—

His or her full name shall appear in its place in the roll according to alphabetical and numerical sequence, and the property qualification and other particulars regarding that elector shall be specified at the end of the roll, and a reference to such particulars shall be given opposite the name of the elector where it first appears in the roll.]

#### Footnotes.

- \* Not enrolled on this Roll as a State Assembly Elector.
- o Not enrolled on this Roll as a Commonwealth Elector.

## FORM 2.

Regulation 8 (1.).

[Front of Form.]

COMMONWEALTH OF AUSTRALIA AND  
STATE OF VICTORIA.

ELECTORAL CLAIM. Form 2.

Particulars for Enrolment. { Surname.....  
 Christian Names.....  
 (in full)  
 Place of living.....  
 (Give full address).....  
 Occupation..... Sex.....

The following particulars relating to claimant will not appear on the Roll, but must be stated on this card:—

Date and year of Birth..... Place of Birth..... Former Surname\*.....

\*See Instruction (f) on other side.

To the Electoral Registrar for the Subdivision of.....

Division of.....and State Assembly District of.....

1.—I am an inhabitant of Australia. 2.—I have lived in Australia for six months continuously, and in Victoria for at least three months.† 3.—I am a natural-born or naturalized subject of the King, am not under the age of 21 years, and am not disqualified for enrolment as a Commonwealth and a State Assembly † elector.

† See Instruction (b) on other side.

4.—I now live and have lived in the above-named Subdivision for a period of not less than one month immediately preceding the date of this claim.

5.—My name is at present enrolled for the.....Subdivision in the State of.....in respect of the following address in that Subdivision, namely:—.....

6.—I hereby claim enrolment as an elector of the Commonwealth and of the State Assembly, or either, as the case requires, to which I am entitled pursuant to this Claim.

I declare that the whole of the statements made in this Claim are true to the best of my knowledge and belief.

Personal Signature } of Claimant ..... Date...../...../19....

I, the undersigned, am an elector or a person qualified to be an elector of the Commonwealth or the State Assembly, and I certify that I have seen the above-named claimant sign the above claim, and that I either know the statements contained in the claim to be true or have satisfied myself by inquiry of the claimant or otherwise that the said statements are true. (Penalty on witness for failure to fully comply with this requirement—£50.)

Personal Signature of Witness (in own handwriting).....

Occupation.....Place of living.....

[Back of Form.]

Form to be used in respect of both the Commonwealth and the State Assembly, or either, by a qualified person (a) when claiming enrolment or transfer of enrolment, or (b) when notifying a change of address within the same subdivision or applying for the correction of any particulars of an existing enrolment.

NOTE.—The claimant should see that he receives an acknowledgment of this claim in due course.

Before filling in, or witnessing, this claim, carefully read instructions on other side.

## COMMONWEALTH ELECTORAL ACT

INSTRUCTIONS TO BE OBSERVED WHEN FILLING IN PARTICULARS ON  
THE OTHER SIDE OF THIS CLAIM.

- (a) PLACE OF LIVING.—Full address, including name and street number (if any), of habitation must be inserted.
- (b) IF CLAIMANT has not lived in Victoria for at least three months he must strike out the words in italics in paragraphs 2 and 3.
- (c) IF CLAIMANT is an aboriginal native of Australia, Asia, Africa, or the islands of the Pacific (except New Zealand), and is qualified for State enrolment, but is disqualified for Commonwealth enrolment, he must strike out the words "Commonwealth and a" in paragraph 3.
- (d) PARAGRAPH 5 should be struck out if claimant is NOT already enrolled.
- (e) PERSONAL SIGNATURE OF CLAIMANT.—The signature of the Claimant must be his personal signature. If unable to sign his name in his own handwriting, he may make his mark as his signature, but such signature must be made in the presence of the person who signs as witness.
- (f) FORMER SURNAME is to be filled in ONLY in the case of a married woman who has changed her name by marriage since her last enrolment.

## INSTRUCTIONS TO PERSON WITNESSING ELECTORAL CLAIM.

- (i) The person witnessing an electoral claim must be an elector, or a person qualified to be an elector, of the Commonwealth or the State Assembly.
- (ii) A person shall not sign his name as witness—
  - (a) on any blank electoral claim; or
  - (b) on any electoral claim which has been wholly or partly filled up unless it has been signed by the person intended to sign it; or
  - (c) on any electoral claim unless he has seen the person, whose signature he purports to witness, sign it.
- (iii) A person shall not write on any electoral claim as his own name (a) the name of another person; or (b) any name not being his own name.

This space to be filled in by Electoral Registrar—

Rec'd. (date)..... Reg'd. (date).....

Ack'd. (date)..... Initials.....

N.B.—A map and description of the boundaries of the Subdivision may be inspected at, and Electoral Forms for public use may be obtained from, any Post Office.

Regulation 8 (3.).

## FORM 2A.

Form to be used by a person entitled, in respect of a property qualification, to be enrolled for the State Assembly on the Roll for a Subdivision of a District other than the District in which he resides.

State of Victoria.

*The Constitution Act Amendment Act 1928 (Sections 145 and 161).*

## LEGISLATIVE ASSEMBLY ELECTORAL CLAIM.

(Property Qualification.)

To the Electoral Registrar for the Subdivision of the Electoral District  
of

1. I claim to have my name enrolled on the Roll for the above Subdivision of the above-named Electoral District in virtue of the property qualification herein-after described.



2. My name is enrolled on the Roll in force for the Subdivision  
of the Electoral District of in virtue of a residential  
qualification.

3. I am\* (a) the holder of a freehold estate in possession; or  
(b) the lessee under an unexpired lease originally created for a term  
of not less than one year

of the qualifying property known as and situated in the municipal  
district of , in respect of which my name appears on the  
citizen burgess or voters' roll or separate voters' list of such municipal district.

4. I have not made claim for enrolment on any other Roll in force in virtue of a  
property qualification.

I declare that the whole of the statements made in this claim (including those  
set out on the back hereof) are true to the best of my knowledge and belief.

Personal signature }  
of claimant— }

(The signature of the claimant must be his personal signature. If unable to  
sign his name in his own handwriting, he may make his mark as his signature, but  
such signature must be made in the presence of the person who signs as witness.)

I, the undersigned, being an elector or person qualified to be an elector of the  
Commonwealth or the State Assembly, certify that I have seen the above-named  
claimant sign the above claim, and that I either know the statements contained  
in the claim to be true or have satisfied myself by inquiry of the claimant or otherwise  
that the said statements are true.

(Penalty on witness for failure to fully comply with this requirement—£50.)

Personal signature of witness.....

(in own handwriting)

Occupation—

Place of living—

Dated the day of 19 .

NOTE.—“Lease” includes a *bonâ fide* tenancy agreement in writing, and “lessee”  
includes a tenant under any such agreement.

\* Strike out ground which does not apply to claim.

[Back of Form.]

Particulars for  
Enrolment.

Surname—  
Christian or other name or names in full—  
Residence (including street and number or name of dwelling)—  
Occupation (if female, state whether married, widow, or spinster)—Sex—  
Nature of qualification (freehold or leasehold)—  
Description and situation of qualifying property—

Signature of claimant—

The particulars within this space are to be filled in by the Electoral  
Registrar.

Received [date]—  
Residential enrolment verified [date]—  
Property qualification verified [date]—  
Registered [date]—  
Acknowledged [date]—  
Initials of Registrar—

## COMMONWEALTH ELECTORAL ACT

## FORM 3.

[Front of Form.]

Regulation 9 (1.).

## COMMONWEALTH OF AUSTRALIA AND STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment Act 1928*, of the State of Victoria.

## ACKNOWLEDGMENT OF RECEIPT OF ELECTORAL CLAIM.

To the elector whose name appears on the back hereof.

Your electoral claim (a) dated.....has been received and, pursuant thereto, your enrolment for the.....  
*communication (a)* *Subdivision of the Commonwealth Division (b) of.....and State Assembly District (c) of.....has been effected or adjusted as required.*

Points for elector to remember—

1. You should bear in mind the name of the Subdivision, Division, and State Assembly District for which you are enrolled and retain this acknowledgment as evidence of your enrolment.
2. Voting at Elections and Commonwealth Referendums is compulsory.
3. If you change your place of living from the address in the Subdivision for which you are enrolled to another address in the same Subdivision you should, within 21 days after making such change, notify the Electoral Registrar for the Subdivision of your new address, in the prescribed form.\*
4. If you change your place of living to any other Subdivision you should, after you have lived in that Subdivision for a period of one month, send or deliver to the Electoral Registrar for the Subdivision a claim for transfer of enrolment, in the prescribed form,\* within 21 days after the expiration of that period.

Failure to comply with paragraphs 2, 3, or 4 above will render you liable to a penalty not exceeding £2 (Two pounds).

\*Obtainable at any Post Office.

*Electoral Registrar for the above-named Subdivision.*

Date—

*Address—*

NOTE TO ELECTOR.—An elector who is only temporarily absent from his place of living, although the period of such absence may exceed one month, is not thereby deemed to have changed his place of living for the purpose of transfer of enrolment or change of address on the Roll.

DIRECTIONS TO REGISTRAR.—(a) The Registrar will strike out the words “electoral claim” or the word “communication” as the case requires;

(b) If the elector’s enrolment relates to the State only, the Registrar will strike out the words “Commonwealth Division of.....and”;

(c) If the elector’s enrolment relates to the Commonwealth only, the Registrar will strike out the words “and State Assembly District of.....”

[Back of Form.]

O.H.M.S.

Commonwealth Electoral  
 Paper Only.

Post Recd.

To

M.....  
 .....  
 .....

FORM 3A.

Regulation 9 (1.).

STATE OF VICTORIA.

*The Constitution Act Amendment Act 1928.*

State Assembly District of—  
Subdivision of—

ACKNOWLEDGMENT AND INTIMATION TO ELECTOR IN RELATION TO ENROLMENT  
IN VIRTUE OF A PROPERTY QUALIFICATION.

To—

It is important that you  
should retain this acknow-  
ledgment as evidence of  
your enrolment.

Your name has been enrolled for the above Subdivision of the State Assembly  
District, in virtue of a property qualification, pursuant to your claim dated

Electoral Registrar for the Subdivision of—

Address—

Dated the

day of

19

Regulation 10.

FORM 4.

COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

*The Commonwealth Electoral Act. The Constitution Act Amendment  
Act 1928, of the State of Victoria.*

NOTIFICATION OF TRANSFER OF ENROLMENT.

To the Electoral Registrar for the Subdivision of—

Commonwealth Division of—  
State Assembly District of—

You are requested to remove from the Roll for the above-mentioned Subdivision  
the name of each elector set out in Column 1 herein, on the ground that the elector  
has now been enrolled by me as an elector for the Commonwealth and the State  
Assembly, in pursuance of a claim for transfer of enrolment, for the Subdivision  
specified in Column 2 opposite the elector's name.

| (1)<br>Particulars appearing in claim for<br>transfer received by me. |                                  |             |      | (2)<br>Sub-<br>division<br>for<br>which<br>Elector<br>has now<br>been<br>enrolled. | (3)<br>Address of<br>Elector in<br>Subdivision<br>Roll kept by<br>you as set out<br>in Paragraph 5<br>of claim for<br>transfer re-<br>ceived by me. | (4)<br>(To be filled in by Registrar to whom<br>notification addressed.) |                                                                                                       |          |
|-----------------------------------------------------------------------|----------------------------------|-------------|------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------|
| Surname.                                                              | Christian<br>Names<br>(in full). | Occupation. | Sex. |                                                                                    |                                                                                                                                                     | Name<br>removed<br>(date).                                               | Elector's Number on<br>Roll (if name in<br>print) or Date of<br>Enrolment (if name<br>in manuscript). | Remarks. |
|                                                                       |                                  |             |      |                                                                                    |                                                                                                                                                     |                                                                          |                                                                                                       |          |

.....  
Electoral Registrar for the Subdivision (or  
Subdivisions) specified in Column 2.

Commonwealth Division of—  
State Assembly District of—

Dated the

day of

19

Received (date)—

Acted upon and forwarded to  
Divisional Returning Officer  
(date)—

Signature of Registrar—

NOTES.—(1) *If the elector is enrolled for the Commonwealth only, strike out the references to State  
Assembly District. If the elector is enrolled for the State Assembly only, strike out the references to Com-  
monwealth Division.*

(2) Where notifications of transfer of enrolment in this form are required to be sent to another  
Registrar relating to electors, some of whom are enrolled as Commonwealth electors and State Assembly  
electors, and others as Commonwealth electors only, or State Assembly electors only, separate forms  
of notification, each dealing with one description of elector only, should be used.

## COMMONWEALTH ELECTORAL ACT

Regulation 11 (2.).

## FORM 5.

## COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment Act 1928*, of the State of Victoria.

Commonwealth Division of—

State Assembly District of—

## NOTIFICATION TO CLAIMANT OF REFERENCE OF ELECTORAL CLAIM.

To—

As I am not satisfied that you are entitled to be enrolled for the Subdivision of the—

(a) Commonwealth Division of—

(b) State Assembly District of—

[NOTE.—Strike out (a) or (b) if the case so requires.]

in pursuance of your claim dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, I am referring the claim to the Divisional Returning Officer for his decision.

Upon receipt of the Divisional Returning Officer's decision you will be duly notified in accordance therewith.

Electoral Registrar for the Subdivision of—

Address—

Dated the \_\_\_\_\_

day of \_\_\_\_\_

19\_\_\_\_.

Regulation 12 (2.).

## FORM 6.

## COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment Act 1928*, of the State of Victoria.

## NOTIFICATION TO CLAIMANT OF REJECTION OF ELECTORAL CLAIM.

To—

You are hereby notified that your claim to be enrolled on the Electoral Roll for the Subdivision of the—

(a) Commonwealth Division of—

(b) State Assembly District of—

[NOTE.—Strike out (a) or (b) if the case so requires.]

has been rejected by the Divisional Returning Officer on the ground that [*here specify reason for rejection*].

You are entitled, at any time within one calendar month after the receipt of this notification, to appeal to a court of summary jurisdiction (Court of Petty Sessions) for an order directing that your name be added to the Roll.

Electoral Registrar for the Subdivision of—

Address—

Dated the \_\_\_\_\_

day of \_\_\_\_\_

19\_\_\_\_.

Regulation 13.

## FORM 7.

## COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment Act 1928*, of the State of Victoria.

Commonwealth Division of—

State Assembly District of—

## NOTIFICATION TO CLAIMANT OF FORMAL DEFECT IN ELECTORAL CLAIM.

To—

Your claim to be enrolled on the Electoral Roll for the Subdivision of the above-named Division and District is defective by reason of [*here set out nature of defect*].

\* The claim is forwarded herewith for completion or correction, and return to me without delay.

\* Please complete the accompanying fresh form of claim and return it to me without delay.

Electoral Registrar for the Subdivision of—

Address—

Dated the \_\_\_\_\_

day of \_\_\_\_\_

19\_\_\_\_.

\* The Registrar will strike out whichever of these paragraphs is not applicable to the case.

Regulation 14.

FORM 8.

## COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment*  
Act 1928, of the State of Victoria.

Consecutive No.

CERTIFICATE AUTHORIZING REMOVAL OF NAMES OR ELECTORS FROM ROLL, AND  
DIRECTION OF DIVISIONAL RETURNING OFFICER THEREON.

To the Divisional Returning Officer for the Commonwealth Division of

I certify that each elector named in Column (1) has ceased to be qualified for enrolment on the Roll for the Subdivision specified in Column (2) opposite his name, and has secured enrolment for the Subdivision specified in Column (3) opposite his name.

| (1)<br>Surname,<br>Christian<br>Names,<br>Place of<br>Living,<br>Occupation<br>and Sex. | (2)<br>Subdivision<br>for which<br>Elector<br>has ceased<br>to be<br>entitled to<br>be enrolled. | (3)<br>Subdivision, Common-<br>wealth Division, and<br>State Assembly Dis-<br>trict, for which Elector<br>has now been enrolled. |                           |                             | (4)<br>(To be filled in by Registrar.) |                             |                                                                                                       |          |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------|----------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------|----------|
|                                                                                         |                                                                                                  | Subdivision.                                                                                                                     | Commonwealth<br>Division. | State Assembly<br>District. | Name<br>removed<br>(date).             | Form 9<br>issued<br>(date). | Elector's Number on<br>Roll (if name in<br>print) or Date of<br>Enrolment (if name<br>in manuscript). | Remarks. |
|                                                                                         |                                                                                                  |                                                                                                                                  |                           |                             |                                        |                             |                                                                                                       |          |

Commonwealth Electoral Officer for the  
State

State Chief Electoral Officer

Date        /        /19        .

To the Electoral Registrar

for the Subdivision or Subdivisions specified  
in Column (2) above.

You are directed to remove the name of each of the above-named electors from the Roll on which it appears, as specified in Column (2), and to forthwith notify the elector on Form 9. You will specify in Column (4) the action taken by you, and return this form to me for transmission to the Commonwealth Electoral Officer.

Divisional Returning Officer.

Date        /        /19        .

Received (date)—

Acted upon and returned to Divisional Returning  
Officer (date)—

Signature of Registrar—

## COMMONWEALTH ELECTORAL ACT

Regulation 15.

FORM 9.

## COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment Act 1928*, of the State of Victoria.

## NOTIFICATION TO ELECTOR OF REMOVAL OF NAME FROM ROLL.

To—

[*The full Christian names and surname to be inserted.*]

Occupation—

Address—

[*as appearing on the Roll for the Subdivision from which the name has been removed.*]

Your name has been removed from the Electoral Roll for the Subdivision of the Commonwealth Division of \_\_\_\_\_ and the State Assembly District of \_\_\_\_\_ on the ground that you have changed your place of living and have secured enrolment for the \_\_\_\_\_ Subdivision of the Commonwealth Division of \_\_\_\_\_ and the State Assembly District of \_\_\_\_\_

If you desire to make any representations in regard to this matter, your communication may be written in the space provided for the purpose at the foot of this form, and should be sent to the Commonwealth Electoral Officer for the State of Victoria.

Electoral Registrar.

for the Subdivision of \_\_\_\_\_

Date \_\_\_\_\_ / \_\_\_\_\_ / 19 \_\_\_\_ .

(NOTE.—If the notification relates to the Commonwealth Roll only, or to the State Assembly Roll only, the form should be varied accordingly.)

Reply (if any).

Personal Signature of elector

Present place of living

Witness to Signature

(Being an elector or person qualified to be an elector.)

Occupation

Place of living

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

Regulation 16.

FORM 10.

## COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment Act 1928*, of the State of Victoria.

## NOTIFICATION OF CHANGE OF ENROLMENT CONSEQUENT UPON ALTERATION OF BOUNDARIES OF DIVISIONS, STATE ASSEMBLY DISTRICTS, OR SUBDIVISIONS.

To.....

You are hereby informed that, in accordance with the provisions of Section 28 of the Commonwealth Electoral Act and Section 151 of the *Constitution Act Amendment Act 1928*, of the State of Victoria, your name has been removed from

the Roll for the Subdivision of the Commonwealth Electoral  
Division of and the State Assembly District of  
and has been placed on the Roll for the Subdivision of the  
Commonwealth Electoral Division of and the State Assembly  
District of .

Electoral Registrar for the Subdivision of—  
or  
Commonwealth Electoral Officer for the State—  
State Chief Electoral Officer.  
(as the case requires).

Address—

Dated the day of 19 .

FORM 15.

Regulation 26 (1.).

[Form to be used by an Elector for the same Electoral Subdivision when lodging  
an objection (which must be accompanied by a deposit of five shillings) in  
respect of the retention of a name on the Roll as that of an Elector for the  
Commonwealth and the State Assembly or either.]

COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment*  
*Act 1928*, of the State of Victoria.

Commonwealth Division of  
District of

State Assembly

NOTICE OF OBJECTION.

To the Divisional Returning Officer for the Commonwealth Division of

I object to the name of

| No. on Roll. | Surname. | Christian Names<br>at full length. | Place of Living<br>as appearing<br>on Roll. | Occupation. | Place of Abode for<br>time being if known<br>to the objector. |
|--------------|----------|------------------------------------|---------------------------------------------|-------------|---------------------------------------------------------------|
|              |          |                                    |                                             |             |                                                               |

being retained on the Electoral Roll for the Subdivision of the  
Commonwealth Division of and the State Assembly District of  
of , on the ground that [here insert ground of objection].

(Signature)—

(Occupation)—

(Address)—

Dated the day of 19 .

NOTE.—If an objection is lodged in respect of the name of a person as an elector for the Common-  
wealth but not as an elector for the State Assembly, or *vice versa*, the words "and the State Assembly  
District of " or the words "the Commonwealth Division of and"  
as the case requires, should be struck out.

## COMMONWEALTH ELECTORAL ACT

Regulation 26 (2.).

## FORM 16.

[Form to be used by a Registrar when lodging objections to the retention of names on the Subdivision Roll kept by him as those of Electors for the Commonwealth and the State Assembly, or either.]

[Front of Form.]

## COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment Act 1928*, of the State of Victoria.

## NOTICE OF OBJECTION.

To the Divisional Returning Officer

I object to each undermentioned name being retained on the Electoral Roll for the Subdivision of the Commonwealth Division of and the State Assembly District of on the ground [*here insert ground of objection*].

Electoral Registrar for the Subdivision of—

Dated the                      day of                      19                      .

| Person Objected to. |          |                                    | Place of Living<br>as appearing<br>on Roll. | Occupation. | Place of<br>Abode for<br>time being,<br>if known<br>to Registrar. | Regis-<br>trar's<br>Initials. |
|---------------------|----------|------------------------------------|---------------------------------------------|-------------|-------------------------------------------------------------------|-------------------------------|
| No. on<br>Roll.     | Surname. | Christian Names<br>at full length. |                                             |             |                                                                   |                               |
|                     |          |                                    |                                             |             |                                                                   |                               |

## NOTES.

(a) If an objection is lodged in respect of the name of a person as an elector for the Commonwealth but not as an elector for the State Assembly, or *vice versa*, the words "and the State Assembly District of " or the words "the Commonwealth Division of and," as the case requires, should be struck out.

(b) Where notices of objection are required to be made relating to electors, some of whom are enrolled as Commonwealth electors and State Assembly electors, and others as Commonwealth electors only, or State Assembly electors only, separate forms of notification, each dealing with one description of elector only, should be used.

(c) This form must be prepared in triplicate, one form retained by the Registrar and the other two furnished to the Divisional Returning Officer.

[Back of Form.]

## INDORSEMENT BY DIVISIONAL RETURNING OFFICER.

- (1) Notices of objection posted by Divisional }  
Returning Officer to persons objected to }
- (2) Date of expiration of period allowed for }  
answers to objections. (*See Sec. 57 of the*  
Commonwealth Electoral Act and Sec. 172 }  
of the *Constitution Act Amendment Act*  
1928, of the State of Victoria.) }

- (3) Answers received from—

.....

.....

.....

.....

Notification to the Registrar for the

Subdivision.

- (A) Objections sustained excepting as to the following names, viz:—

.....

.....

.....

.....



NOTE.—If the objection is lodged in respect of Commonwealth enrolment only, the words “and the State Assembly District of \_\_\_\_\_” should be struck out. If the objection is lodged in respect of State Assembly enrolment only, the words “the Commonwealth Division of \_\_\_\_\_ and” should be struck out.

## COMMONWEALTH ELECTORAL ACT

## REPLY.

(To be completed only if the elector claims that his place of living is still in the Subdivision.)

1. I am the elector whose enrolment is objected to in this notice.
2. My place of living is still in the Subdivision of [*here insert name of Subdivision*], for which I retain my qualification for enrolment.

Personal Signature of elector—

(*To be made in the presence of witness.*)

Address in Subdivision—

Witness to Signature—

(*Being an elector or person qualified to be an elector.*)

Occupation—

Place of Living—

Dated the                      day of                      19                      .

[*Back of Form.*]

Signature and Address of Sender—  
Divisional Returning Officer for the  
Division of

Commonwealth Electoral  
Papers Only.

Post Free.

*M*

[*Here insert full Christian names and surname, occupation, and place of abode for the time being, if known to the Divisional Returning Officer, or, if not so known, place of living as appearing on Roll.*]

Signature and Address of Sender—

Commonwealth Electoral  
Papers Only.

Post Free.

The Commonwealth Divisional Returning Officer

for the Division of

Postal Address

FORM 18.

Regulation 28.

[*Front of Form.*]

COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment Act 1928*, of the State of Victoria.

NOTICE OF OBJECTION TO PERSON OBJECTED TO ON A GROUND OTHER THAN THAT OF  
NON-RESIDENCE.

*To the person objected to, whose name and address appear on the back hereof:*

Notice is hereby given that an objection has been lodged with me by [*here insert the name and description of the objector*] objecting to your name being retained on

the Electoral Roll for the Subdivision of [here insert name of Subdivision] of the Commonwealth Division of [here insert name of Division] and the State Assembly District of [here insert name of District] on the following grounds, namely:—[Here insert grounds of objection.]

You are entitled at any time within twenty days from the posting of this notice, to answer the objection either orally or in writing.

If you intend to answer the objection orally you should attend at my office at [here insert address of office] between the hours of 9 a.m. and 4.30 p.m. on any day other than a Saturday, or between the hours of 9 a.m. and 12 noon on a Saturday, before the expiration of twenty days from the posting of this notice.

If you claim that you are qualified for the enrolment objected to, and do not desire to attend at my office for the purpose of answering this objection orally, you should, with the least delay, but before the expiration of twenty days from the posting of this notice—

- (a) complete, personally sign, and date the reply at the foot hereof in the presence of a witness; and
- (b) fold the notice so that the address "Commonwealth Divisional Returning Officer for the Division of" shall be visible, and send or deliver the notice to me with reply attached.

If you are not qualified for the enrolment objected to, you need not reply to this objection.

If you answer the objection, notice of the decision on the objection will be sent to you.

If you fail to answer the objection within twenty days from the posting of this notice, the objection will be determined, and your name may be struck off the Roll, but no notice of the decision on the objection will be sent to you.  
Divisional Returning Officer for the Division of

Dated the                      day of                      Postal Address—  
19                      .

NOTE.—If the objection is lodged in respect of Commonwealth enrolment only, the words "and the State Assembly District of" should be struck out. If the objection is lodged in respect of State Assembly enrolment only, the words "the Commonwealth Division of" and "and" should be struck out.

#### REPLY.

(To be completed only if the elector claims that he is qualified for the enrolment objected to.)

I am the elector whose enrolment is objected to in this notice, and I claim that I am qualified for such enrolment.

My reasons for so claiming are as follow:—

[Here set forth reasons relied upon as an answer to the objection.]

Personal Signature of Elector—

(To be made in presence of witness.)

Address in Subdivision—

Witness to Signature—

(Being an elector or person qualified to be an elector.)

Occupation—

Place of Living—

Dated the                      day of                      19                      .

## COMMONWEALTH ELECTORAL ACT

[Back of Form.]

Signature and Address of Sender—  
Divisional Returning Officer for the  
Division ofCommonwealth Electoral  
Papers Only.

Post Free.

M

[Here insert full Christian names and surname, occupation, and place of abode for the time being, if known to the Divisional Returning Officer, or, if not so known, place of living as appearing on Roll.]

Signature and Address of Sender—

Commonwealth Electoral  
Papers Only.

Post Free.

The Commonwealth Divisional Returning Officer

for the Division of

Postal Address

Regulation 31.

FORM 19.

## COMMONWEALTH OF AUSTRALIA. STATE OF VICTORIA.

The Commonwealth Electoral Act. *The Constitution Act Amendment Act 1928*, of the State of Victoria.

## NOTICE OF DETERMINATION OF OBJECTION.

To—

Notice is hereby given that I have considered the objection lodged by [here set out the name of objector] to the retention of the name of [here set out name of person objected to] on the Electoral Roll for the Subdivision of the Commonwealth Division of and the State Assembly District of and have decided—

- (a) to remove the said name from the said Electoral Roll as that of an elector of the Commonwealth Division of and the State Assembly District of ;
- (b) to dismiss the objection and to retain the said name on the said Electoral Roll.

(NOTE.—Strike out sub-paragraph (a) or sub-paragraph (b) as the case requires.)

[If aggrieved by this decision you may, at any time within one calendar month after the receipt of this notice, appeal against the decision to a (court of summary jurisdiction) (Court of Petty Sessions)].

Divisional Returning Officer for the Division of—

Dated the day of 19 .

NOTE.—If the objection is in respect of Commonwealth enrolment only, the words “and the State Assembly District of” should be struck out. If the objection is in respect of State Assembly enrolment only, the words “the Commonwealth Division of and” should be struck out.

# COMMONWEALTH ELECTORAL ACT 1918-1953 AND REFERENDUM (CONSTITUTION ALTERATION) ACT 1906-1936

## ELECTORAL AND REFERENDUM REGULATIONS.\*

### PART I.—PRELIMINARY.

1. These Regulations may be cited as the Electoral and Referendum Citation. Regulations.\*

2. These Regulations are divided into Parts, as follows†:— Parts.

Part I.—Preliminary.

Part II.—Electoral—

Division 1.—Enrolment.

Division 2.—Enforcement of Law in relation to Enrolment.

Division 3.—Objections.

Division 4.—Miscellaneous.

Part III.—Electoral and Referendum.

Division 1.—Conduct of Elections and Referendums.

Division 2.—Voting by Post.

Division 3.—Absent Voting.

Division 4.—Voting pursuant to Sections 91A, 121 and 121A  
of the Act.

Division 5.—Scrutiny by Assistant Returning Officer.

Division 6.—Recount of Ballot-papers.

Division 7.—Enforcement of Law in relation to Voting.

Division 8.—Miscellaneous.

Part IV.—Referendum.

\* The Electoral and Referendum Regulations in force under the *Commonwealth Electoral Act* 1918-1953 and the *Referendum (Constitution Alteration) Act* 1906-1936, comprise the following Statutory Rules:—

| Year and Number.      | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|-----------------------|----------------------------------------------------------------|
| 1940, No. 163 .. .. . | 15th August, 1940                                              |
| 1949, No. 62 .. .. .  | 15th September, 1949                                           |
| 1954, No. 27 .. .. .  | 8th April, 1954                                                |

† The regulations contained in the various Parts and Divisions of Parts of these Regulations are as follows:—

- Part I., rr. 1-5;
- Part II., Divsn. 1., rr. 6-16;  
Divsn. 2., rr. 17-25;  
Divsn. 3., rr. 26-31;  
Divsn. 4., r. 32;
- Part III., Divsn. 1., rr. 33-38;  
Divsn. 2., rr. 40-49;  
Divsn. 3., rr. 50-66;  
Divsn. 4., rr. 67-72;  
Divsn. 5., r. 73;  
Divsn. 6., r. 74;  
Divsn. 7., rr. 75-83;  
Divsn. 8., rr. 84-97;
- Part IV., rr. 98-103.

COMMONWEALTH ELECTORAL ACT AND REFERENDUM  
(CONSTITUTION ALTERATION) ACT

## Repeal.

3. The Electoral and Referendum Regulations (being Statutory Rules 1928, No. 80, as amended by Statutory Rules 1928, Nos. 107 and 117, and 1934, No. 100) are repealed.

## Application of regulations in relation to joint rolls.

4. These Regulations shall not apply in relation to joint rolls in any State with which an arrangement has been made in pursuance of section 32 of the Act, so far as provision is made by any joint regulations relating thereto, but shall, to the extent they are applicable, apply in relation to other matters in connexion with those joint rolls, and, for the purposes of the application of any regulations relating to compulsory enrolment, any reference in these Regulations to a form shall, where an appropriate form is provided by the joint regulations, include a reference to the form so provided.

## Definitions.

5.—(1.) In these Regulations, unless the contrary intention appears—  
“referendum” means a referendum held under the provisions of the *Referendum (Constitution Alteration) Act 1906-1936*, as amended from time to time;

“the Act” means the *Commonwealth Electoral Act 1918-1940*, as amended from time to time.

(2.) In these Regulations, any reference to a Form shall be read as a reference to a Form in the Schedule to these Regulations.

## PART II.—ELECTORAL.

## Division 1.—Enrolment.

Form of Roll.  
Sec. 31.

6. The Roll may be in accordance with Form 1 and shall contain the particulars indicated therein.

Sale of Rolls.  
Sec. 37 (1.).  
Substituted by  
1954, No. 27.

7. For the purposes of sub-section (1.) of section 37 of the Act, the prescribed prices are those specified in the table to this regulation.

|                                                   | s. | d. |
|---------------------------------------------------|----|----|
| For a Principal Roll for a Division .. .. .       | 6  | 0  |
| For a Principal Roll for a Subdivision .. .. .    | 1  | 6  |
| For a Supplemental Roll for a Division .. .. .    | 2  | 0  |
| For a Supplemental Roll for a Subdivision .. .. . | 0  | 6  |

Form of electoral claim.  
Secs. 40-42  
and 47.

8.—(1.) The form of claim for enrolment, or transfer of enrolment, or notification of change of address within the same Subdivision, may be in accordance with Form 2.

(2.) Any person applying for the alteration or correction of the entry on the Roll of his name or particulars of enrolment may apply in accordance with Form 2 as the case requires, or in such other form, signed by the applicant, as the Registrar approves.

Registration of claim.  
Secs. 43 (1.),  
47 (1.) (a) and  
(b).  
Sub-reg (1.)  
amended by  
1949, No. 62.

9.—(1.) Upon receipt of a claim for enrolment or transfer of enrolment, or notification of change of address within the Subdivision, or application for the alteration or correction of particulars of an existing enrolment, the Registrar shall note thereon the date of its receipt by him, and if the claim, notification or application is in order and he is

satisfied the claimant is entitled to be enrolled or to have his name transferred or the particulars of his enrolment altered or corrected, the Registrar shall forthwith—

- (i) enter on the Subdivision Roll the name of the claimant and the particulars relating to him or alter or correct the particulars of his enrolment, as the case requires;
- (ii) notify the claimant in accordance with Form 3 that his enrolment has been effected or adjusted as required; and
- (iii) in the case of a transfer of enrolment give notice of the transfer to the Registrar keeping the Roll from which the elector's name has been transferred.

(2.) An interim acknowledgment of the receipt, after the issue of the writ for an election or a referendum and before the close of the polling at the election or referendum, of a claim for enrolment or transfer of enrolment, may be issued to the claimant by the Registrar in the form authorized by the Chief Electoral Officer.

**10.** The notification of the transfer of the enrolment of an elector, or the enrolments of electors, may be in accordance with Form 4.

Notification of transfer of enrolment.  
Sec. 43 (1.).

**11.—(1.)** The notification to the claimant of the reference of an electoral claim to the Divisional Returning Officer for his decision under sub-section (1.) of section 44 of the Act may be in accordance with Form 5.

Notification of reference or rejection of claim.  
Sec. 44.

(2.) The notification to the claimant of the rejection of an electoral claim, sent in pursuance of sub-section (4.) of section 44 of the Act, may be in accordance with Form 6.

**12.** Upon receipt of an electoral claim which is not in order by reason of some formal defect only, the Registrar may send to the claimant a notification in accordance with Form 7 and, as the case requires—

Formally defective claim.

- (a) return the claim to him for completion or correction; or
- (b) furnish him with a fresh form of claim for completion.

**13.** The certificate of the Commonwealth Electoral Officer under paragraph (h) of sub-section (1.) of section 47 of the Act and the direction of the Divisional Returning Officer thereon may be in accordance with Form 8.

Certificate authorizing removal of name.  
Sec. 47 (1.) (h).

**14.—(1.)** The certificate of the Commonwealth Electoral Officer under paragraph (b) of sub-section (2.) of section 47 of the Act and the directions of the respective Divisional Returning Officers thereon may be in accordance with Form 9.

Certificate authorizing change of enrolment, and notification of such change.  
Sec. 47 (2.) (b).

(2.) The notification to the elector of a change of enrolment effected in pursuance of the direction of the Divisional Returning Officer upon a certificate of the Commonwealth Electoral Officer under paragraph (b) of sub-section (2.) of section 47 of the Act may be in accordance with Form 10.

**15.—(1.)** The certificate of the Commonwealth Electoral Officer under section 47A of the Act and the direction of the Divisional Returning Officer thereon may be in accordance with Form 11.

Certificate as to incorrect enrolment, and notification of removal of name.  
Sec. 47A.

COMMONWEALTH ELECTORAL ACT AND REFERENDUM  
(CONSTITUTION ALTERATION) ACT

(2.) Where a name is removed from the Roll by direction of the Divisional Returning Officer upon a certificate of the Commonwealth Electoral Officer under section 47A of the Act, the Registrar may send to the person whose name has been so removed a notification in accordance with Form 12.

Transfer of  
names of  
electors from  
one Roll to  
another under  
section 28 of  
Act.

**16.**—(1.) The transfer of the names of electors from one Roll to another under section 28 of the Act shall be effected, where necessary, by removing the names of the electors from the Roll from which they are to be transferred and by inserting the names so removed on the Roll to which they are to be transferred.

(2.) Notice of the transfer shall be given—

- (a) by notice in the *Gazette* and in some newspaper circulating in the locality affected where, in the opinion of the Commonwealth Electoral Officer, a reasonably effective notice generally applicable to all electors whose enrolment has been transferred can be so given; or
- (b) in any case to which the last preceding paragraph does not apply, by posting to each elector concerned a notification in accordance with Form 13.

*Division 2.—Enforcement of Law in relation to Enrolment.*

Inquiry and  
report by  
Registrar.  
Sec. 42.

**17.** The Registrar shall, subject to such directions as he receives from the Divisional Returning Officer, make such inquiries from time to time as are practicable in order to ascertain the names of qualified persons who are entitled to enrolment for the Subdivision for which he keeps the Roll but are not enrolled therefor or who have changed their places of living from the addresses in the Subdivision in respect of which they are enrolled to other addresses in that Subdivision, and shall, when any failure to comply with the law is disclosed, report the facts to the Divisional Returning Officer.

Notification in  
respect of  
offence.  
Sec. 42.

**18.** Subject to such directions as are issued by the Chief Electoral Officer, the Divisional Returning Officer shall, if satisfied that a qualified person has failed to comply with any of the requirements of section 42 of the Act, forthwith notify him of such failure in accordance with Form 14 and inform him that he may reply by declaration in accordance with Form 15 setting out any facts relevant to the matter and that he has the option of having the matter dealt with either by the Commonwealth Electoral Officer or by a court of summary jurisdiction.

Consent to  
matter being  
dealt with by  
Commonwealth  
Electoral  
Officer.  
Sec. 42.

**19.** Any person to whom a notification has been sent pursuant to the last preceding regulation who desires the matter to be dealt with by the Commonwealth Electoral Officer and is prepared to abide by the decision of that officer, may notify the Divisional Returning Officer in accordance with Form 16.

Proceedings  
upon receipt  
of consent.  
Sec. 42.

**20.** Upon the receipt from a person who has failed to comply with any of the requirements of section 42 of the Act of a notification consenting to the matter being dealt with by the Commonwealth Electoral Officer and undertaking to abide by the decision of that officer, the Divisional Returning Officer shall consider the statements contained in the declaration (if any) furnished by the person, make such further inquiry



as he deems necessary, and, unless he decides to withdraw the case, submit the notification and declaration (if any) with a report as to the facts and his opinion thereon, to the Commonwealth Electoral Officer.

**21.**—(1.) Subject to such directions as are issued by the Chief Electoral Officer, the Commonwealth Electoral Officer shall, upon the receipt of a report from the Divisional Returning Officer in respect of an alleged contravention of section 42 of the Act, consider all the facts and, if satisfied that the person concerned has contravened any of the provisions of the section, may make an order imposing upon that person a penalty not exceeding Ten shillings for a first offence and not exceeding Two pounds for any subsequent offence, and notify the Divisional Returning Officer thereof and the time allowed for payment.

Action by  
Commonwealth  
Electoral  
Officer on  
receipt of  
report.  
Sec. 42.

(2.) The Chief Electoral Officer may review any order made by a Commonwealth Electoral Officer in pursuance of this regulation and may, if he is of opinion the circumstances justify such action, remit the penalty imposed by the order.

**22.** The Divisional Returning Officer, upon receipt of advice from the Commonwealth Electoral Officer that a penalty has been imposed upon a person for a contravention of section 42 of the Act, shall notify that person in accordance with Form 17.

Notification of  
imposition of  
penalty.  
Sec. 42.

**23.** Where any person to whom a notification in accordance with Form 17 has been sent fails, within the time allowed, to pay to the Divisional Returning Officer the amount of the penalty imposed by the Commonwealth Electoral Officer, his consent to have the matter dealt with by the Commonwealth Electoral Officer shall be deemed to be of no effect and that officer may revoke the order made by him.

Action where  
penalty not  
paid.  
Sec. 42.

**24.**—(1.) Where any person to whom a notification in accordance with Form 14 has been sent fails, within the time allowed, to reply thereto, or does not, within that time, consent to the matter being dealt with by the Commonwealth Electoral Officer or, if he has so consented and having failed within the time allowed to pay the penalty imposed upon him by the Commonwealth Electoral Officer, his consent is deemed to be of no effect and the order of the Commonwealth Electoral Officer is revoked, the Divisional Returning Officer shall, subject to such directions as he receives from the Commonwealth Electoral Officer, if he is satisfied that such person has contravened any of the provisions of section 42 of the Act, cause proceedings to be instituted against him in a Court summary jurisdiction:

Proceedings in  
Court of  
summary  
jurisdiction.  
Sec. 42.

Provided that where the Divisional Returning Officer, with the concurrence of the Commonwealth Electoral Officer, deems it advisable, the Registrar for the Subdivision may institute the proceedings.

(2.) When proceedings in respect of a contravention of section 42 of the Act are instituted in a Court of summary jurisdiction, the Divisional Returning Officer shall cause any declaration received from the person concerned in pursuance of regulation 18 of these Regulations to be brought to the notice of the Court, and the Court shall at the hearing of the case consider the declaration (whether the defendant is present or not) as if the matter therein set out had been given in evidence before it.

COMMONWEALTH ELECTORAL ACT AND REFERENDUM  
(CONSTITUTION ALTERATION) ACT

Declaration of  
prosecuting  
officer to be  
considered by  
Court.  
Sec. 42.

**25.**—(1.) In any prosecution in respect of a contravention of section 42 of the Act, the prosecuting officer may lodge with the Court a statutory declaration in support of the charge and it shall not then be necessary for him to attend at the hearing.

(2.) Where a statutory declaration has been lodged as provided by this regulation and the prosecuting officer is not present at the hearing, the Court shall proceed with the hearing and determination of the case in his absence and shall consider the statutory declaration as if the matter set out therein had been given in evidence before it.

(3.) For the purposes of this regulation, any document purporting to be a statutory declaration shall be accepted as such by the Court without proof of the signatures thereon or proof of the authority of the person before whom it purports to have been made to take statutory declarations.

*Division 3.—Objections.*

Notice of  
objection.  
Sec. 53.

**26.**—(1.) The notice of objection lodged by an elector in respect of a name on a Roll may be in accordance with Form 18.

(2.) The notice of objection lodged by a Registrar in respect of a name on a Roll and the direction of the Divisional Returning Officer may be in accordance with Form 19.

Notice to  
person  
objected to on  
the ground of  
non-residence.  
Sec. 55.

**27.** The notice to be forwarded by the Divisional Returning Officer to a person whose name has been objected to on the ground of non-residence may be in accordance with Form 20.

Notice to  
person  
objected to on  
ground other  
than  
non-residence.  
Sec. 55.

**28.** The notice to be forwarded by the Divisional Returning Officer to a person whose name has been objected to on a ground other than non-residence may be in accordance with Form 21.

Manner of  
answering  
objection.  
Sec. 56.

**29.** Any person against whom an objection has been lodged or made may answer the objection—

(a) by attending before the Divisional Returning Officer at the place mentioned in the notice sent by the Divisional Returning Officer to him and making an oral statement to show that the objection is not good; or

(b) by sending by post or delivering to the Divisional Returning Officer at his office a statement in writing to show that the objection is not good.

Inquiry into  
objection.  
Sec. 57.

**30.** Before determining an objection, the Divisional Returning Officer may make such inquiries as he thinks necessary to ascertain the facts in relation to the objection.

Notice of  
determination  
of objection.  
Sec. 57.

**31.**—(1.) Upon determining an objection the Divisional Returning Officer shall send notice of his decision in accordance with Form 22 to the objector if the objector is not a Registrar, and to the person objected to if the person objected to has answered the objection within the prescribed period.

(2.) Where an objector is a Registrar, notice of the decision on the objection may be sent to him in accordance with the indorsement on Form 19, and such notice may contain a direction for the removal of an elector's name from the Roll when an objection has been sustained.

*Division 4.—Miscellaneous.*

**32.**—(1.) An application under section 58 of the Act to a Court of summary jurisdiction may be made at any time within one calendar month after the receipt of notice of the rejection of a claim for enrolment or transfer of enrolment under regulation 11 of these Regulations, or of notice of the determination of an objection under regulation 31 of these Regulations, and may be made in writing in the form of a complaint setting out the material facts and asking that the Divisional Returning Officer be summoned to answer the complaint. Electoral  
appeals.  
Sec. 58.

(2.) Upon the complaint being lodged with him, the clerk of the court shall issue a summons to the Divisional Returning Officer to appear before the Court at a time and place mentioned in the summons to answer the complaint and produce all papers connected with the claim for enrolment or transfer of enrolment, or the objection, as the case requires.

(3.) The Divisional Returning Officer may, by himself or some person appointed to represent him, appear at the hearing and produce to the Court all papers connected with the claim for enrolment or transfer of enrolment, or the objection, as the case requires, but, if he does not desire to appear, he may send the papers to the clerk of the Court, to be produced at the hearing, together with a statement in writing containing such observations as he sees fit to make, and any such statement shall be considered by the Court at the hearing.

(4.) The Divisional Returning Officer, if present at the hearing, or the person representing him, shall be entitled to be heard.

**PART III.—ELECTORAL AND REFERENDUM.**

*Division 1.—Conduct of Elections and Referendums.*

**33.**—(1.) The notification by a candidate at a Senate election of his desire to have his name included in a group with the names of other candidates in that proposed group and with those names only may be in accordance with Form 23. Notification in  
relation to  
group.  
Secs. 72A and  
72B.

(2.) The notification by a candidate whose name is included in a group of the order in which he desires the names of the candidates in the group to appear on the ballot-papers may be in accordance with Form 24.

**34.**—(1.) Every Divisional Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, Substitute Presiding Officer, Poll Clerk, and Scrutineer shall make and subscribe an undertaking in accordance with Form 25. Undertaking  
by Officers and  
scrutineers.  
Secs. 98 and  
108.

(2.) An omission by a Divisional Returning Officer, Assistant Returning Officer, Presiding Officer, Assistant Presiding Officer, Substitute Presiding Officer, Poll Clerk, or Scrutineer to sign the undertaking required by this regulation shall not be a ground for setting aside any election or referendum.

**35.**—(1.) The polling places for a Subdivision shall be those polling places which are declared by the Minister by notice in the *Gazette* to be the polling places for that Subdivision. Polling places.  
Sec. 27.

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

(2.) Until polling places are declared by the Minister in pursuance of this regulation, the polling places declared in pursuance of the Regulations repealed by these Regulations shall be deemed to be polling places declared for the purpose of this regulation.

Use of polling  
booth for two  
elections, &c.  
Sec. 98.

**36.** The polling booths and ballot-boxes provided for the purposes of any election may be used for the purposes of any other election or any referendum or referendums held on the same day, but the ballot-papers for each election and referendum shall be distinctively coloured:

Provided that where in pursuance of section 14A of the *Referendum (Constitution Alteration) Act 1906-1936* two or more forms of ballot-paper are on one piece of paper those forms of ballot-paper may be of the same colour.

Ballot-boxes.  
Sec. 102.

**37.** Each ballot-box shall have a cleft in the cover through which the ballot-papers may be deposited in the ballot-box, and shall be provided with means for securely closing the cleft. The ballot-box shall also be capable of being securely fastened by means of a lock.

Official mark.  
Sec. 133.

**38.** The official mark for the authentication of ballot-papers shall be a water mark in the paper thereof, consisting of a representation of a shield having therein the letters "CA" intertwined.

Reg. 29  
repealed by  
1949, No. 62.

\* \* \* \* \*

## *Division 2.—Voting by Post.*

Form of  
application for  
postal vote  
certificate and  
postal  
ballot-paper.  
Sec. 85.

**40.—(1.)** The application for a postal vote certificate and postal ballot-paper (or postal ballot-papers) for a Senate election or a House of Representatives election or a referendum, or all of them, as the case requires, may be in accordance with Form 26:

Provided that where, in the case of an applicant enrolled for a Subdivision declared to be a remote Subdivision in pursuance of sub-section (2.) of section 26 of the Act, the application is made to the Registrar for that Subdivision, or where, in the case of an applicant temporarily outside Australia, the application is made to an Assistant Returning Officer at a place outside Australia, the application may be in accordance with Form 26 with such adaptations as are authorized by the Chief Electoral Officer.

Amended by  
1949, No. 62.

(2.) Except where the applicant elector attends at the office of a Divisional Returning Officer, Registrar or Returning Officer and obtains personal delivery of a postal vote certificate and postal ballot-paper (or postal ballot-papers), the application shall state the place which will be the place of living of the applicant elector at the time the certificate and ballot-paper (or ballot-papers) would, in the ordinary course of post, be delivered to him.

Form of postal  
vote certificate.  
Sec. 88.

**41.—(1.)** The postal vote certificate may be in accordance with Form 27.

Sub-reg. (2.)  
amended by  
1954, No. 27.

(2.) The form may be printed on an envelope addressed to the Divisional Returning Officer for the Division specified in the certificate.

**42.**—(1.) The postal ballot-paper for a Senate election may be in accordance with Form 28.

Forms of  
postal  
ballot-paper.  
Sec. 88.

(2.) Before issuing any postal ballot-paper for a Senate election, the Divisional Returning Officer, Registrar or Returning Officer shall, if the particulars are not already printed thereon, insert in the ballot-paper—

Sub-reg. (2.)  
amended by  
1949, No. 62;  
and  
1954, No. 27.

- (a) the name of the State in which the election is to be held;
- (b) the number of candidates to be elected;
- (c) the numbers required to complete the "Directions"; and
- (d) the full names of all candidates for that State in the order and grouped as directed by the Commonwealth Electoral Officer.

(3.) The postal ballot-paper for a House of Representatives election may be in accordance with Form 29.

(4.) Before issuing a postal ballot-paper for a House of Representatives election the Divisional Returning Officer, Registrar or Returning Officer shall, if the particulars are not already printed thereon, insert in the ballot-paper—

Amended by  
1949, No. 62;  
and  
1954, No. 27.

- (a) the name of the State and the name of the Division in which the election is to be held;
- (b) the numbers required to complete the "Directions"; and
- (c) the full names of all candidates for that Division in alphabetical order according to their surnames.

(5.) The postal ballot-paper for a referendum may be in accordance with Form 30 or Form 31, as the case requires.

(6.) Before issuing a postal ballot-paper for a referendum, the Divisional Returning Officer, Registrar or Returning Officer shall, if the name of the State printed on the ballot-paper is not the name of the State in which the election is to be held, strike out that name and insert the name of the State in which the election is to be held.

Substituted by  
1954, No. 27.

**43.**—(1.) The postal vote certificate and postal ballot-paper (or postal ballot-papers) shall be delivered to the applicant elector personally or sent by post to him at the place stated in his application in accordance with the provisions of sub-regulation (2.) of regulation 40 of these Regulations.

Postal  
ballot-paper,  
&c., to be  
delivered to  
applicant or  
sent to his  
place of living.

(2.) When issuing the postal vote certificate and postal ballot-paper (or postal ballot-papers) to the applicant elector the Divisional Returning Officer, Registrar or Returning Officer shall deliver or send therewith a copy of the "Directions to Elector and Authorized Witness" authorized by the Chief Electoral Officer.

Amended by  
1949, No. 62.

**44.** In a Senate election or a House of Representatives election or a referendum a voter voting by post shall mark his vote on the ballot-paper in the manner indicated in the directions set forth on the ballot-paper.

Manner of  
marking  
postal vote.  
Sec. 92 (1.).

**45.**—(1.) When, before the close of the poll, in an election or a referendum—

- (a) a Divisional Returning Officer receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot-paper (or postal ballot-papers) issued in respect of a Division other than the Division for which he acts as Divisional Returning Officer; or

Postal  
ballot-paper  
received by  
Divisional  
Returning  
Officer or  
Assistant  
Returning  
Officer.  
Sec. 92 (2.).  
Sub-reg. (1.)  
amended by  
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- (b) an Assistant Returning Officer receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot-paper (or postal ballot-papers),

which envelope has been posted or delivered to him in pursuance of sub-section (2.) of section 92 of the Act, the Divisional Returning Officer or Assistant Returning Officer, as the case may be, shall immediately—

- (i) endorse on the envelope the words “Received by me” and add the date of receipt, his signature and the words “Divisional Returning Officer” or “Assistant Returning Officer”, as the case requires;
- (ii) make a record of the name of the voter and the name of the Division appearing in the postal vote certificate;
- (iii) enclose the envelope in an outer cover addressed to the Divisional Returning Officer for the Division in respect of which the voter named in the postal vote certificate is entitled to vote, and transmit it by hand or registered post to that Divisional Returning Officer; and
- (iv) advise that Divisional Returning Officer, in the form authorized by the Chief Electoral Officer, by telegram (or by letter, where such letter will in the ordinary course reach that Divisional Returning Officer on or before the Friday immediately following the close of the poll) of the despatch of the said envelope.

(2.) The Assistant Returning Officer shall, at the close of the poll, forward the record made by him in pursuance of paragraph (ii) of the last preceding sub-regulation to the Divisional Returning Officer for his Division who shall retain the same together with the record made by him under that paragraph.

Postal  
ballot-paper  
received by  
Presiding  
Officer under  
section 92 (2.).

**46.** When, before the close of the poll in an election or a referendum, a Presiding Officer receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot-paper (or postal ballot-papers) which envelope has been delivered to him in pursuance of sub-section (2.) of section 92 of the Act, he shall—

- (a) endorse on the envelope the words “Received by me at polling place” and add his signature, the words “Presiding Officer” and the date;
- (b) make a record of the name of the voter and the name of the Division appearing in the postal vote certificate;
- (c) forthwith deposit the envelope in the ballot-box used for the purpose of the polling at his polling place; and
- (d) at the close of the poll forward the record, certified by him, under seal to the Assistant Returning Officer.

Postal  
ballot-paper  
taken from  
ballot-box—  
action by  
Assistant  
Returning  
Officer.

Sec. 92 (2.).

Amended by  
1954, No. 27

**47.** The Assistant Returning Officer, on receipt from a Presiding Officer of a ballot-box containing envelopes bearing postal vote certificates and purporting to contain a postal ballot-paper (or postal ballot-papers) shall—

- (a) check the particulars of such envelopes with the particulars appearing in the Presiding Officer’s record, preserve a note of the number thereof, and report any discrepancy to his Divisional Returning Officer;

- (b) endorse on each envelope the words "Taken from ballot-box used at \_\_\_\_\_ polling place" and add his signature, the words "Assistant Returning Officer" and the date;
- (c) place in a separate outer cover all the envelopes bearing postal vote certificates relating to the same Division, endorse on the outer cover the number of such envelopes so placed therein, fasten and seal the outer cover, address it to the Divisional Returning Officer for the Division in respect of which the electors named in the postal vote certificates are entitled to vote, and forthwith transmit it by hand or registered post to that Divisional Returning Officer; and
- (d) forthwith advise that Divisional Returning Officer, in the form authorized by the Chief Electoral Officer, by telegram (or by letter, where such letter will in the ordinary course reach that Divisional Returning Officer on or before the Friday immediately following the close of the poll) of the total number of envelopes bearing postal vote certificates enclosed in the outer cover so forwarded to him.

**48.** The Divisional Returning Officer shall keep a locked and sealed ballot-box (or ballot-boxes) with the words "Postal ballot-box" marked thereon, and shall place and keep therein until the scrutiny, all envelopes bearing a postal vote certificate and purporting to contain a postal ballot-paper (or postal ballot-papers) in relation to his Division, which—

Ballot-box  
for postal votes  
Amended by  
1949, No. 62.

- (a) are delivered to him prior to the close of the poll;
- (b) are received by him through the post up to the end of the period of seven days immediately succeeding the close of the poll; or
- (c) are received from another Divisional Returning Officer or an Assistant Returning Officer where the envelope bearing the certificate bears evidence that it was received by that Divisional Returning Officer or Assistant Returning Officer or by a Presiding Officer prior to the close of the poll:

Provided that before placing in the postal ballot-box any envelope referred to in paragraph (b) of this regulation which is received after the close of the poll and which does not bear evidence sufficient to satisfy him that the vote contained in the envelope was recorded before the close of the poll, the Divisional Returning Officer shall endorse on such envelope the date of its receipt and initial such endorsement.

**49.—(1.)** The scrutiny of postal ballot-papers shall be conducted in accordance with the provisions of Part XII. of the Act and, in so far as it is not so provided for, shall be conducted by the Divisional Returning Officer as nearly as practicable in the same manner as is provided in these Regulations in relation to the scrutiny of absent voters' ballot-papers:

Scrutiny of  
postal  
ballot-papers.  
Sec. 96.

Provided that for the purpose of the scrutiny of postal ballot-papers any reference in these Regulations, in relation to the scrutiny of absent voters' ballot-papers, to the absent voters' ballot-box, shall be read as a

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reference to the postal ballot-box and any reference to a ballot-paper, or an absent voter's ballot-paper, shall be read as a reference to a postal ballot-paper, and any reference to a declaration or an absent voter's declaration shall be read as a reference to a postal vote certificate.

(2.) The postal ballot-papers and postal vote certificates shall be dealt with as nearly as practicable in the manner provided in regulations 63 to 66 (inclusive) of these Regulations in relation to absent voter's ballot-papers and absent voters' declarations.

*Division 3.—Absent Voting.*

Facilities for  
voting as an  
absent voter  
Sec. 113.

**50.**—(1.) In a Senate election, or a House of Representatives election, or a referendum, an elector may, subject to these Regulations, vote as an absent voter on polling day at any place within the State for which he is enrolled, not being a prescribed polling place for the Subdivision for which he is enrolled, provided that a polling booth is open under the law on that day at such polling place, and provided further that the privilege of voting at a polling place as an absent voter is dependent upon the arrangements of the polling place at which the elector claims to vote as an absent voter, being such as to enable the vote to be recorded, and to be recorded without interference with the rights of the electors enrolled for the Subdivision for which the polling place is prescribed.

(2.) The elector must state his name, place of living and occupation, as appearing on the Roll, and the Division for which he is enrolled, and to the best of his knowledge the Subdivision for which he is enrolled.

(3.) The Presiding Officer shall put to the elector the questions prescribed by paragraph (a) of sub-section (1.) of section 115 of the Act, and may, and at the request of any scrutineer shall, also put all or any of the questions prescribed by paragraph (b) or paragraph (c) of sub-section (1.) of that section.

(4.) If the answers to the questions put to the elector under the provisions of section 115 of the Act show that he is entitled to vote, he may be allowed to vote as an absent voter on making a declaration in accordance with Form 32.

(5.) The form of declaration may be printed on an envelope addressed to the Divisional Returning Officer for the Division for which the elector declares that he is enrolled.

(6.) A person permitted to vote under the provisions of this regulation shall mark and fold his ballot-paper in the manner directed on the ballot-paper and return it so folded to the Presiding Officer who shall forthwith enclose the ballot-paper in the envelope bearing the declaration of the voter, securely fasten the envelope and deposit it in the ballot-box.

Refusal by  
voter to  
answer  
questions.  
Sec. 113.

**51.** If any person claiming to vote as an absent voter refuses to answer fully any question put to him in pursuance of section 115 of the Act or his answer to any such question so put to him shows that he is not entitled to vote, his claim to vote shall be rejected.



**52.—**(1.) If any voter who claims to vote as an absent voter satisfies the Presiding Officer that his sight is so impaired or that he is so physically incapacitated that he is unable to vote without assistance, the Presiding Officer shall—

Blind or  
physically  
incapacitated  
voters.  
Sec. 113.

- (a) fill in the form of declaration with the required particulars relating to the enrolment of the voter as requested by such voter;
- (b) read over to the voter the form of declaration;
- (c) require the voter to sign the form of declaration—
  - (i) in his own handwriting if he is able to do so, or
  - (ii) with his mark as his personal signature if he is unable to sign his name in his own handwriting;
- (d) cause the signature of the voter, if made by means of a mark, to be witnessed by a scrutineer present, or if no scrutineer be present, by the Poll Clerk;
- (e) complete and attest the declaration;
- (f) permit a person appointed by the voter to enter an unoccupied compartment of the booth with the voter and to mark and fold the ballot-paper (or ballot-papers) for the voter; and
- (g) enclose the ballot-paper (or ballot-papers) in the envelope bearing the declaration of the voter, securely fasten the envelope and deposit it in the ballot-box.

(2.) If any voter to whom the last preceding sub-regulation applies fails to appoint a person in pursuance of that sub-regulation, or if any voter who claims to vote as an absent voter satisfies the Presiding Officer that he is so illiterate that he is unable to vote without assistance, the Presiding Officer shall take action indicated in paragraphs (a) to (e) (inclusive) of that sub-regulation and shall, in the presence of such scrutineers as are present, or, if there be no scrutineers present, then in the presence of the Poll Clerk, or if the voter so desires, in the presence of a person appointed by the voter, instead of the Poll Clerk—

- (a) mark and fold the ballot-paper (or ballot-papers) for the voter; and
- (b) enclose the ballot-paper (or ballot-papers) in the envelope bearing the declaration of the voter, securely fasten the envelope and deposit it in the ballot-box.

**53.—**(1.) The ballot-paper for a Senate election to be used by an elector voting as an absent voter may be in accordance with Form 33.

Forms of  
absent voters'  
ballot-papers.  
Sec. 113.

(2.) The ballot-paper for a House of Representatives election to be used by an elector voting as an absent voter may be in accordance with Form 34, provided that the name of the Division, the numbers in the "Directions" and the names of the candidates may be either printed or written thereon.

(3.) The ballot-paper for a referendum in respect of one proposed law to be used by an elector voting as an absent voter may be in accordance with Form 35.

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Absent voter's  
ballot-paper  
for  
referendum in  
respect of two  
or more  
proposed laws.  
Sec. 113.

**54.** The ballot-papers for a referendum in respect of two or more proposed laws to be used by an elector voting as an absent voter, may be included in one special form of ballot-paper which may be in accordance with Form 36.

Record of  
absent voters.  
Sec. 113.

**55.** The Presiding Officer shall make a record of the name of each elector who has voted at his polling place as an absent voter at an election or a referendum, together with the names of the Division and Subdivision for which the elector declares that he is enrolled, as shown in his declaration, and at the close of the poll, shall forward the record, duly certified by him, under seal, to the Assistant Returning Officer.

Absent voters'  
ballot-papers—  
action by  
Assistant  
Returning  
Officer.  
Sec. 113.

**56.** The Assistant Returning Officer, on receipt from a Presiding Officer of a ballot-box containing envelopes bearing absent voters' declarations and purporting to contain an absent voter's ballot-paper (or ballot-papers) shall—

Amended by  
1954, No. 27.

- (a) check the particulars of such envelopes with the particulars appearing in the Presiding Officer's record, preserve a note of the number thereof, and report any discrepancy to his Divisional Returning Officer;
- (b) place in a separate outer cover all the envelopes bearing absent voters' declarations relating to the same Division, endorse on the outer cover the number of such envelopes so placed therein, fasten and seal the outer cover, address it to the Divisional Returning Officer for the Division named in the electors' declarations, and forthwith transmit it by hand or registered post to that Divisional Returning Officer; and
- (c) forthwith advise that Divisional Returning Officer, in the form authorized by the Chief Electoral Officer, by telegram (or by letter, where such letter will in the ordinary course reach that Divisional Returning Officer on or before the Friday immediately following the close of the poll) of the total number of envelopes bearing absent voters' declarations enclosed in the outer cover so forwarded to him.

Custody of  
absent voters'  
ballot-papers.  
Sec. 113.

**57.** Each Divisional Returning Officer shall preserve in his custody—

- (a) a book, or set of cards, in which he shall record from time to time the particulars of the respective advices, and the number of envelopes bearing absent voters' declarations, received by him from each Assistant Returning Officer; and
- (b) a locked and sealed ballot-box (or ballot-boxes) with the words "Absent Voters' Ballot-box" marked thereon, in which he shall forthwith place all envelopes bearing absent voters' declarations received by him from Assistant Returning Officers.

58. The scrutiny of absent voters' ballot-papers shall commence as soon as practicable after the close of the poll, and shall be conducted by the Divisional Returning Officer, or an Assistant Returning Officer thereto directed by the Divisional Returning Officer, in the presence of such scrutineers as choose to attend and any other persons approved by the Divisional Returning Officer.

Scrutiny of  
absent voters'  
ballot-papers.  
Sec. 113.

59.—(1.) The officer conducting the scrutiny shall—

Preliminary  
scrutiny.  
Sec. 113.

- (a) produce and open the absent voters' ballot-box or ballot-boxes in which the envelopes containing the absent voters' ballot-papers have been placed;
- (b) place in one parcel the envelopes bearing the signed and attested declarations of persons who he is satisfied are enrolled for, and entitled to vote in respect of, the Division, accept for further scrutiny the ballot-papers contained therein and place a mark opposite the name of each such person on a certified copy of the Roll used by him for the purposes of the scrutiny;
- (c) place in another parcel the envelopes bearing the declarations of persons who he is satisfied are not enrolled for, or are not entitled to vote in respect of, the Division, or whose declarations are not signed and attested, fasten and seal the parcel, endorse thereon the words "Absent voters' ballot-papers rejected at the preliminary scrutiny" and add the name of the Division, his signature and the date:  
 Provided that an absent voter's ballot-paper shall not be rejected at the preliminary scrutiny by reason only of the fact that the Presiding Officer has omitted to attest the declaration of the elector if before the declaration of the poll the officer certifies that the omission was due to inadvertence, and that the declaration was, as a matter of fact, duly signed in his presence;
- (d) place the envelopes containing the ballot-papers accepted for further scrutiny before him on a table in such a manner that the face only of each envelope bearing the address of the Divisional Returning Officer shall be visible;
- (e) number each envelope consecutively from one upwards in the top right-hand corner until the whole of the envelopes have been dealt with;
- (f) without further examining the declaration of any voter, or permitting any other person to do so, withdraw from the envelope each ballot-paper contained therein, and, without inspecting or unfolding the ballot-paper, or allowing any other person to do so, place thereon a number corresponding with that placed on the envelope from which the ballot-paper has been withdrawn, and forthwith deposit the folded ballot-paper in a locked and sealed ballot-box for further scrutiny; and

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- (g) place the envelopes in a parcel, indorsed with the words "Envelopes bearing absent voters' declarations from which ballot-papers have been withdrawn for further scrutiny", fasten and seal the parcel, add the name of the Division, his signature, and the date.

(2.) It shall not be necessary to await the receipt of the whole of the envelopes containing absent voters' ballot-papers for the Division before proceeding with the further scrutiny of the ballot-papers which have been placed in the ballot-box referred to in paragraph (f) of the last preceding sub-regulation, but sufficient uncounted ballot-papers shall be kept in the ballot-box to insure that all ballot-papers for an election or referendum, when counted, shall be taken from a number sufficient to prevent the identity of the voters from being disclosed.

Further  
scrutiny.  
Sec. 113.

**60.** At the further scrutiny, the officer conducting the scrutiny shall open the ballot-box referred to in paragraph (f) of sub-regulation (1.) of the last preceding regulation, examine the absent voters' ballot-papers contained therein, and shall—

- (a) in a Senate election or in a House of Representatives election—
- (i) reject all informal ballot-papers, and arrange the unrejected ballot-papers under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate; and
  - (ii) count the first preference votes given for each candidate on all unrejected ballot-papers; and
- (b) in a referendum, allow and count the ballot-papers which are formal and disallow and reject those which are informal.

Informal  
ballot-papers.  
Sec. 113.

**61.—(1.)** An absent voter's ballot-paper shall be informal if—

- (a) in a Senate election or a House of Representatives election or a referendum—
- (i) it is not contained in the envelope bearing the declaration of the elector; or
  - (ii) it is not authenticated by the initials of the presiding officer or by the official mark prescribed by regulation 38 of these Regulations; or
  - (iii) it has upon it any mark or writing (not lawfully authorized to be put upon it) by which, in the opinion of the officer conducting the scrutiny, the voter can be identified:

Provided that this sub-paragraph shall not apply to any mark or writing placed upon the ballot-paper by an officer notwithstanding that the placing of the mark or writing upon the ballot-paper is a contravention of the law; or

- (b) in a Senate election, it has no vote indicated on it, or it does not indicate the voter's first preference for one candidate and the order of his preference for all the remaining candidates:

Provided that where the voter has indicated his first preference for one candidate and his consecutive preferences for all the remaining candidates except one and the square opposite the name of that candidate has been left blank, it shall be deemed that the voter's preference for that candidate is his last and that accordingly he has indicated the order of his preference for all the candidates:

Provided further that in a Senate election where a candidate dies between the date of nomination and polling day a ballot-paper shall not be informal by reason only—

- (i) of the inclusion on the ballot-paper of the name of a deceased candidate;
  - (ii) of the marking of any consecutive number opposite that name; or
  - (iii) of the omission to place any number opposite that name or of any resultant failure to indicate in consecutive order the voter's preference; or
- (c) in a House of Representatives election, it has no vote indicated on it, or it does not indicate the voter's first preference for one candidate and his contingent votes for all the remaining candidates:

Provided that where the voter has indicated his first preference for one candidate and his contingent votes for all the remaining candidates except one and the square opposite the name of that candidate has been left blank it shall be deemed that the voter's preference for that candidate is his last and that accordingly he has indicated the order of his preference for all the candidates:

Provided further that where there are two candidates only and the voter has indicated his vote by placing the figure 1 in the square opposite the name of one candidate and has left the other square blank, the voter shall be deemed to have indicated the order of his preference for all the candidates; or

- (d) in a referendum it has no vote marked on it or has more than one vote marked on it:

Provided that in a referendum a ballot-paper shall not be informal by reason only of the fact that the voter has indicated his vote by placing in one square the number 1 or a cross and by leaving the other square blank, and in that case the cross shall be deemed to be equivalent to the figure 1.

(2.) An absent voter's ballot-paper shall not be rejected as informal merely because of a formal defect therein through the name of a wrong Division appearing thereon or the omission of the name of the Division if the name of the Division for which the elector is enrolled appears in the declaration of the elector, or, in a Senate election or a House of Representatives election, the surname only of any candidate has been written thereon, if no other candidate has the same surname, or by reason of any mistake in spelling where there is no doubt as to the identity of the candidate.

(3.) An absent voter's ballot-paper shall not be informal for any reason other than the reasons specified in this regulation but shall be given effect to according to the voter's intention so far as his intention is clear.

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Objection by  
scrutineer to  
ballot-paper.  
Sec. 113.

**62.** If a scrutineer objects to a ballot-paper as being informal, the officer conducting the scrutiny shall mark the ballot-paper "Admitted", or "Rejected", according to his decision to admit or reject the ballot-paper, and add his initials, but nothing in this regulation shall prevent the officer from rejecting a ballot-paper as being informal although it is not objected to.

Parcelling of  
ballot-papers.  
Sec. 113.

**63.** The officer conducting the scrutiny shall place in separate parcels—

- (a) all absent voters' ballot-papers allowed or admitted as formal for each election;
- (b) all absent voters' ballot-papers disallowed or rejected as informal for each election;
- (c) all absent voters' ballot-papers allowed or admitted as formal or disallowed or rejected as informal in connexion with any referendum or referendums,

and shall fasten and seal each parcel, and endorse thereon particulars of the contents thereof, the name of the Division, and add his signature and the date.

Opening of  
sealed parcels  
of ballot-  
papers.  
Secs. 113, 135  
and 136.

**64.**—(1.) The sealed parcels of absent voters' ballot-papers may only be opened—

- (a) in the case of a Senate election, for the purpose of determining the election in the manner provided in section 135 of the Act; or
- (b) in the case of a House of Representatives election, where no candidate has received an absolute majority of first preference votes and it is necessary to determine the election in the manner provided in section 136 of the Act; or
- (c) for the purposes of an authorized recount; or
- (d) by direction of the Court of Disputed Returns.

(2.) Where sealed parcels of absent voters' ballot-papers are opened in pursuance of paragraph (a) or paragraph (b) of the last preceding sub-regulation, the ballot-papers shall be dealt with in the same manner as ballot-papers contained in a parcel transmitted to the Divisional Returning Officer by an Assistant Returning Officer.

Opening of  
sealed parcels  
of declarations.  
opened—

**65.** The sealed parcels of absent voters' declarations may only be

- (a) by direction of the Court of Disputed Returns; or
- (b) as provided in regulation 85 of these Regulations.

Preservation of  
ballot-papers  
and  
declarations.

**66.** Subject to any action taken in pursuance of regulation 64 or regulation 65 of these Regulations, the Divisional Returning Officer shall preserve the sealed parcels of—

- (a) absent voters' ballot-papers allowed or admitted to the scrutiny;
- (b) absent voters' ballot-papers disallowed or rejected at the scrutiny;

- (c) envelopes bearing absent voters' declarations from which ballot-papers have been withdrawn for further scrutiny; and
- (d) envelopes bearing absent voters' declarations and containing ballot-papers rejected at the preliminary scrutiny,

until their destruction has been authorized by the Chief Electoral Officer.

*Division 4.—Voting pursuant to Sections 91A, 121 and 121A of the Act.*

**67.**—(1.) The declaration to be made by a person claiming to vote in pursuance of section 121 of the Act may be in accordance with Form 37 and the declaration to be made by a person claiming to vote in pursuance of section 91A or section 121A of the Act shall be in accordance with Form 38.

Declaration under Section 91A, 121 or 121A of the Act.

(2.) The declaration may be printed on an envelope addressed to the Divisional Returning Officer for the Division in respect of which the elector claims to vote or may be attached by gum or other adhesive substance to such envelope.

**68.** The ballot-paper to be used by a person claiming to vote in pursuance of section 91A, section 121 or section 121A of the Act may be in accordance with the form prescribed to be used by an elector voting as an absent voter. The words "Absent Vote" appearing on such ballot-paper may be struck out and the words "Section 91A", "Section 121" or "Section 121A", as the case requires, substituted therefor.

Ballot-paper under Section 91A, 121 or 121A of Act.

**69.** The Presiding Officer shall make a record of the name and other particulars of each person who votes at his polling booth under the provisions of section 91A, section 121, or section 121A of the Act, and, at the close of the poll, shall forward the record, certified by him, under seal, to the Assistant Returning Officer.

Record to be made by Presiding Officer.

**70.** The Assistant Returning Officer, on receipt from a Presiding Officer of a ballot-box containing ballot-papers enclosed in envelopes bearing declarations of persons who have voted in pursuance of section 91A, section 121 or section 121A of the Act, shall—

Action by Assistant Returning Officer.

Amended by 1954, No. 27.

- (a) check the particulars of such envelopes with the particulars appearing in the Presiding Officer's record, preserve a note of the number thereof and report any discrepancy to his Divisional Returning Officer;
- (b) place all the envelopes in an outer cover, endorse on the outer cover the number of such envelopes so placed therein, fasten and seal the outer cover, address it to the Divisional Returning Officer for his division and forthwith transmit it by hand or registered post to that Divisional Returning Officer; and
- (c) forthwith advise that Divisional Returning Officer in the form authorized by the Chief Electoral Officer by telegram (or by letter, where such letter will in the ordinary course reach that Divisional Returning Officer on or before the Friday immediately following the close of the poll) of the number of such envelopes contained in the outer cover so forwarded to him

COMMONWEALTH ELECTORAL ACT AND REFERENDUM  
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Scrutiny of  
votes cast  
under  
Sections 91A,  
121 or 121A of  
Act.

71. The provisions of regulations 57 to 66 (inclusive) shall apply as nearly as practicable to the receipt, scrutiny, parcelling, and preservation of ballot-papers and envelopes bearing declarations used for the purposes of voting under section 91A, section 121 or section 121A of the Act:

Provided that the scrutiny shall be conducted by the Divisional Returning Officer:

Provided further that, for the purpose of the scrutiny of ballot-papers and envelopes bearing declarations used for the purposes of voting under section 91A, section 121, or section 121A of the Act, any reference in these Regulations to a ballot-paper, an absent voter's ballot-paper, an absent voter's declaration, or an absent voter's ballot-box, shall be read as a reference to a ballot-paper, declaration, or ballot-box, as the case requires, used for the purposes of voting under section 91A, section 121, or section 121A of the Act, or for the receipt and scrutiny of votes cast under any of those sections.

Physically  
incapacitated  
or illiterate  
electors voting  
under section  
91A, 121 or  
121A of Act.

72. In the case of a person, whose sight is so impaired or who is so physically incapacitated or illiterate that he is unable to vote without assistance, who claims to vote in pursuance of section 91A, section 121, or section 121A of the Act, the provisions of regulation 52 of these Regulations, as the case requires, shall apply *mutatis mutandis* as if the person were claiming to vote as an absent voter:

Provided that in the application of that regulation any reference to the particulars relating to the enrolment of the elector shall be read as a reference to the Division and Subdivision for which the elector claims to be enrolled.

*Division 5.—Scrutiny by Assistant Returning Officer.*

Scrutiny by  
Assistant  
Returning  
Officer.  
Secs. 135 and  
136.

73.—(1.) At the scrutiny the Assistant Returning Officer shall, on receipt, from a Presiding Officer, of a ballot-box, forthwith exhibit it for the inspection of the scrutineers present, and shall record the condition in which the box is received, and shall then, in the presence of the scrutineers present, open the ballot-box, and, subject to the action prescribed in regulations 47, 56 and 70 of these Regulations, take out and count the ballot-papers (but not inspect the votes), and record the total number of the ballot-papers taken therefrom, and thus check the statement of the Presiding Officer.

(2.) If the total number of ballot-papers taken from a ballot-box is not less than one hundred, the votes may immediately be inspected and counted.

(3.) If the total number of ballot-papers taken from a ballot-box is less than one hundred, they shall be placed in a locked and sealed ballot-box, called a reserve ballot-box, which has been previously exhibited to the scrutineers, and the counting of the votes on those ballot-papers shall be deferred.

(4.) The ballot-papers in the reserve ballot-box may be taken out and counted when all the ballot-papers taken from any two or more ballot-boxes and placed in the reserve ballot-box exceed one hundred, but where no more ballot-boxes are to be received at the counting centre, the ballot-papers may be taken out and counted, notwithstanding that there are less than one hundred ballot-papers in the reserve ballot-box.



*Division 6.—Recount of Ballot-papers.*

74.—(1.) Before proceeding to recount any ballot-papers, the Divisional Returning Officer shall send to each candidate notice of the time and place fixed for the recount. Recount.  
Secs. 137 and  
138.

(2.) The Divisional Returning Officer shall, at the time and place fixed for the recount, in the presence of the scrutineer or scrutineers in attendance, and of an officer of the Commonwealth Public Service, open every sealed parcel of ballot-papers to be recounted, and shall count the votes therein.

(3.) Each parcel of ballot-papers to be recounted shall be opened separately without destroying or rendering illegible any endorsement on the parcel, and every care shall be taken to prevent the ballot-papers in the parcel from being mixed with the ballot-papers in any other parcel.

(4.) After a parcel has been opened and the votes therein counted, the Divisional Returning Officer shall replace the ballot-papers in their original cover, which he shall reseal, refasten, and then place in a new cover, which he shall seal and fasten, and make thereon an endorsement of the fact and date of the recount, and the Divisional Returning Officer and such persons authorized to be present at the recount as choose to add their signatures shall sign the endorsement.

(5.) When any ballot-papers are, at a recount, reserved for the decision of the Commonwealth Electoral Officer for the State, the Divisional Returning Officer shall, in the presence of the scrutineer or scrutineers in attendance, place the ballot-papers in a properly fastened and sealed parcel bearing his signature and the signature or signatures of the scrutineer or scrutineers, together with an endorsement setting forth the number of ballot-papers contained therein, the name of the Division, and the date, and shall place the parcel in a fastened and sealed outer cover fully addressed to the Commonwealth Electoral Officer for the State, and forthwith transmit the parcel to him by hand or registered post.

(6.) On receipt of the parcel, the Commonwealth Electoral Officer shall, in the presence of an officer of the Commonwealth Public Service, and, if any candidate so desires, in the presence of a person appointed by such candidate, open the parcel and scrutinize the ballot-papers and shall mark each ballot-paper "Admitted", or "Rejected", according to his decision to admit or reject such ballot-paper.

(7.) When the Commonwealth Electoral Officer has given his decision on the ballot-papers, he shall restore them to their original cover, refasten and reseal the cover, and endorse thereon—

- (a) the number of ballot-papers contained therein;
- (b) a statement that such ballot-papers have been the subject of decision by him; and
- (c) his signature and the date,

and shall request the persons in whose presence he scrutinized the ballot-papers to add their signatures, and shall then place the parcel in a new cover, which he shall fasten, seal and forthwith return by hand or registered post to the Divisional Returning Officer.

(8.) The Commonwealth Electoral Officer shall advise the Divisional Returning Officer, in writing, as to the number of ballot-papers

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

admitted or rejected by him, and the Commonwealth Electoral Officer's decision shall be accepted by the Divisional Returning Officer in completing his recount of the ballot-papers.

(9.) The receipt of every parcel of ballot-papers shall be acknowledged in writing by the Commonwealth Electoral Officer and the Divisional Returning Officer respectively.

## *Division 7.—Enforcement of Law in Relation to Compulsory Voting.*

List of electors  
who failed to  
vote.

Sec. 128A.

**75.**—(1.) The list of the names and descriptions of the electors enrolled for a Division, who did not vote at an election or a referendum, which is required to be prepared by the Divisional Returning Officer for the Division, under the provisions of sub-section (2.) of section 128A of the Act, may be prepared in separate Subdivision lists, which may be certified in accordance with Form 39.

(2.) All the Subdivision lists for a Division shall together form the list for the Division.

Notice to  
elector under  
Section 128A  
(4.), and reply  
of elector.

**76.**—(1.) The notice to be sent under the provisions of sub-section (4.) of section 128A of the Act to each elector whose name appears on the list shall be posted within three months after the close of the election or referendum.

(2.) The notice may be in accordance with Form 40.

(3.) The form for the reply of the elector, which shall be filled up and signed by the elector in the presence of a witness, may be in accordance with Form 41.

(4.) The witness shall be an elector or a person qualified to be an elector.

Action where  
reason  
considered  
insufficient.  
Sec. 128A.

**77.**—(1.) Where the reply of the elector states a reason for his failure to vote which, in the opinion of the Divisional Returning Officer, is not a valid and sufficient reason for that failure, the Divisional Returning Officer shall, after endorsing on the list prepared by him his opinion in accordance with sub-section (8.) of section 128A of the Act, notify the elector, in accordance with Form 42, of his opinion, and inform him that he has the option of having the matter dealt with by the Commonwealth Electoral Officer or by a Court of summary jurisdiction.

(2.) Any elector to whom a notification has been sent in pursuance of the last preceding sub-regulation who desires the matter to be dealt with by the Commonwealth Electoral Officer and is prepared to abide by the decision of that officer, may notify the Divisional Returning Officer in accordance with Form 43, and may deposit with the Divisional Returning Officer such sum as that officer determines, to be appropriated in payment of the penalty, if any, which the Commonwealth Electoral Officer imposes upon him.

(3.) Upon the receipt from an elector who has failed to vote—

(a) of a notification consenting to the matter being dealt with by the Commonwealth Electoral Officer and to abide by the decision of that officer; and

(b) of the deposit specified in the last preceding sub-regulation, the Divisional Returning Officer shall transmit the notification, together with the elector's reply stating his reason for having failed to vote and the Divisional Returning Officer's opinion thereon, to the Commonwealth Electoral Officer.

**78.**—(1.) Subject to such directions as are issued by the Chief Electoral Officer, the Commonwealth Electoral Officer shall, upon the receipt from a Divisional Returning Officer, of the documents mentioned in the last preceding regulation, consider all the facts, and if satisfied that the elector concerned has failed to vote at the election without a valid and sufficient reason for that failure, he may make an order imposing upon that elector a penalty not less than Ten shillings nor more than Two pounds, and notify the Divisional Returning Officer thereof and of the time allowed for payment.

Action by Commonwealth Electoral Officer upon receipt of report from Divisional Returning Officer.  
Sec. 128A.

(2.) Any penalty imposed by the Commonwealth Electoral Officer in pursuance of this regulation shall be a debt due to the Commonwealth, and may be recovered in accordance with the provisions of regulation 79 of these Regulations.

(3.) The Chief Electoral Officer may review any order made by a Commonwealth Electoral Officer in pursuance of this regulation, and may, if he is of opinion that the circumstances justify such action, remit the penalty imposed by the order.

**79.** The Divisional Returning Officer, upon receipt of advice from the Commonwealth Electoral Officer that a penalty has been imposed upon an elector for a contravention of paragraph (a) of sub-section (12.) of section 128A of the Act, may appropriate the deposit or portion thereof in payment of the penalty, shall notify the elector, in accordance with Form 44 of the amount of the penalty, and refund to the elector the balance, if any, of the deposit.

Notification of imposition of penalty.  
Sec. 128A (12.).

**80.** Subject to such directions as are issued by the Commonwealth Electoral Officer, the Divisional Returning Officer shall—

Proceedings in a Court of summary jurisdiction.  
Sec. 128A.

- (a) if he is satisfied that there has been a contravention of paragraph (a) of sub-section (12.) of section 128A of the Act by an elector, and the elector has not within the time allowed, intimated that he consents to the matter being dealt with by the Commonwealth Electoral Officer, and deposited the sum specified in sub-regulation (2.) of regulation 77 of these Regulations; or
- (b) if he is satisfied that there has been a contravention of paragraph (b) of sub-section (12.) of section 128A of the Act by an elector; or
- (c) if he is satisfied that there has been a contravention of paragraph (c) of sub-section (12.) of section 128A of the Act by an elector,

forthwith cause proceedings to be taken against the elector in a Court of summary jurisdiction.

**81.**—(1.) In any proceedings which are instituted in a Court of summary jurisdiction against an elector for a contravention of paragraph (a) of sub-section (12.) of section 128A of the Act, the Divisional Returning Officer shall send to the Court the elector's reply, if any, stating his reason for having failed to vote.

Proceedings in Court on failure of elector to vote.  
Sec. 128A.

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(2.) The Court shall, whether the defendant is present or not, consider the contents of the reply as if it were given in evidence before the Court.

(3.) If the defendant attends the Court, and sets up a defence differing in substance from the statement contained in his reply, the Court shall, if it dismisses the information, do so without awarding the defendant the costs of his defence.

(4.) A copy of this regulation shall be printed on the back of the form of summons.

Proceedings in  
Court on  
failure of  
elector to  
send reply to  
Divisional  
Returning  
Officer's  
notification.  
Sec. 128A.

**82.**—(1.) In any proceedings in a Court of summary jurisdiction against an elector for a contravention of paragraph (b) of sub-section (12.) of section 128A of the Act, there shall be served on the defendant a notice that the defendant may attend the Court and answer the charge in person, or may, at any time, not less than seven days before the date fixed for the hearing, lodge with or send by post to the prosecuting officer a statutory declaration setting out any matter which he desires to set out in answer to the charge, and that, unless the prosecuting officer withdraws the charge, the declaration will be sent to the Court for consideration of the matter set out therein as if it were given in evidence before the Court, subject to any evidence in reply adduced by the prosecuting officer. The notice may be printed or written on the summons or may be by separate document served therewith.

(2.) Where a statutory declaration is received by the prosecuting officer, in pursuance of the last preceding sub-regulation, he shall, as far as it is practicable for him to do so, inquire into the truth of the statements therein set out, and shall, unless he withdraws the prosecution, bring the declaration to the notice of the Court.

(3.) The Court shall, at the hearing of the case, consider the statutory declaration (whether the defendant is present or not) as if the matter therein set out were given in evidence before it, but if the defendant attends the Court, and sets up a defence differing in substance from the statement contained in his declaration, the Court shall, if it dismisses the prosecution, do so without awarding the defendant the costs of his defence.

(4.) The Court may, in its discretion, on the application of the prosecuting officer adjourn the hearing for any period it thinks fit, to enable that officer to answer the declaration.

Evidence in  
Court of  
summary  
jurisdiction.  
Sec. 128A.

**83.**—(1.) In any prosecution in a Court of summary jurisdiction against an elector for a contravention of sub-paragraph (a) or sub-paragraph (b) of sub-section (12.) of section 128A of the Act, the prosecuting officer may lodge with the Court a statutory declaration in accordance with Form 45, together with a certified extract in accordance with Form 46, and it shall not then be necessary for him to attend at the hearing.

(2.) Where a statutory declaration and certified extract have been lodged as provided by this regulation, and the prosecuting officer is not present at the hearing, the Court shall proceed with the hearing

and determination of the case in his absence, and shall consider the statutory declaration and certified extract as if the matter set out therein had been given in evidence before it, and shall, notwithstanding the absence of the prosecuting officer, permit evidence to be given for the prosecution of any witness who is summoned by, or attends on behalf of, the prosecuting officer.

(3.) For the purposes of this regulation, any document purporting to be a statutory declaration shall be accepted as such by the Court without proof of the signatures thereon or proof of the authority of the person before whom it purports to have been made to take statutory declarations.

*Division 8.—Miscellaneous.*

84. All ballot-papers, certified lists of voters, certified copies of the Roll for the Division, forms of declaration and postal vote certificates used at an election or referendum shall, after the scrutiny is completed, be parcelled and sealed by the officer who conducted the scrutiny. The Assistant Returning Officer shall transmit in properly endorsed fastened and sealed parcels all ballot-papers scrutinized by him and all certified lists of voters used within that portion of the Division in which he exercises his powers to the Divisional Returning Officer for the Division, who shall be responsible for the safe custody of these documents until their destruction is authorized by the Chief Electoral Officer.

Preservation  
of documents.  
Sec. 218.

85.—(1.) The Divisional Returning Officer may, for the purposes of any official inquiry (including the preparation of any list in accordance with sub-section (2.) of section 128A of the Act), if so authorized by the Chief Electoral Officer, open any parcel in his custody containing any certified list of voters, or any certified copy of the Roll used at the scrutiny of absent votes or postal votes, or containing any declarations used for the purpose of absent voting or voting in pursuance of section 91A, section 121 or section 121A of the Act, or any postal vote certificates, and may take out and examine any certified list or certified copy of the Roll or any declaration or postal vote certificate and take a copy thereof.

Authorized  
official inquiry.

(2.) Any certified list or certified copy of the Roll or any declaration or postal vote certificate which has, in pursuance of this regulation, been taken out of a sealed parcel, may be retained by the Divisional Returning Officer, or dealt with in the manner directed by the Chief Electoral Officer:

Provided that, upon the attainment of the purpose for which the certified list or certified copy of the Roll or declaration or postal vote certificate was so retained or dealt with, the Divisional Returning Officer shall forthwith replace it in the parcel from which it was taken and refasten and reseal that parcel and by endorsement thereon state that the parcel had been opened by him and the purpose for which it had been opened.

(3.) A Divisional Returning Officer who opens a sealed parcel in pursuance of this regulation shall not mark, alter or in any way deface

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or permit any other person to mark, alter or deface, any document taken out of the parcel and shall be responsible for every such document being replaced in the same condition as when it was taken out.

Fee for  
inspection of  
candidate's  
return.  
Sec. 151.

**86.** The fee to be paid for an inspection of the return, and the receipted bills of particulars, of a candidate's electoral expenses shall be 2s. 6d.

Return under  
Section 152 of  
Act.

**87.**—(1.) The return to be made by a trades union, registered or unregistered, organization, association, league, body of persons, or person, under section 152 of the Act shall be in accordance with Form 47.

(2.) Every return filed in pursuance of section 152 of the Act shall be open to public inspection during ordinary office hours, on payment of a fee of One shilling.

Notice under  
Section 152 (8.)  
of Act.

**88.** The notice by the Chief Electoral Officer under sub-section (8.) of section 152 of the Act may be in accordance with Form 48.

Return under  
Section 153 of  
Act.

**89.**—(1.) The return to be made by the proprietor or publisher of a newspaper under section 153 of the Act shall be in accordance with Form 49.

(2.) Every return filed in pursuance of section 153 of the Act shall be open to public inspection during ordinary office hours on payment of a fee of One shilling.

Withdrawal of  
consent to  
nomination.  
Sec. 80.

**90.** The notice of withdrawal by a candidate of his consent to nomination may be in accordance with Form 50 and shall be signed by the candidate in the presence of the officer with whom the nomination was lodged or of a Justice of the Peace.

Endorsement  
by Divisional  
Returning  
Officer on the  
copy of Senate  
writ.  
Sec. 135.

**91.** The endorsement to be made by a Divisional Returning Officer on the copy of the Writ for a Senate election shall be in accordance with Form 51.

Prohibition of  
canvassing near  
polling booth.  
Sec. 171.

**92.** Where a building used as a polling booth is within grounds enclosed by a wall or fence, any gate entrance of such wall or fence through which electors gain ingress to the polling booth may be deemed to be the entrance of the polling booth for the purposes of section 171 of the Act.

Offence for  
which no  
penalty  
prescribed.

**93.** Any person who is convicted of an offence against these Regulations for which no penalty is provided shall be liable to a penalty not exceeding Two pounds.

Use of forms  
which are not  
prescribed.

**94.** Where any action is required to be taken under the Act or these Regulations by an officer, and no form is prescribed for use in connexion with such action, the officer may use such form as is approved by the Chief Electoral Officer.

Amendment of  
Form in  
Schedule to  
Act.

**95.** Form A in the Schedule to the Act is amended by omitting the words "the office of the Commonwealth Electoral Officer" and inserting in their stead the words "*(here insert name of building)*".

**96.** Strict compliance with the Forms in the Schedule shall not be required, and substantial compliance therewith shall be sufficient for the purposes of these Regulations.

Strict compliance with Forms in the Schedule not required.

**97.** Notwithstanding anything contained in these Regulations, the Chief Electoral Officer may permit the continuance of the use of Forms 8, 12, 22 and 23 as prescribed by the regulations repealed by these Regulations for such time as he considers desirable.

Continuance of use of certain Forms.

#### PART IV.—REFERENDUM.

**98.** The official mark for the authentication of referendum ballot-papers shall be the official mark prescribed for electoral ballot-papers.

Official mark.

**99.** When the day fixed for the taking of the votes of the electors for the purposes of a referendum is the same as that fixed for the polling at a Senate election or a general election for the House of Representatives, and no poll is taken in any particular Division for the purposes of the election—

Referendum in Divisions where no electoral poll taken.

(a) the forms in these Regulations may be modified so far as is necessary to enable them to apply, as regards that Division, to the referendum only, and

(b) any forms under these Regulations may, as regards that Division, be deemed to refer to the referendum only.

**100.** When the validity of any referendum can no longer be questioned, the Chief Electoral Officer may, subject to the provisions of the *Referendum (Constitution Alteration) Act 1906-1936* authorize the destruction of the ballot-papers used for voting at the referendum.

Destruction of ballot-papers.

**101.**—(1.) The return to be made by a trades union, registered or unregistered, organization, association, league, body of persons, or person, in pursuance of section 35 of the *Referendum (Constitution Alteration) Act 1906-1936* shall be in accordance with Form 52.

Return by trade union, organization, &c.

(2.) Every return filed in pursuance of section 35 of the *Referendum (Constitution Alteration) Act 1906-1936* shall be open to public inspection during ordinary office hours, on payment of a fee of One shilling.

**102.** The notice by the Chief Electoral Officer under sub-section (9.) of section 35 of the *Referendum (Constitution Alteration) Act 1906-1936* may be in accordance with Form 53.

Notice to trade unions, &c., requiring return.

**103.**—(1.) The return to be made by the proprietor or publisher of a newspaper in pursuance of section 36 of the *Referendum (Constitution Alteration) Act 1906-1936* shall be in accordance with Form 54.

Return by newspaper proprietors.

(2.) The return filed in pursuance of section 36 of the *Referendum (Constitution Alteration) Act 1906-1936* shall be open to public inspection during ordinary office hours, on payment of a fee of One shilling.

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

## THE SCHEDULE.

FORM 1.

Regulation 6.

19 .

COMMONWEALTH OF AUSTRALIA.

Made up to [*here insert date*]

## ELECTORAL ROLL.

State of [*here insert name of State*].Division of [*here insert name of Division*].Roll of Electors for the Subdivision of [*here insert name of Subdivision*].

No., Name in Full, Place of Living, Occupation, and Sex of each Elector.

M signifies Male, F signifies Female.

[*Here follow names, &c.*]

FORM 2.

Regulation 8 (1.).

[*Front of Form.*]

COMMONWEALTH OF AUSTRALIA.

## ELECTORAL CLAIM.

Particulars for  
Enrolment.

{ Surname—  
Christian Names—  
(in full).  
Place of Living—  
(Give full address).  
Occupation—

Sex—

The following particulars relating to claimant will not appear on the Roll, but must be stated on this card.

Date and year of birth—

Place of birth—

Former surname\*—

(\*See Instruction D on other side).

To the Electoral Registrar for the Subdivision of—

Division of—

State of—

1. I am an inhabitant of Australia and have lived therein for six months continuously.

2. I am a British subject, am not under the age of 21 years, and am qualified to be enrolled as an elector.

3. I claim to have my name and particulars for enrolment placed on the Electoral Roll for the above-named Subdivision in which I now live and have lived for a period of not less than one month immediately preceding the date of this Claim.

4. My name is at present enrolled for the Subdivision (or District) of the State (or Territory) of in respect of the following address therein, namely:—

I declare that the whole of the statements made in this Claim are true to the best of my knowledge and belief.

Personal Signature of Claimant—

Date

19 .

I, the undersigned, am an elector or a person qualified to be an elector of the Commonwealth, and I certify that I have seen the above-named Claimant sign the above Claim, and that I either know the statements contained in the Claim to be true or have satisfied myself by inquiry of the Claimant or otherwise that the said statements are true.

(Penalty on witness for failure to fully comply with this requirement—£50.)

Personal Signature of Witness—

Occupation—

Place of Living—



FORM 2—*continued.*

[*Back of Form.*]

*This form may be used only by a qualified person not under the age of 21 years, (a) when claiming enrolment or transfer of enrolment, or (b) when notifying a change of address within the same Subdivision or applying for the correction of any particulars of an existing enrolment.*

INSTRUCTIONS TO BE OBSERVED WHEN FILLING IN PARTICULARS ON THE OTHER SIDE OF THIS CLAIM.

(A) Place of Living.—Full address, including name and street number (if any) of habitation, must be inserted.

(B) Paragraph 4 should be struck out if claimant is not already enrolled.

(C) Personal Signature of Claimant.—The signature of the Claimant must be his personal signature. If unable to sign his name in his own handwriting, he may make his mark as his signature, but such signature must be made in the presence of the person who signs as witness.

(D) Former surname is to be filled in only in the case of a married woman who has changed her name by marriage since her last enrolment.

NOTE.—The claimant should see that he receives an acknowledgment of this claim in due course.

INSTRUCTIONS TO PERSON WITNESSING ELECTORAL CLAIM.

(i) The person witnessing an electoral claim must be an elector, or a person qualified to be an elector, of the Commonwealth.

(ii) A person shall not sign his name as witness—

(a) on any blank electoral claim; or

(b) on any electoral claim which has been wholly or partly filled up unless it has been signed by the person intended to sign it; or

(c) on any electoral claim unless he has seen the person, whose signature he purports to witness, sign it. Penalty—Fifty pounds.

(iii) A person shall not write on any electoral claim as his own name—

(a) the name of another person; or

(b) any name not being his own name. Penalty—Fifty pounds.

This space to be filled in by the Electoral Registrar.

Received (date)—

Registered (date)—

Acknowledged (date)—

Initials—

N.B.—An elector may only have his name placed upon the Roll for the Subdivision in which he lives. A map and description of the boundaries of the Subdivision may be inspected at, and Electoral Forms for public use may be obtained from, any Post Office.

FORM 3.

Regulation 9 (1.).

COMMONWEALTH OF AUSTRALIA.

The Commonwealth Electoral Act.

ACKNOWLEDGMENT OF RECEIPT OF ELECTORAL CLAIM.

Your electoral claim dated \_\_\_\_\_ has been received and, pursuant thereto, your enrolment for the \_\_\_\_\_ Subdivision of the Division of \_\_\_\_\_ has been effected or adjusted as required.

### POINTS FOR ELECTOR TO REMEMBER—

1. You should bear in mind the name of the Subdivision and Division for which you are enrolled and retain this acknowledgment as evidence of your enrolment.
2. Voting at Commonwealth Elections and Referendums is compulsory.
3. Correct enrolment is compulsory, therefore—
  - (a) If you change your place of living from the address in the Subdivision for which you are enrolled to another address in the same Subdivision you should, within 21 days after making such change, notify the Electoral Registrar for the Subdivision of your new address, in the prescribed form.\*
  - (b) If you change your place of living to any other Subdivision, or to the Australian Capital Territory, or to a District of the Northern Territory, you should, after you have lived therein for a period of one month, send or deliver to the Electoral Registrar for the Subdivision, Territory or District a claim for transfer of enrolment in Form 2\* within 21 days after the expiration of that period.

\* Obtainable at any post office.

Electoral Registrar for the above-named Subdivision.  
Address—

Date—

NOTE TO ELECTOR.—An elector who is only temporarily absent from his place of living, although the period of such absence may exceed one month, is not thereby deemed to have changed his place of living for the purposes of transfer of enrolment, or change of address on the Roll.

DIRECTIONS TO REGISTRAR.—The Registrar will strike out the words “electoral claim” or the word “communication” as the case requires.

[Back of Form.]

O.H.M.S.

Commonwealth Electoral  
Paper only.

Post Free.

 $T_o$ 

*M*.....

FORM 4.

Regulation 10.

Substituted by  
1949, No. 62.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

## NOTIFICATION OF TRANSFER OR ENROLMENT.

To the Electoral Registrar for the Subdivision, District or Territory of

You are requested to remove from the Roll kept by you the name of each elector shown in the schedule herein, the elector having now been enrolled, pursuant to a claim for transfer of enrolment, for this Subdivision.

## SCHEDULE.

| No. | Particulars appearing in claim for transfer received by me. |                            |                     | Elector's address in Roll kept by you as set out in Claim received by me. |
|-----|-------------------------------------------------------------|----------------------------|---------------------|---------------------------------------------------------------------------|
|     | Surname.                                                    | Christian names (in full). | Occupation and Sex. |                                                                           |
| 1.  |                                                             |                            |                     |                                                                           |
| 2.  |                                                             |                            |                     |                                                                           |
| 3.  |                                                             |                            |                     |                                                                           |

Date

Electoral Registrar for the  
Subdivision of

| No. | Notations showing action taken by Registrar to whom notification is addressed. |                                                                    |                             |
|-----|--------------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------------------|
|     | Name removed (date).                                                           | No. on Roll (if in print) or date of enrolment (if in manuscript). | Remarks (if case requires). |
| 1.  |                                                                                |                                                                    |                             |
| 2.  |                                                                                |                                                                    |                             |
| 3.  |                                                                                |                                                                    |                             |

To Divisional Returning Officer (or Returning Officer for Territory, as case requires)  
Registrar for

(Subdivision, District or Territory)

Date—

FORM 5.

Regulation 11 (1.).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

Electoral Division of

## NOTIFICATION TO CLAIMANT OF REFERENCE OF ELECTORAL CLAIM.

To—

As I am not satisfied that you are entitled to be enrolled in pursuance of your claim, dated the \_\_\_\_\_, I am referring the claim to the Divisional Returning Officer for his decision.

Upon receipt of the Divisional Returning Officer's decision you will be duly notified in accordance therewith.

Electoral Registrar for the Subdivision of—

Address—

Dated the

day of

19

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 6.

Regulation 11 (2.).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

Electoral Division of

## NOTIFICATION TO CLAIMANT OF REJECTION OF ELECTORAL CLAIM.

To—

You are hereby notified that your claim to be enrolled on the Electoral Roll for the Subdivision of the above-named Division has been rejected by the Divisional Returning Officer on the ground that [*here specify reason for rejection*].

You are entitled, at any time within one calendar month after the receipt of this notification, to appeal to a Court of summary jurisdiction for an order directing that your name may be added to the Roll.

Electoral Registrar for the Subdivision of—

Address

Dated the                      day of                      , 19      .

\_\_\_\_\_

FORM 7.

Regulation 12.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

Electoral Division of

## NOTIFICATION TO CLAIMANT OF FORMAL DEFECT IN ELECTORAL CLAIM.

To—

Your claim to be enrolled on the Electoral Roll for the Subdivision of the abovenamed Division is defective by reason of [*here set out nature of defect*].

\* The Claim is forwarded herewith for completion or correction, and return to me without delay.

\* Please complete the accompanying fresh form of Claim and return it to me without delay.

Electoral Registrar for the Subdivision of—

Address

Dated the                      day of                      , 19      .

\*The Registrar will strike out whichever of these paragraphs is not applicable to the case.

FORM 8.

Regulation 13.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

Consecutive No.

State of

CERTIFICATE AUTHORIZING REMOVAL OF NAMES OF ELECTORS  
FROM ROLL.

To the Divisional Returning Officer for the Division of

I certify that each elector named in Column (1) has ceased to be qualified for enrolment on the Roll for the Subdivision specified in Column (2) opposite his name, and has secured enrolment for the Subdivision specified in Column (3) opposite his name.

| (1)<br>Surname, Christian<br>Names, Place of<br>Living, Occupation<br>and Sex. | (2)<br>Subdivision for<br>which Elector has<br>ceased to be<br>entitled to be<br>enrolled. | (3)<br>Subdivision and Division<br>for which Elector has<br>now been enrolled. |           | (4)<br>(To be filled in by Registrar.) |                                                                                                       |          |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-----------|----------------------------------------|-------------------------------------------------------------------------------------------------------|----------|
|                                                                                |                                                                                            | Subdivision.                                                                   | Division. | Name<br>removed<br>(date).             | Elector's Number on<br>Roll (if name in<br>print) or Date of<br>Enrolment (if name<br>in manuscript). | Remarks. |
|                                                                                |                                                                                            |                                                                                |           |                                        |                                                                                                       |          |

Commonwealth Electoral Officer  
for the State of

Date     /     /19     .

Received (date)—

Acted upon and returned to Divisional  
Returning Officer (date)—

Signature of Registrar—

To the Electoral Registrar

for the Subdivision or Subdivisions specified  
in Column (2) above.

You are directed to remove the name of each of the above-named electors from the Roll on which it appears, as specified in Column (2). You will specify in Column (4) the action taken by you, and return this form to me for transmission to the Commonwealth Electoral Officer.

Divisional Returning Officer.

Date     /     /19     .

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 9.

Regulation 14 (1).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

## CERTIFICATE OF COMMONWEALTH ELECTORAL OFFICER UNDER SECTION 47 (2.) (b) OF THE COMMONWEALTH ELECTORAL ACT.

To the Divisional Returning Officer for the Division of

I certify that the name of the undermentioned elector:—

| Surname. | Christian Names. | Place of Living. | Occupation. | Sex. |
|----------|------------------|------------------|-------------|------|
|          |                  |                  |             |      |

has, pursuant to a claim, been incorrectly placed on the roll for the Subdivision of                      Division of                      and that at the date of the claim the elector named was living within and entitled to have his name placed on the Roll for the Subdivision of                      Division of                      .

Commonwealth Electoral Officer for the  
State of

Date        /        /19        .

To the Electoral Registrar for the Subdivision of

You are directed to remove the name of the above-named elector from the Roll kept by you, to endorse hereon the action taken, and to return this Form to me for transmission to the Commonwealth Electoral Officer.

Divisional Returning Officer for the  
Division of

Date        /        /19        .

Received (date)

Acted upon and Form returned to

Divisional Returning Officer (date)

Signature of Registrar—

To the Electoral Registrar for the Subdivision of

You are directed to place the name and particulars of the above-named elector on the Roll kept by you, to notify the elector (by sending him a notification in accordance with Form 10) of the change in his enrolment, to endorse hereon the action taken, and to return this Form to me for transmission to the Commonwealth Electoral Officer.

Divisional Returning Officer for the  
Division of

Date        /        /19        .

Received (date)

Acted upon, elector notified and

Form returned to Divisional Returning Officer (date)

Signature of Registrar—

To the Commonwealth Electoral Officer for the State of

Returned. The necessary action has been taken.

Divisional Returning Officer for the  
Division of

Date        /        /19        .

FORM 10.

Regulation 14 (2.).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

NOTIFICATION OF CHANGE OF ENROLMENT FROM ONE SUBDIVISION  
AND DIVISION TO ANOTHER SUBDIVISION AND DIVISION  
PURSUANT TO SECTION 47 (2.) (b) OF THE COMMONWEALTH  
ELECTORAL ACT.

To—

Your name has been removed from the Electoral Roll for the Subdivision of  
Division of and placed upon the Roll for the  
Subdivision of Division of on the ground that  
your place of living, as stated in your claim, is within the last-mentioned Subdivision  
and Division.

Electoral Registrar for the Subdivision  
of

Date / /19 .

FORM 11.

Regulation 15 (1.).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

CERTIFICATE OF COMMONWEALTH ELECTORAL OFFICER PURSUANT  
TO SECTION 47A OF THE COMMONWEALTH ELECTORAL ACT.

To the Divisional Returning Officer for the Division of

I certify that the undermentioned person:—

| Surname. | Christian Names. | Place of Living<br>(as appearing<br>on roll). | Occupation. | Sex. |
|----------|------------------|-----------------------------------------------|-------------|------|
|          |                  |                                               |             |      |

whose name has been placed on the roll for the Subdivision of  
Division of is not entitled to enrolment for that Division,  
and that that person secured enrolment pursuant to a claim in which he made a  
false statement.

Commonwealth Electoral Officer for the  
State of

Date / /19 .

To the Electoral Registrar for the Subdivision of

You are directed to remove the name of the above-named person from the  
Roll kept by you, to notify that person (by sending him a notification in accordance  
with Form 12) of the removal of his name, to endorse hereon the action taken by  
you, and to return this Form to me for transmission to the Commonwealth Electoral  
Officer.

Divisional Returning Officer for the  
Division of

Date / /19 .

Received (date)

Name removed, person notified and Form returned to Divisional Returning  
Officer (date)

Signature of Registrar—

The Commonwealth Electoral Officer for the State of

Returned. The necessary action has been taken.

Divisional Returning Officer for the  
Division of

Date / /19 .

COMMONWEALTH ELECTORAL ACT AND REFERENDUM  
(CONSTITUTION ALTERATION) ACT

FORM 12.

Regulation 15 (2.).

COMMONWEALTH OF AUSTRALIA.

*The Commonwealth Electoral Act.*

State of .

NOTIFICATION OF REMOVAL OF NAME FROM ROLL PURSUANT TO  
SECTION 47A OF THE COMMONWEALTH ELECTORAL ACT.

To—

Your name has been removed from the Electoral roll for the Subdivision of  
Division of on the ground that  
you are not entitled to enrol for that Division.

Electoral Registrar for the Subdivision  
of .

Date / /19 .

FORM 13.

Regulation 16 (2.).

COMMONWEALTH OF AUSTRALIA.

*The Commonwealth Electoral Act.*

NOTIFICATION OF TRANSFER OF ENROLMENT CONSEQUENT UPON  
ALTERATION OF BOUNDARIES OF DIVISIONS OR SUBDIVISIONS.

To—

You are hereby informed that your name has in accordance with the provisions  
of Section 28 of the Act been removed from the Roll for the  
Subdivision of the Electoral Division of and has been placed  
on the Roll for the Subdivision of the Electoral Division  
of

Electoral Registrar for the Subdivision of—

or

Commonwealth Electoral Officer for the State of—  
(as the case requires).

Address—

Dated the

day of

19 .



FORM 14.

Regulation 18.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

Electoral Division of

**NOTIFICATION TO A PERSON ALLEGED TO HAVE FAILED TO COMPLY  
WITH THE REQUIREMENTS OF SECTION 42 [here insert number of  
sub-section] OF THE COMMONWEALTH ELECTORAL ACT.**

To—

You are hereby notified that it would appear that on the  
day of 19 , at in the said  
State [here insert nature of contravention alleged], and I do therefore allege that you  
have contravened the provisions of Section 42 [here insert number of sub-section] of  
the *Commonwealth Electoral Act*.

A contravention of the section mentioned is punishable under the Commonwealth  
Electoral Act by a penalty not exceeding Ten shillings for a first offence and not  
exceeding Two pounds for any subsequent offence.

You have the option of having the alleged contravention dealt with by the  
Commonwealth Electoral Officer for the State (thus avoiding costs of Court) or by a  
Court of summary jurisdiction.

If you desire to have the matter dealt with by the Commonwealth Electoral  
Officer, you must fill in and sign, in the presence of a witness, who must be an elector  
or a person qualified to be an elector of the Commonwealth, the form of consent  
at the foot of this form and send it or deliver it to me so as to reach me not later  
than the day of 19 .

If you desire to answer the allegation you may send or deliver to me, so as to  
reach me not later than the lastmentioned date, a declaration in the form printed  
on the back of the form of consent setting out any facts relevant to the matter.

If your answer be accepted as a satisfactory reply to the allegation, no further  
action will be taken, and no further notice will be sent to you.

If it be decided to proceed with the case and you have forwarded within the  
specified time your consent to the matter being dealt with by the Commonwealth  
Electoral Officer, your declaration will be considered by him. If you have not  
consented within the specified time to the matter being dealt with by the Common-  
wealth Electoral Officer your declaration will be forwarded to the Court by which  
your case is to be dealt with.

Dated the day of 19 .

Divisional Returning Officer for the  
abovenamed Division.

Address—

FORM 15.

Regulation 18.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

Electoral Division of

**DECLARATION OF PERSON ALLEGED TO HAVE FAILED TO COMPLY  
WITH THE REQUIREMENTS OF SECTION 42 OF THE COMMON-  
WEALTH ELECTORAL ACT.**

I, of  
do hereby declare (a)

Personal Signature—

Date—

I, the undersigned, being an elector or a person qualified to be an elector of the  
Commonwealth, certify that I have seen the above-named person sign the above  
declaration.

Signature of Witness—

Occupation—

Address—

(a) Here insert  
matter declared  
to. Where the  
matter is long  
it should be set  
out in  
numbered  
paragraphs.

**NOTE.**—Any person who makes an untrue statement in an electoral paper is  
guilty of an offence, and is liable to a penalty not exceeding Twenty pounds.

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 16.

Regulation 19.

COMMONWEALTH OF AUSTRALIA.

*The Commonwealth Electoral Act.*

State of

Electoral Division of

CONSENT OF PERSON ALLEGED TO HAVE FAILED TO COMPLY WITH  
THE REQUIREMENTS OF SECTION 42 [*here insert number of sub-section*]  
OF THE ACT TO THE MATTER BEING DEALT WITH BY THE COM-  
MONWEALTH ELECTORAL OFFICER FOR THE STATE.

To the Divisional Returning Officer  
for the Division of

I, \_\_\_\_\_ of  
having received from you a notification alleging that I have contravened the  
provisions of Section 42 [*here insert number of sub-section*] of the Commonwealth  
Electoral Act, hereby consent to have the matter dealt with by the Commonwealth  
Electoral Officer for the State, and I undertake to abide by his decision thereon,  
and to pay the amount of the penalty (if any) that he may impose.

Personal Signature—

Address—

Date—

Witness—

This form must be signed in the presence of, and attested by, an elector, or a  
person qualified to be an elector, of the Commonwealth.

FORM 17.

Regulation 22.

COMMONWEALTH OF AUSTRALIA.

*The Commonwealth Electoral Act.*

State of

Electoral Division of

NOTIFICATION OF PENALTY IMPOSED BY COMMONWEALTH  
ELECTORAL OFFICER FOR CONTRAVENTION OF SECTION 42 [*here*  
*insert number of sub-section*] OF COMMONWEALTH ELECTORAL ACT.

To—

You are informed that pursuant to your notification of consent dated the  
\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the Commonwealth Electoral Officer  
for the State has dealt with the matter of your contravention of Section 42 [*here*  
*insert number of sub-section*] of the Commonwealth Electoral Act and that he has  
imposed upon you a penalty of \_\_\_\_\_

You are hereby required to pay the amount to me not later than the  
\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

The amount may be paid at my office in cash or may be remitted to me by  
Postal Note or Money Order, made payable to the Divisional Returning Officer  
for the Division of \_\_\_\_\_. Upon payment of the penalty an official  
receipt will be handed to you or forthwith sent to you by post.

Unless you comply with the requirements of this notification within the time  
allowed herein, your consent to have the matter of your contravention dealt with  
by the Commonwealth Electoral Officer shall be deemed to have been of no effect  
and the order of the Commonwealth Electoral Officer shall be revoked and in lieu  
thereof proceedings may be instituted against you in a Court of Summary Jurisdiction.

Divisional Returning Officer for the  
Division of \_\_\_\_\_

Address—

Date—

## FORM 18.

## Regulation 26 (1.).

[Form to be used by an Elector for the same Electoral Subdivision or by an Officer (not being a Registrar) when lodging an objection.]

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

Electoral Division of

## NOTICE OF OBJECTION.

To the Divisional Returning Officer for the Electoral Division of—

I object to the name of

| No. on Roll. | Surname. | Christian Names<br>at full length. | Place of Living<br>as appearing<br>on Roll. | Occupation. | Place of Abode for<br>time being, if known<br>to the objector. |
|--------------|----------|------------------------------------|---------------------------------------------|-------------|----------------------------------------------------------------|
|              |          |                                    |                                             |             |                                                                |

being retained on the Electoral Roll for the  
of the Division of  
that [*here insert ground of objection*].

Subdivision  
, on the ground

Signature—  
Occupation—  
Address—

Dated the                      day of                      19                      .

## FORM 19.

## Regulation 26 (2.).

Form to be used by a Registrar when lodging objections to the retention of names on the Subdivision Roll kept by him.]

[*Front of Form.*]

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

Electoral Division of

Subdivision of

## NOTICE OF OBJECTION.

To the Divisional Returning Officer.

I object to each undermentioned name being retained on the Electoral Roll for the above-named Subdivision on the ground [*here insert ground of objection*].

Registrar for the Subdivision of—

Dated the                      day of                      19                      .

| Person Objected to. |          |                                    | Place of Living<br>as appearing<br>on Roll. | Occupation. | Place of<br>Abode for<br>time being,<br>if known<br>to Registrar. | Regis-<br>trar's<br>Initials. |
|---------------------|----------|------------------------------------|---------------------------------------------|-------------|-------------------------------------------------------------------|-------------------------------|
| No. on<br>Roll.     | Surname. | Christian Names<br>at full length. |                                             |             |                                                                   |                               |
|                     |          |                                    |                                             |             |                                                                   |                               |

NOTE.—This form must be prepared in triplicate, one form retained by the Registrar and the other two furnished to the Divisional Returning Officer.

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 19—*continued*.

[*Back of Form.*]

## ENDORSEMENT BY DIVISIONAL RETURNING OFFICER.

- (1) Notices of Objection posted by Divisional }  
Returning Officer to persons objected to }
- (2) Date of expiration of period allowed for }  
answers to objections. (See Sec. 57) .. }
- (3) Answers received from—

Notification to the Registrar for the \_\_\_\_\_ Subdivision.  
(A) Objections sustained excepting as to the following names, viz.:—

(B) You are hereby directed to forthwith remove from the Roll for the  
Subdivision all the names appearing on the within list of objections,  
with the exception of those mentioned in the foregoing paragraph (A),  
in which cases the objections have not been sustained.

Divisional Returning Officer for the Division of  
All necessary action taken in accordance with the above direction.  
Registrar for the Subdivision of—

FORM 20.

Regulation 27.

[*Front of Form.*]

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of

## NOTICE OF OBJECTION TO PERSON OBJECTED TO ON THE GROUND OF NON-RESIDENCE.

To the person objected to, whose name and address appear on the back hereof.

Notice is hereby given that an objection has been lodged with me by [*here insert the name and description of the objector*] objecting to your name being retained on the Electoral Roll for the Subdivision of [*here insert name of Subdivision*] of this Division, on the ground that you do not live in the Subdivision and have not so lived for at least one month last past.

You are entitled at any time within twenty days from the posting of this notice to answer the objection either orally or in writing.

If you intend to answer the objection orally you should attend at my Office at [*here insert address of office*] between the hours of [*here insert hours and days office will be officially open*] before the expiration of twenty days from the posting of this notice.

If you claim that your place of living is still in the Subdivision, and you do not desire to attend at my office for the purpose of answering this objection orally, you should with the least delay, but before the expiration of twenty days from the posting of this notice—

- (a) complete, personally sign, and date the reply at the foot hereof in the presence of a witness; and
- (b) fold the notice so that the address "Commonwealth Divisional Returning Officer for the Division of \_\_\_\_\_" shall be visible, and send or deliver the notice to me with reply attached.

Form 20—continued.

If you have ceased to live in the Subdivision as alleged you need not reply to this objection.

If you answer the objection, notice of the decision on the objection will be sent to you.

If you fail to answer the objection within twenty days from the posting of this notice, the objection will be determined, and your name may be struck off the Roll, but no notice of the decision on the objection will be sent to you.

Divisional Returning Officer for the Division of—

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .  
Postal Address—

REPLY.

(To be completed only if the elector claims that his place of living is still in the Subdivision.)

1. I am the Elector whose enrolment is objected to in this notice.
2. My place of living is still in the Subdivision of [*here insert name of Subdivision*], for which I retain my qualification for enrolment.

Personal Signature of Elector—  
(*To be made in presence of Witness.*)

Address in Subdivision—

Witness to Signature—  
(*Being an Elector or person qualified to be an Elector.*)

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .  
Occupation—  
Place of Living—

[*Back of Form.*]

Signature and Address of Sender—  
Divisional Returning Officer for the  
Division of

Commonwealth Electoral  
Papers Only.

Post Free.

M

[*Here insert full Christian names and surname, occupation, and place of abode for the time being, if known to the Divisional Returning Officer, or, if not so known, place of living as appearing on Roll.*]

Signature and Address of Sender—

Commonwealth Electoral  
Papers Only.

Post Free.

The Commonwealth Divisional Returning Officer

for the Division of

Postal Address

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 21.

Regulation 28.

[Front of Form.]

COMMONWEALTH OF AUSTRALIA.

The Commonwealth Electoral Act.

State of

## NOTICE OF OBJECTION TO PERSON OBJECTED TO ON A GROUND OTHER THAN THAT OF NON-RESIDENCE.

To the person objected to, whose name and address appear on the back hereof.

Notice is hereby given that an objection has been lodged with me by [*here insert the name and description of the objector*] objecting to your name being retained on the Electoral Roll for the Subdivision of [*here insert name of Subdivision*] of this Division, on the following grounds, namely:—[*Here insert grounds of objection.*]

You are entitled at any time within twenty days from the posting of this notice to answer the objection either orally or in writing.

If you intend to answer the objection orally you should attend at my Office at [*here insert address of office*] between the hours of [*here insert hours and days office will be officially open*] before the expiration of twenty days from the posting of this notice.

If you claim that you are qualified for the enrolment objected to, and do not desire to attend at my office for the purpose of answering this objection orally, you should with the least delay, but before the expiration of twenty days from the posting of this notice—

- (a) complete, personally sign, and date the reply at the foot hereof in the presence of a witness; and
- (b) fold the notice so that the address "Commonwealth Divisional Returning Officer for the Division of \_\_\_\_\_" shall be visible, and send or deliver the notice to me with reply attached.

If you are not qualified for the enrolment objected to, you need not reply to this objection.

If you answer the objection, notice of the decision on the objection will be sent to you.

If you fail to answer the objection within twenty days from the posting of this notice, the objection will be determined, and your name may be struck off the Roll, but no notice of the decision on the objection will be sent to you.

Divisional Returning Officer for the Division of—  
Postal Address—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

### REPLY.

(To be completed only if the Elector claims that he is qualified for the enrolment objected to.)

I am the Elector whose enrolment is objected to in this notice, and I claim that I am qualified for such enrolment.

My reasons for so claiming are as follow:—

[*Here set forth reasons relied upon as an answer to the objection.*]

Personal Signature of Elector—

(*To be made in presence of Witness.*)

Address in Subdivision—

Witness to Signature—

(*Being an Elector or person qualified to be an Elector.*)

Occupation—

Place of Living—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

FORM 21—*continued*.

[*Back of Form.*]

Signature and Address of Sender—  
Divisional Returning Officer for the  
Division of—

Commonwealth Electoral  
Papers Only.

Post Free.

*M*

[*Here insert full Christian names and surname, occupation, and place of abode for the time being, if known to the Divisional Returning Officer, or, if not so known, place of living as appearing on Roll.*]

Signature and Address of Sender—

Commonwealth Electoral  
Papers Only.

Post Free.

The Commonwealth Divisional Returning Officer

for the Division of

Postal Address—

FORM 22.

Regulation 31 (1.).

COMMONWEALTH OF AUSTRALIA.

*The Commonwealth Electoral Act.*

NOTICE OF DETERMINATION OF OBJECTION.

To—

Notice is hereby given that I have considered the objection lodged by [*here set out name of objector*] to the retention of the name of [*here set out name of person objected to*] on the Electoral Roll for the Subdivision of the Division of— and have decided—

- (a) to remove the said name from the said Electoral Roll;
- (b) to dismiss the objection and to retain the said name on the said Electoral Roll.

NOTE.—Strike out sub-paragraph (a) or sub-paragraph (b) as the case requires. If aggrieved by this decision you may, at any time within one calendar month after the receipt of this notice, appeal against the decision to a Court of summary jurisdiction.

Divisional Returning Officer for the Division of—

Dated the

day of

, 19 .

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 23.

Regulation 33 (1.).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of \_\_\_\_\_

NOTIFICATION BY A CANDIDATE IN A SENATE ELECTION OF DESIRE  
TO HAVE NAME GROUPED WITH THE NAMES OF OTHER CANDI-  
DATES.

To—

The Commonwealth Electoral Officer  
for the State of \_\_\_\_\_

I, [*here insert full Christian names and surname*], of \_\_\_\_\_, being  
duly nominated as a candidate in the Senate Election for the State of \_\_\_\_\_  
to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, do hereby notify you  
that I desire to have my name included in a group of candidates in the said Election  
with the names of [*here insert full Christian names and surnames of other candidates  
in proposed group*] and with those names only.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature of Candidate.

Signature of Witness—

Address—

Occupation—

an elector or person qualified to be an elector of the Commonwealth.

FORM 24.

Regulation 33 (2.).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.

State of \_\_\_\_\_

NOTIFICATION BY A CANDIDATE IN A SENATE GROUP OF THE ORDER  
IN WHICH HE DESIRES THE NAMES OF THE CANDIDATES IN THE  
GROUP TO APPEAR IN THE BALLOT-PAPERS.

To—

The Commonwealth Electoral Officer  
for the State of \_\_\_\_\_

I, [*here insert full Christian names and surname*], of \_\_\_\_\_, being  
duly nominated as a candidate in the Senate election for the State of \_\_\_\_\_  
to be held on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and having notified  
you that I desire to have my name included in a group of candidates in the said  
election with the names of the other candidates named herein, do hereby notify  
you that I desire the names of the candidates in the said group to appear on the  
ballot-papers in the following order:—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature of Candidate.

Signature of Witness—

Address of Witness—

Occupation of Witness—

FORM 25.

Regulation 34 (1.).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.The *Referendum (Constitution Alteration) Act*.

UNDERTAKING TO BE MADE BY OFFICERS AND SCRUTINEERS.

I, [*here insert name, address, and occupation*] do hereby promise and undertake  
that I will faithfully perform the duties of [*here insert name of office held by the person  
signing undertaking*] to the best of my understanding and ability, and that I will  
not directly or indirectly attempt to influence the vote of any elector, or, except by  
recording my vote as allowed by law, the result of any election or referendum, and  
that I will not disclose any knowledge officially acquired by me touching the vote  
of any elector, except in reply to a question which I am legally bound to answer.

Signature—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Witness to signature—



FORM 26.

Regulation 40 (1.).

Substituted by  
1949, No. 62.

This application should be made, after the tenth day prior to the issue of the Writ for the election to which it relates, to the Divisional Returning Officer for the Division for which the applicant is enrolled, or if the applicant has reason to believe that he may not receive a Postal Vote Certificate and Postal Ballot-paper from that officer to vote at the election—to some other Divisional Returning Officer, or if within the Australian Capital Territory—to the Returning Officer for that Territory at Canberra, or if within the Northern Territory—to the Returning Officer for that Territory at Darwin.

Unless the application reaches the Divisional Returning Officer (or Returning Officer) to whom it is made before 6 p.m. on the day immediately preceding the polling day, a Postal Vote Certificate and Postal Ballot-paper will not be posted in response to it, but such certificate and ballot-paper may be obtained by the applicant, upon application in person, at the office of such Divisional Returning Officer (or Returning Officer) up to 8 p.m. on the polling day.

In order that a Postal Ballot-paper may be admitted to the scrutiny it should be posted prior to the close of the poll to the Divisional Returning Officer for the Division in respect of which the elector claims to vote so as to reach him before the end of the period of seven days immediately succeeding the close of the poll, or delivered to that officer prior to the close of the poll. If, however, time does not permit of that course, it may be posted or delivered to any other Divisional Returning Officer, or to any Assistant Returning Officer, or delivered on polling day to any Presiding Officer, but in any such case it must reach such officer before the close of the poll.

NOTE.—If on polling day an elector will be within the State for which he is enrolled, but will not be within the Subdivision for which he is enrolled, he may vote as an Absent Voter at any polling place prescribed for any other Subdivision in the State.

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.The *Referendum (Constitution Alteration) Act*.APPLICATION FOR A POSTAL VOTE  
CERTIFICATE AND POSTAL BALLOT-PAPER.

Number . . . . .  
Postal Vote Certificate  
and Postal Ballot-paper  
issued / 19 .  
Initials of Divisional  
Returning Officer for Division  
or Territory of . . . . .

\*To the Divisional Returning Officer for the Electoral Division of <sup>(1)</sup>(1) Here insert  
name of  
Division to  
which  
application is  
being sent.

| Surname. | Christian names<br>(in full). | Place of living as<br>appearing on Roll. | Occupation. |
|----------|-------------------------------|------------------------------------------|-------------|
| I,(2)    |                               |                                          |             |

(2) Here insert  
surname,  
Christian names  
place of living  
and occupation  
as appearing  
on the Roll.

hereby apply for a Postal Vote Certificate and a Postal Ballot-paper (or Postal Ballot-papers) to enable me to vote by post at the next forthcoming Election.

NOTE.—“Election” in this application means a Senate Election, or a House of Representatives election, or a Referendum (held under the provisions of the Referendum (Constitution Alteration) Act in force for the time being), or all of them, as the case requires.

I declare—

(1) That I am an elector enrolled on the Electoral Roll for the <sup>(3)</sup>  
Subdivision of the Division of <sup>(4)</sup>(3) Here insert  
name of sub-  
division for  
which enrolled.(2) That my answers to the following questions are true and correct in every  
particular:—

Question.  
(The following question (A) must be answered by the  
applicant.)

Applicant's  
answer.(A) Is your real place of living within the Division  
in respect of which you claim to vote?

(The following question (B) must be answered by the  
applicant if his answer to question (A) is in the  
negative.)

(4) Here insert  
name of  
Division for  
which enrolled.

\* If the application is being made to the Returning Officer for the Australian Capital Territory or to the Returning Officer for the Northern Territory this line, and the declaration and the address on the other side of this form should be altered accordingly.

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

(B) Was your real place of living, at any time within the three months immediately preceding the date fixed for the polling at the election, within the Division in respect of which you claim to vote?

NOTE.—If answer to question (A) is “Yes”, the applicant is not required to answer question (B).

NOTE.—The words “real place of living” in questions (A) and (B) include the place of living to which a person, temporarily living elsewhere, has a fixed intention of returning for the purpose of continuing to live thereat.

(3) That the ground on which I apply to vote by post is—

- (a) That I will not throughout the hours of polling on polling day be within the State for which I am enrolled;
- (b) That I will not throughout the hours of polling on polling day be within five miles by the nearest practicable route of any polling booth open in the State for which I am enrolled for the purposes of an election;
- (c) That I will throughout the hours of polling on polling day be travelling under conditions which will preclude me from voting at any polling booth in the State for which I am enrolled;
- (d) That I am seriously ill or infirm and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote;
- (e) That I will, by approaching maternity, be precluded from attending at any polling booth to vote.

NOTE.—The elector *must strike out* any of these grounds which do not apply to his or her particular case.

(4) That my place of living at the time when the Postal Vote Certificate and the Postal Ballot-paper (or Postal Ballot-papers) would be delivered in the ordinary course of post, will be as follows:—

An elector shall not make, and a person shall not induce an elector to make, any false statement in an application for a Postal Vote Certificate and a Postal Ballot-paper, or in the declaration contained in such application.

Penalty: Fifty pounds or imprisonment for one month.

Signed by the applicant in his own handwriting in my presence

Signature of Witness  
(*in own handwriting*)

(An elector whose name appears on the Roll for a State, for the Australian Capital Territory, or for the Northern Territory, or, where the applicant is outside Australia, an officer of the Naval, Military or Air Forces of the Commonwealth or other part of the King's dominions or a person employed in the Public Service of the Commonwealth or of a Territory of the Commonwealth.)

Address of Witness—

Signature of Applicant—  
(*in own handwriting*)

Dated at the day of 19 .

## OBLIGATIONS OF ELECTOR (OR OTHER PERSON) WITNESSING AN APPLICATION FOR A POSTAL VOTE CERTIFICATE AND POSTAL BALLOT-PAPER.

An elector (or other person) shall not witness the signature of any elector to an application for a Postal Vote Certificate and Postal Ballot-paper unless—

- (a) he has satisfied himself as to the identity of the applicant;
- (b) he has seen the applicant sign the application in his (the applicant's) own handwriting; and
- (c) he knows that the statements contained in the application are true or has satisfied himself by inquiry from the applicant or otherwise that the statements contained in the application are true.

Penalty: Fifty pounds or imprisonment for one month.

The elector (or other person) witnessing the application shall sign his name in his own handwriting on the application in the space provided for the purpose and shall add the date.

## PENALTY FOR INDUCING ELECTOR TO APPLY FOR POSTAL VOTE.

A person shall not persuade or induce, or associate himself with a person in persuading or inducing, an elector to make application for a Postal Vote Certificate and Postal Ballot-paper.

Penalty: Fifty pounds or imprisonment for one month.

PENALTY FOR FAILURE TO POST OR DELIVER APPLICATION FOR POSTAL VOTE  
CERTIFICATE AND POSTAL BALLOT-PAPER.

Any person to whom an application for a Postal Vote Certificate and Postal Ballot-paper is entrusted by a voter for the purpose of posting or delivery to a Divisional Returning Officer (or other officer to whom it is addressed) and who fails to forthwith post or deliver the application shall be guilty of an offence.

Penalty: Fifty pounds or imprisonment for one month.

FORM 27.

Regulation 40 (1.).

Amended by  
1949, No. 62;  
and  
1954, No. 27.

COMMONWEALTH OF AUSTRALIA.

*The Commonwealth Electoral Act.*

*The Referendum (Constitution Alteration) Act.*

POSTAL VOTE CERTIFICATE.

No.

I hereby certify that \_\_\_\_\_ of  
is entitled (subject to the provisions of the Commonwealth Electoral Act) to vote  
by post in respect of the Division of \_\_\_\_\_ State of  
at the Senate Election or House of Representatives Election or any Referendum,  
or all of them, as the case requires, to be held on Saturday the \_\_\_\_\_  
Divisional Returning Officer for the Electoral  
Division of \_\_\_\_\_  
or  
Registrar for the Subdivision of \_\_\_\_\_  
or Returning Officer for the Territory of \_\_\_\_\_  
or Assistant Returning Officer at \_\_\_\_\_  
Date—

CERTIFICATE OF VOTER.

I, the person named in the above certificate, hereby certify that the signature  
of voter hereunder is my personal signature written by me with my own hand.

Signature of Voter—

*[in his or her own handwriting.]*

NOTE.—Any person who makes the signature of any other person in this certificate  
is liable to a penalty of Fifty pounds.

CERTIFICATE OF AUTHORIZED WITNESS.\*

I hereby certify that the above certificate was signed by the voter in his or her  
own handwriting in my presence at *[here insert address of place where signature is  
made and witnessed].*

Signature of Authorized Witness *[in his own handwriting]*—

An elector whose name appears on the Roll for the State or Territory of \_\_\_\_\_

Address of Witness—

Date—

NOTE.—Any person who signs this certificate as witness without having seen  
the voter sign the above certificate is liable to a penalty of Fifty pounds.

\* Where vote is recorded outside Australia—see reference to Authorized Witnesses  
in the printed "Directions to Elector and Authorized Witness" issued by the Chief  
Electoral Officer.

NOTES.—(1) This envelope, containing the ballot-paper (or ballot-papers)  
marked by the voter, should be forthwith posted or delivered to the Divisional  
Returning Officer to whom it is addressed, but, if it cannot be delivered to that  
officer prior to the close of the poll, or, if posted prior to the close of the poll, would  
not reach him before the end of a period of seven days immediately succeeding the  
close of the poll, it may be posted or delivered to any other Divisional Returning  
Officer or any Assistant Returning Officer or delivered on polling day to any Presiding  
Officer, but so as to reach such officer before the close of the poll.

(2) Any person to whom this envelope, containing a ballot-paper (or ballot-  
papers) is entrusted by the voter for the purpose of posting or delivery to a Divisional  
Returning Officer, Assistant Returning Officer or delivery to a Presiding Officer,  
who fails to forthwith post or deliver the envelope, shall be guilty of an offence.  
Penalty: Fifty pounds or imprisonment for one month.

(3) No person other than the Returning Officer for the Division concerned or  
any officer acting under his directions shall open this envelope after the ballot-paper  
(or ballot-papers) has or have been placed therein and the envelope fastened. Penalty:  
Fifty pounds.

COMMONWEALTH ELECTORAL ACT AND REFERENDUM  
(CONSTITUTION ALTERATION) ACTAmended by  
1949, No. 62.

FORM 28.

Regulation 42 (1.).

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the Authorized Witness.

## POSTAL BALLOT-PAPER.

COMMONWEALTH OF AUSTRALIA.

State of [*here insert name of State*].*Election of* [*here insert number*] *Senators.*

DIRECTIONS.—Mark your vote on this ballot-paper by placing the numbers [*here insert 1, 2 and so on as the case requires*] in the squares immediately to the left of the names of the respective candidates so as to indicate the order of your preference for them; fold the ballot-paper, place it in the envelope addressed to the Divisional Returning Officer and fasten the envelope.

## CANDIDATES.

|                                  |                                  |                                  |                                |
|----------------------------------|----------------------------------|----------------------------------|--------------------------------|
| A <input type="checkbox"/> ..... | B <input type="checkbox"/> ..... | C <input type="checkbox"/> ..... | <input type="checkbox"/> ..... |
| A <input type="checkbox"/> ..... | B <input type="checkbox"/> ..... | C <input type="checkbox"/> ..... | <input type="checkbox"/> ..... |
| A <input type="checkbox"/> ..... | B <input type="checkbox"/> ..... |                                  | <input type="checkbox"/> ..... |

NOTE.—The letter “A” or “B” or “C”, &c., appearing before the square immediately to the left of a candidate’s surname indicates that that candidate and each other candidate who has the same letter appearing before the square immediately to the left of his surname have been grouped by mutual consent.

The fact that no letter appears before the square immediately to the left of a candidate’s surname indicates that the name of that candidate has not been included in any group.

Amended by  
1949, No. 62.

FORM 29.

Regulation 42 (3.).

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the Authorized Witness.

## POSTAL BALLOT-PAPER.

COMMONWEALTH OF AUSTRALIA.

State of [*here insert name of State*].Electoral Division of [*here insert name of Division*].*Election of One Member of the House of Representatives.*

DIRECTIONS.—Mark your vote on this ballot-paper by placing the numbers [*here insert “1 and 2” where there are two candidates, “1, 2 and 3” where there are three candidates, “1, 2, 3 and 4” where there are four candidates and so on as the case requires*] in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them; fold the ballot-paper, place it in the envelope addressed to the Divisional Returning Officer and fasten the envelope.

## CANDIDATES.

|                          |       |
|--------------------------|-------|
| <input type="checkbox"/> | ..... |
| <input type="checkbox"/> | ..... |
| <input type="checkbox"/> | ..... |
| <input type="checkbox"/> | ..... |
| <input type="checkbox"/> | ..... |

FORM 30.

Regulation 42 (5.).

Amended by  
1949, No. 62.

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the Authorized Witness.

## POSTAL BALLOT-PAPER.

COMMONWEALTH OF AUSTRALIA.

State of [*here insert name of State*].

*Submission to the Electors of a Proposed Law for the Alteration of the Constitution.*

DIRECTIONS.—Mark your vote on this ballot-paper as follows:—

If you approve of the proposed law, place the number 1 in the square opposite the word “Yes” and the number 2 in the square opposite the word “No”;

If you do not approve of the proposed law, place the number 1 in the square opposite the word “No” and the number 2 in the square opposite the word “Yes”;

fold the ballot-paper place it in the envelope addressed to the Divisional Returning Officer and fasten the envelope.

Do YOU APPROVE of the Proposed Law for the alteration of the Constitution entitled [*here set out the title of the proposed law*]?

☐ YES.

☐ No.

FORM 31.

Regulation 42 (5.).

Amended by  
1949, No. 62.

The elector must not mark his vote hereon until after he has first exhibited the ballot-paper (unmarked) to the Authorized Witness.

## POSTAL BALLOT-PAPER.

COMMONWEALTH OF AUSTRALIA.

State of [*here insert name of State*].

*Submission to the electors of Proposed Laws for the Alteration of the Constitution.*

DIRECTIONS.—Mark your vote on this ballot-paper in relation to each Proposed Law as follows:—

If you approve of the proposed law, place the number 1 in the square opposite the word “Yes” and the number 2 in the square opposite the word “No”;

If you do not approve of the proposed law, place the number 1 in the square opposite the word “No” and the number 2 in the square opposite the word “Yes”;

fold the ballot-paper place it in the envelope addressed to the Divisional Returning Officer and fasten the envelope.

1. Do YOU APPROVE of the Proposed Law for the alteration of the Constitution entitled [*here set out the title of the proposed law*]?

☐ YES.

☐ No.

2. Do YOU APPROVE of the Proposed Law for the alteration of the Constitution entitled [*here set out the title of the proposed law*]?

☐ YES.

☐ No.

(Additional ballot-papers (numbered consecutively) in similar form may be included in this form.)

Regulation 50 (4.).

The Commonwealth Electoral Act.  
The Referendum (Constitution Alteration) Act.

ABSENT VOTER'S DECLARATION TO BE MADE ON POLLING DAY BY  
AN ELECTOR VOTING AT A POLLING PLACE OTHER THAN A  
POLLING PLACE PRESCRIBED FOR THE SUBDIVISION FOR WHICH  
HE IS ENROLLED.

I declare that I am the person enrolled as—

| Surname. | Christian Names at full length. | Place of Living<br>(as appearing on Roll). | Occupation. |
|----------|---------------------------------|--------------------------------------------|-------------|
|          |                                 |                                            |             |

on the Electoral Roll for the \_\_\_\_\_ Subdivision of the Electoral  
Division of \_\_\_\_\_, in the State of \_\_\_\_\_, that I  
have not been and shall not be to-day within the Subdivision for which I am enrolled  
under conditions which would permit of my voting at any polling place prescribed  
for that Subdivision, and that I have not voted at this or any other polling place,  
or by post, in connexion with the election being held this day; and I promise and  
declare that if I am permitted to vote at this polling place as an absent voter I will  
not again vote in connexion with this election.

I am aware that if I falsely personate or attempt to personate any other person for the purpose of securing a ballot-paper to which I am not entitled, or wilfully make any false statement in this declaration, I will be prosecuted, and am liable to two years' imprisonment.

NOTE.—“Election” in this declaration means a Senate Election, or a House of Representatives Election, or any Referendum (held under the provisions of the Referendum (Constitution Alteration) Act in force for the time being) or all of them, as the case requires.

Personal Signature of Elector.

Signed before me the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at \_\_\_\_\_ polling place.

Presiding Officer.

### DIRECTIONS.

1. This form of declaration must, after being filled up, be signed by the elector with his personal signature in the presence of the Presiding Officer, and then be completed and attested by the Presiding Officer.

2. The Presiding Officer shall then (subject to the provisions of Regulations 50 to 52 inclusive) initial and hand to the voter—

- (a) one ballot-paper (headed "Absent Vote") for the Senate election for the above-mentioned State;
- (b) one ballot-paper (headed "Absent Vote") for the House of Representatives election for the above-mentioned Division; and
- (c) one ballot-paper (headed "Absent Vote") for each referendum for the above-mentioned State

held on the date upon which this declaration is made.

3. The elector will then forthwith—

- (i) retire alone to an unoccupied compartment of the polling booth and there, in private, mark his vote on each ballot-paper handed to him, in the manner directed thereon.
- (ii) fold each ballot-paper separately in such a manner as to conceal the vote marked thereon, and at once return the ballot-paper or ballot-papers (as the case requires) so folded, to the Presiding Officer before whom he made his declaration.

4. The Presiding Officer will see that he receives from the elector each ballot-paper duly folded, and, if necessary for purposes of identification, will request the elector to again state his name, and then, without unfolding the ballot-paper or ballot-papers, will forthwith, in the presence of the elector and of such scrutineer or scrutineers (if any) as are present, enclose the ballot-paper or ballot-papers received from that elector, in the envelope bearing the declaration of the elector and addressed to the Divisional Returning Officer for the Division for which the elector declares that he is enrolled, securely fasten the envelope, and deposit it in the ballot-box.

FORM 33.

Regulation 53 (1.).

## ABSENT VOTE.

BALLOT-PAPER.

COMMONWEALTH OF AUSTRALIA.

State of *[here insert name of State]*.*Election of [here insert number] Senators.*

DIRECTIONS.—Mark your vote on this ballot-paper by placing the numbers *[here insert 1, 2 and so on as the case requires]* in the squares immediately to the left of the names of the respective candidates so as to indicate the order of your preference for them; fold the ballot-paper so that the vote cannot be seen and return it to the Presiding Officer before whom you made your declaration.

## CANDIDATES.

|                                  |                                  |                                  |                                |
|----------------------------------|----------------------------------|----------------------------------|--------------------------------|
| A <input type="checkbox"/> ..... | B <input type="checkbox"/> ..... | C <input type="checkbox"/> ..... | <input type="checkbox"/> ..... |
| A <input type="checkbox"/> ..... | B <input type="checkbox"/> ..... | C <input type="checkbox"/> ..... | <input type="checkbox"/> ..... |
| A <input type="checkbox"/> ..... | B <input type="checkbox"/> ..... |                                  | <input type="checkbox"/> ..... |

NOTE.—The letter “A” or “B” or “C”, &c., appearing before the square immediately to the left of a candidate’s surname indicates that that candidate and each other candidate who has the same letter appearing before the square immediately to the left of his surname have been grouped by mutual consent.

The fact that no letter appears before the square immediately to the left of a candidate’s surname indicates that the name of that candidate has not been included in any group.

FORM 34.

Regulation 53 (2.).

The Presiding Officer must, before issuing this ballot-paper to an elector, fill in the name of the Division for which the elector declares that he is enrolled, the numbers required to complete the “Directions” and the names of all the candidates for that Division.

(The foregoing paragraph may be omitted where the ballot-paper is fully printed.)

## ABSENT VOTE.

BALLOT-PAPER.

COMMONWEALTH OF AUSTRALIA.

State of *[here insert name of State]*.Electoral Division of *[here insert name of Division]*.*Election of One member of the House of Representatives.*

DIRECTIONS.—Mark your vote on this ballot-paper by placing the numbers *[here insert “1 and 2” where there are two candidates, “1, 2 and 3” where there are three candidates, “1, 2, 3 and 4” where there are four candidates and so on as the case requires]* in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them; fold the ballot-paper so that the vote cannot be seen and return it to the Presiding Officer before whom you made your declaration.

## CANDIDATES.

|                          |       |
|--------------------------|-------|
| <input type="checkbox"/> | ..... |
| <input type="checkbox"/> | ..... |
| <input type="checkbox"/> | ..... |

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 35.

Regulation 53 (3.).

## ABSENT VOTE.

BALLOT-PAPER.

COMMONWEALTH OF AUSTRALIA.

State of [*here insert name of State*].

*Submission to the Electors of a Proposed Law for the Alteration of the  
Constitution.*

DIRECTIONS.—Mark your vote on this ballot-paper as follows:—

If you approve of the proposed law, place the number 1 in the square opposite the word “Yes” and the number 2 in the square opposite the word “No”;

If you do not approve of the proposed law, place the number 1 in the square opposite the word “No” and the number 2 in the square opposite the word “Yes”;

fold the ballot-paper so that the vote cannot be seen and return it to the Presiding Officer before whom you made your declaration.

Do YOU APPROVE of the Proposed Law for the alteration of the Constitution, entitled [*here set out the title of the proposed law*]?

☐ YES.☐ No.

FORM 36.

Regulation 54.

## ABSENT VOTE.

BALLOT-PAPER.

COMMONWEALTH OF AUSTRALIA.

State of [*here insert name of State*].

*Submission to the Electors of Proposed Laws for the Alteration of the  
Constitution.*

DIRECTIONS.—Mark your vote on this ballot-paper in relation to each proposed law as follows:—

If you approve of the proposed law, place the number 1 in the square opposite the word “Yes” and the number 2 in the square opposite the word “No”;

If you do not approve of the proposed law, place the number 1 in the square opposite the word “No” and the number 2 in the square opposite the word “Yes”;

fold the ballot-paper so that the votes cannot be seen and return it to the Presiding Officer before whom you made your declaration.

1. Do YOU APPROVE of the Proposed Law for the alteration of the Constitution, entitled [*here set out the title of the proposed law*]?

☐ YES.☐ No.

2. Do YOU APPROVE of the Proposed Law for the alteration of the Constitution, entitled [*here set out the title of the proposed law*]?

☐ YES.☐ No.

(Additional ballot-papers (numbered consecutively) in similar form may be included in this form.)



FORM 37.

Regulation 67 (1.).

COMMONWEALTH OF AUSTRALIA.

*The Commonwealth Electoral Act.*

*The Referendum (Constitution Alteration) Act.*

FORM OF DECLARATION TO BE USED AT THE POLLING BY A PERSON CLAIMING TO VOTE UNDER THE PROVISIONS OF SECTION 121 OF THE COMMONWEALTH ELECTORAL ACT WHO DECLARES THAT HIS NAME HAS BEEN OMITTED FROM, OR STRUCK OUT OF, THE CERTIFIED LIST OF VOTERS FOR THE POLLING PLACE AT WHICH HE CLAIMS TO BE ENTITLED TO VOTE, OWING TO AN ERROR OF AN OFFICER, OR A MISTAKE OF FACT.

I, [here insert name in full of person claiming to vote] of [here insert full address and occupation] declare:—

That I am entitled to be enrolled on the Electoral Roll for the [here insert name of Subdivision] Subdivision of the Electoral Division of [here insert name of Division]; in the State of [here insert name of State].

That after becoming qualified for enrolment for such Subdivision I sent or delivered to the Registrar for the Subdivision a duly completed claim for enrolment (or transfer of enrolment), and that my claim was received by the Registrar before 6 o'clock in the afternoon of the [here insert date of issue of writ], that is, before the issue of the writ for the election being held this day;

That from the time of sending or delivering my claim to the Registrar and up to the issue of the writ as aforesaid, I continuously retained my right to be enrolled for the Subdivision and did not become qualified for enrolment for any other Subdivision;

That to the best of my knowledge and belief my name has been struck out of, or omitted from, the Certified List of Voters for this polling place owing to an error of an officer or a mistake of fact, and not as the result of an objection on the ground of non-residence or other disqualification, or in consequence of the transfer or duplication of my enrolment.

NOTE.—“Election” in this Declaration means a Senate Election, or a House of Representatives Election, or any Referendum (held under the provisions of the Referendum (Constitution Alteration) Act in force for the time being), or all of them, as the case requires.

Personal Signature of Voter—

Signed before me the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ polling place.

Presiding Officer.

NOTE.—A person making any untrue statement in this declaration is liable to a penalty of Twenty pounds.

#### DIRECTIONS.

1. This form of declaration must, after being filled up, be signed by the Voter with his personal signature in the presence of the Presiding Officer and then completed and attested by the Presiding Officer.

2. The Presiding Officer shall then (subject to the provisions of section 115 of the Act) initial and hand to the voter—

- (a) one ballot-paper (headed “Section 121”) for the Senate election for the above-mentioned State;
- (b) one ballot-paper (headed “Section 121”) for the House of Representatives election for the above-mentioned Division; and
- (c) one ballot-paper (headed “Section 121”) for each referendum for the above-mentioned State,

held on the date upon which this declaration is made.

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 37—continued.

3. The Voter will then forthwith—

- (i) retire alone to an unoccupied compartment of the polling booth and there, in private, mark his vote on each ballot-paper handed to him, in the manner directed thereon,
- (ii) fold each ballot-paper separately in such a manner as to conceal the vote marked thereon, and at once return the ballot-paper or ballot-papers (as the case requires) so folded, to the Presiding Officer before whom he made his declaration.

4. The Presiding Officer will see that he receives from the Voter each ballot-paper duly folded, and, if necessary for purposes of identification, will request the Voter to again state his name, and then, without unfolding the ballot-paper or ballot-papers, will forthwith, in the presence of the Voter and of such Scrutineer or Scrutineers (if any) as are present, enclose the ballot-paper or ballot-papers received from that Voter, in the envelope bearing the declaration of the voter and addressed to the Divisional Returning Officer for the Division for which the Voter claims to be entitled to vote, securely fasten the envelope and deposit it in the ballot-box.

FORM 38.

Regulation 67 (1.).

COMMONWEALTH OF AUSTRALIA.

*The Commonwealth Electoral Act.*

*The Referendum (Constitution Alteration) Act.*

## FORM OF DECLARATION TO BE USED AT THE POLLING BY A PERSON CLAIMING TO VOTE UNDER THE PROVISIONS OF SECTION 91A OR SECTION 121A OF THE COMMONWEALTH ELECTORAL ACT.

Polling Place at which elector claims to vote

|                                          |        |                                             |
|------------------------------------------|--------|---------------------------------------------|
| Subdivision of                           |        | Division of                                 |
| I, (a)                                   | of (b) | in the State of                             |
| (a) Name in full (as appearing on Roll). |        | (b) Address in full (as appearing on Roll). |
| (c) Occupation (as appearing on Roll).   |        | declare that:—                              |

(1) My name appears on the certified list of voters used at the above-named polling place opposite the number                      on the said list.

One of these paragraphs—  
as the case requires—should  
be struck out.

- (2) I claim to vote under the provisions of section 91A of the Commonwealth Electoral Act. I have not received a postal vote certificate or a postal ballot-paper in connexion with any Commonwealth election being held this day, notwithstanding that my name has been noted on the said list as that of an elector to whom a postal vote certificate and postal ballot-paper have been issued.
- or
- (2) I claim to vote under the provisions of section 121A of the Commonwealth Electoral Act. I have not voted in connexion with any Commonwealth election being held this day, notwithstanding that a mark has been placed opposite my name on the said list to indicate that a ballot-paper has been issued to me at the polling.

NOTE.—“Election” in this declaration means a Senate Election, or a House of Representatives Election, or any Referendum (held under the provisions of the Referendum (Constitution Alteration) Act in force for the time being), or all of them, as the case requires.

Personal Signature of Voter—

Signed before me the                      day of                      , 19                      , at the above-named polling place.

Presiding Officer.

NOTE.—A person making any untrue statement in this declaration is liable to a penalty of Twenty Pounds.

FORM 38—*continued*.

## DIRECTIONS.

1. This form of declaration must, after being filled up, be signed by the voter with his personal signature in the presence of the Presiding Officer, and then be completed and attested by the Presiding Officer.

2. The Presiding Officer shall then (subject to the provisions of section 115 of the Act) initial and hand to the voter—

- (a) one ballot-paper headed "section 91A" or "section 121A" (as the case requires) for the Senate Election for the above-mentioned State;
- (b) one ballot-paper headed "section 91A" or "section 121A" (as the case requires) for the House of Representatives Election for the above-mentioned Division; and
- (c) one ballot-paper headed "section 91A" or "section 121A" (as the case requires) for each Referendum for the above-mentioned State,

held on the date upon which this declaration is made.

3. The voter will then forthwith (i) retire alone to an unoccupied compartment of the polling booth and there, in private, mark his vote on each ballot-paper handed to him, in the manner directed thereon; (ii) fold each ballot-paper separately in such a manner as to conceal the vote marked thereon, and at once return the ballot-paper or ballot-papers (as the case requires) so folded, to the Presiding Officer before whom he made his declaration.

4. The Presiding Officer will see that he receives from the voter each ballot-paper duly folded, and if necessary for purposes of identification, will request the voter to again state his name, and then, without unfolding the ballot-paper or ballot-papers, will forthwith, in the presence of the voter, and of such scrutineer or scrutineers (if any) as are present, enclose the ballot-paper or ballot-papers received from that voter, in the envelope bearing the declaration of the voter and addressed to the Divisional Returning Officer for the above-mentioned division, securely fasten the envelope and deposit it in the ballot-box.

## FORM 39.

## Regulation 75 (1.).

## COMMONWEALTH OF AUSTRALIA.

## State of

The *Commonwealth Electoral Act*.The *Referendum (Constitution Alteration) Act*.

Division of

Subdivision of

LIST OF THE NAMES AND DESCRIPTIONS OF THE ELECTORS ENROLLED  
FOR THE ABOVE-NAMED SUBDIVISION OF THE ABOVE-NAMED  
DIVISION WHO DID NOT VOTE AT THE ELECTION [or REFERENDUM,  
*as the case may be*] HELD ON SATURDAY, THE DAY OF

, 19

I,

, of

, Divisional Returning Officer for the

Commonwealth Electoral Division of , do solemnly and sincerely  
declare that the names on the within print of the roll for the above-mentioned  
Subdivision against which a mark indicating the electors who voted at the election  
*or referendum, as the case may be* has not been placed, constitute the list of the  
names and descriptions of the electors enrolled for the said Subdivision who did not  
vote at the election [or referendum, *as the case may be*], held on Saturday, the  
, and that the said list was prepared by me pursuant to sub-section  
(2.) of section 128A of the Commonwealth Electoral Act [*add, in the case of a referendum,*  
*as applied by the Referendum (Constitution Alteration) Act*].

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1911-1922*, conscientiously believing the statements contained therein to be true in every particular.

Declared at the day of , 19 .  
Divisional Returning Officer for the Division of

Before me—

J.P. or Commissioner for Declarations.

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 40.

Regulation 76 (2.).

[Front of Form.]

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.The *Referendum (Constitution Alteration) Act*.

State of

Division of

Subdivision of

No. on roll

## NOTIFICATION TO ELECTOR WHO APPEARS TO HAVE FAILED TO VOTE.

To the elector whose name and address appear on the back hereof.

You are notified that you appear to have failed to vote at the election [or referendum, *as the case may be*] held under the Commonwealth Electoral Act [or Referendum (Constitution Alteration) Act, *as the case may be*] on Saturday, the \_\_\_\_\_, and you are hereby called upon, in pursuance of sub-section (4.) of section 128A of the Commonwealth Electoral Act [*add, in the case of a referendum, as applied by the Referendum (Constitution Alteration) Act*], to give a valid, truthful, and sufficient reason why you failed so to vote.

You are required to—

- (a) state, in the form at the foot of this notice, the true reason why you failed so to vote.
- (b) complete and personally sign the form, and have it witnessed by an elector or a person qualified to be an elector.
- (c) fold the form so that the address, "Commonwealth Divisional Returning Officer for the Division of \_\_\_\_\_," shall be visible, and post it so as to reach me on or before the\*

Divisional Returning Officer for the above-named Division.

Address—

Date \_\_\_\_\_, 19 \_\_\_\_.

NOTE.—If the elector to whom this notice is addressed is unable, by reason of absence from his place of living or physical incapacity, to fill up, sign, and post the form at the foot hereof within the time specified in the form, any other elector who has personal knowledge of the facts may fill up, sign, and post the form, duly witnessed, within that time, and the filling up, signing, and posting of the form will be treated as compliance by the first-mentioned elector with the requirements of this notice.

\* Not being less than twenty-one days after the posting of this notice.

FORM 41.

Regulation 76 (3.).

## FORM OF DECLARATION TO BE COMPLETED AND RETURNED TO THE DIVISIONAL RETURNING OFFICER.

I, \_\_\_\_\_ do hereby declare that the following is the true reason why I\* \_\_\_\_\_ failed to vote at the election (*or referendum, as the case may be*) held under the Commonwealth Electoral Act (*or Referendum (Constitution Alteration) Act, as the case may be*), on Saturday, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

†

Personal Signature of Elector

I, the undersigned, being an elector or a person qualified to be an elector of the Commonwealth, certify that I have seen the above-named elector sign the above declaration.

Signature of witness (in own handwriting)—

Occupation—

Address—

Date \_\_\_\_\_, 19 \_\_\_\_.

\* Where this form is filled up on behalf of an absent or physically incapacitated elector, the word "I" must be struck out, and the name of such elector inserted.

† Here set out the precise and true reason for having failed to vote.

Form 41—continued.

[Back of Form.]

Commonwealth Electoral Papers Only.

Post Free.

From—The Divisional Returning Officer  
for the Division of

M.....  
.....  
.....

Every elector who—

- (a) fails to vote at an election (*or referendum, as the case may be*) without a valid and sufficient reason for such failure; or
- (b) on receipt of a notice in accordance with sub-section (4.) of section 128A of the Commonwealth Electoral Act (*add, in the case of a referendum, as applied by the Referendum (Constitution Alteration) Act*), fails to fill up, sign, and post within the time specified in the notice, the form (duly witnessed) attached thereto; or
- (c) states in such form a false reason for not having voted or, in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, states in such form a false reason why that other elector did not vote,

is guilty of an offence and liable to a penalty of not less than ten shillings and not more than Two Pounds.

Commonwealth Electoral Papers only.

Post Free.

The Commonwealth Divisional Returning Officer

for the Division of

Postal address.

FORM 42.

Regulation 77 (1.).

COMMONWEALTH OF AUSTRALIA.

The Commonwealth Electoral Act.

The Referendum (Constitution Alteration) Act.

State of

Division of

. Subdivision of

No. on roll

NOTIFICATION TO ELECTOR WHOSE REASON FOR FAILING TO VOTE  
IS HELD NOT TO BE VALID AND SUFFICIENT.

To—

You are hereby notified—

- (1) that the reason given by you in your declaration dated the 19 , is not, in my opinion, a valid and sufficient reason for your failure to vote at the election (*or referendum, as the case may be*) held under the provisions of the Commonwealth Electoral Act (*or Referendum (Constitution Alteration) Act as the case may be*), on Saturday, the ; and
- (2) that you have the option of having the matter dealt with by the Commonwealth Electoral Officer for the State (thus avoiding costs of Court), or by a Court of summary jurisdiction.

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 42—*continued.*

If you desire to have the matter dealt with by the Commonwealth Electoral Officer, you must fill in and sign, in the presence of a witness, the form of consent at the foot hereof and send or deliver it to me, so as to reach me not later than the \_\_\_\_\_, together with the sum of \_\_\_\_\_\* to be appropriated in payment or part payment of the penalty, if any, which the Commonwealth Electoral Officer may impose upon you.

In the event of the form and deposit not reaching me on or before the date set out in the preceding paragraph, it will be taken that you desire to have the matter dealt with by a Court of summary jurisdiction.

Divisional Returning Officer for the above-named Division.

Address—

Date \_\_\_\_\_, 19 \_\_\_\_.

\* This amount may be paid to the Divisional Returning Officer in cash, or be remitted to him by postal note or money order made payable to "The Divisional Returning Officer for the Division of....."

FORM 43.

Regulation 77 (2.).

## FORM OF CONSENT TO BE USED BY AN ELECTOR WHO DESIRES TO HAVE HIS CASE DEALT WITH BY THE COMMONWEALTH ELECTORAL OFFICER FOR THE STATE.

To the Divisional Returning Officer for the above-named Division.

I, \_\_\_\_\_, of \_\_\_\_\_, enrolled as an elector on the roll for the above-named Subdivision and Division, having failed to vote at the election (*or referendum, as the case may be*) held under the provisions of the Commonwealth Electoral Act (*or Referendum (Constitution Alteration) Act, as the case may be*), on Saturday, the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_, and having been notified by you that the reason given by me for such failure to vote is not, in your opinion, a valid and sufficient reason for such failure, do hereby notify you that I consent to have the matter dealt with by the Commonwealth Electoral Officer for the State, and to abide by his decision.

I enclose herewith the sum of \_\_\_\_\_, and I agree that the said sum may be appropriated in payment or part payment of any penalty (not exceeding Two pounds, without costs) which the Commonwealth Electoral Officer may impose upon me,

Personal Signature of Elector

I, the undersigned, being an elector, or a person qualified to be an elector, of the Commonwealth, certify that I have seen the above-named elector sign the above form.

Signature of witness (in own handwriting)—

Occupation—

Address—

Date \_\_\_\_\_, 19 \_\_\_\_.

FORM 44.

Regulation 79 (1.).

COMMONWEALTH OF AUSTRALIA.

The *Commonwealth Electoral Act*.The *Referendum (Constitution Alteration) Act*.

State of

Division of

Subdivision of

No. on roll

## NOTIFICATION OF PENALTY FOR FAILURE TO VOTE.

To—

You are notified that, pursuant to your notification of consent dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the Commonwealth Electoral Officer for the State has dealt with the matter of your contravention of paragraph (a) of subsection (12.) of section 128A of the Commonwealth Electoral Act (*add, in the case of a referendum*, as applied by the Referendum (Constitution Alteration) Act), and that he has imposed upon you a penalty of \_\_\_\_\_.

The deposit made by you has been appropriated in payment (or part payment—as the case may be) of the said penalty.

Divisional Returning Officer for the Division of \_\_\_\_\_

Address—

Date

, 19\_\_\_\_.

FORM 45.

Regulation 83 (1.).

COMMONWEALTH OF AUSTRALIA.

State of

The *Commonwealth Electoral Act*.The *Referendum (Constitution Alteration) Act*.

In the Court of Petty Sessions

at—

Between

Informant or Complainant.

And

Defendant.

## STATUTORY DECLARATION.

I, \_\_\_\_\_, of \_\_\_\_\_, Divisional Returning Officer for the \_\_\_\_\_ Commonwealth Electoral Division of \_\_\_\_\_ do solemnly and sincerely declare:—

(1.) That I am the Divisional Returning Officer for the Commonwealth Electoral Division of \_\_\_\_\_, and am the (a) \_\_\_\_\_ herein, and (a) Informant or complainant. that I am duly authorized in writing by the Chief Electoral Officer to institute these proceedings.

(2.) That the defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, was enrolled as an elector on the Commonwealth Electoral Roll for the Subdivision of the Division of \_\_\_\_\_.

(3.) That the paper writing on the back of this declaration contains a true extract from the list prepared and endorsed by me under the provisions of the Commonwealth Electoral Act (*add, in the case of a referendum*, as applied by the Referendum (Constitution Alteration) Act), and of the regulations made thereunder.

And I make this declaration by virtue of the *Statutory Declarations Act 1911-1922*, conscientiously believing the statements therein to be true in every particular.

Declared at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Before me

NOTE.—Any person who wilfully makes a false statement in a Statutory Declaration is guilty of an indictable offence, and is liable to imprisonment with or without hard labour for four years.

A Statutory Declaration may be made before—

- (i) A Police Stipendiary or Special Magistrate, or a Justice of the Peace; or
- (ii) A Commissioner for Affidavits; or
- (iii) A Commissioner for Declarations.

Form 46.

Regulation 83 (1.)

COMMONWEALTH OF AUSTRALIA.  
State of

The Commonwealth Electoral Act.

Division of

The Referendum (Constitution Alteration) Act.  
Subdivision ofExtract from LIST OF THE NAMES AND DESCRIPTIONS OF THE ELECTORS ENROLLED FOR THE ABOVE-MENTIONED DIVISION  
WHO DID NOT VOTE AT THE ELECTION (OR REFERENDUM, AS THE CASE MAY BE) HELD ON SATURDAY, the

| No.<br>on<br>roll. | Name and Des-<br>cription of<br>Elector. | Notification to<br>Elector.<br>Sub-section (4.),<br>Section 128A,<br>of the Common-<br>wealth Electoral<br>Act.<br>Date sent. | Elector's Reply.                                                |                                                                       |                                                                                                                                                                  | Further action under Regulation 77.                                                                                                  |                                                                                            |                                                                  | Subsequent<br>proceedings<br>(if any). |
|--------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------|
|                    |                                          |                                                                                                                               | Date to be in<br>hands of Divi-<br>sional Returning<br>Officer. | Whether Re-<br>ceived by Divi-<br>sional Returning<br>Officer.<br>(a) | Whether reason<br>stated in reply is,<br>in the opinion of<br>the Divisional<br>Returning Officer,<br>a valid and suffi-<br>cient reason for<br>failure to vote. | Notification to<br>Elector that reply<br>is not considered a<br>valid and sufficient<br>reason for failure<br>to vote.<br>Date sent. | Consent of Elector to matter being<br>dealt with by the Commonwealth<br>Electoral Officer. |                                                                  |                                        |
|                    |                                          |                                                                                                                               |                                                                 |                                                                       |                                                                                                                                                                  |                                                                                                                                      | Date to be in hands<br>of the Divisional<br>Returning Officer.                             | Whether received<br>by Divisional Re-<br>turning Officer.<br>(a) |                                        |
| (1)                | (2)                                      | (3)                                                                                                                           | (4)                                                             | (5)                                                                   | (6)                                                                                                                                                              | (7)                                                                                                                                  | (8)                                                                                        | (9)                                                              | (10)                                   |
|                    |                                          |                                                                                                                               |                                                                 |                                                                       |                                                                                                                                                                  |                                                                                                                                      |                                                                                            |                                                                  |                                        |

(a) Insert in this column "Yes" and date of receipt if a reply has been received, or "No" if a reply has not been received.

Divisional Returning Officer  
for the Division ofSection 128A (11.) of the Commonwealth Electoral Act provides:—  
Each copy of the list prepared and indorsed by the Divisional  
Returning Officer, indicating—

- (a) the names of the electors who did not vote at the election\*;
- (b) the names of the electors from whom or on whose behalf  
the Divisional Returning Officer received, within the time  
allowed under sub-section (5.) of this section, forms  
properly filled up and signed; and

(c) the names of the electors who failed to reply within that  
time;  
and any extract therefrom, certified by the Divisional Returning  
Officer under his hand, shall in all proceedings be prima facie  
evidence of the contents of such list or extract, and of the fact that  
the electors whose names appear therein did not vote at the election,\*  
and that the notice specified in sub-section (4.) of this section was  
received by those electors, and that those electors did or did not  
(as the case may be), comply with the requisitions contained in the  
notice within the time allowed under sub-section (5.) of this section.

\* By section 4 of the Referendum (Constitution Alteration) Act, a reference to an election in the Commonwealth Electoral Act shall be read as a reference to a referendum.



FORM 47.

Regulation 87 (1.).

COMMONWEALTH OF AUSTRALIA.

The Commonwealth Electoral Act.

State of

RETURN OF MONEY EXPENDED OR EXPENSE INCURRED IN CON- Sec. 152.  
 NEXION WITH AN ELECTION (TO BE FURNISHED IN ACCORDANCE  
 WITH SECTION 152 OF THE ACT).

Moneys to the following amounts have been expended, and expenses to the following amounts have been incurred by<sup>(1)</sup>

(<sup>1</sup>) Here set out the name of the trades union, organization, association, league, body of persons, or the name of the person, as the case requires.

in connexion with the election held on the  
 day of , 19 , for<sup>(2)</sup>

(<sup>2</sup>) Here insert particulars of the election.

and such amounts were expended or such expense was incurred on behalf of or in the interests of<sup>(3)</sup>

(<sup>3</sup>) Here set out the name of the candidate or the names of the candidates and the name of any political party on behalf of or in the interests of which the expenditure was incurred.

|                                                                                                                                                                                                                                                                                   | Amounts Paid. |    |    | Expenditure Incurred but not yet Paid. |    |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----|----|----------------------------------------|----|----|
|                                                                                                                                                                                                                                                                                   | £             | s. | d. | £                                      | s. | d. |
| <i>I. Preparing Articles, Reports, Advertisements, Notices or other matter.</i>                                                                                                                                                                                                   |               |    |    |                                        |    |    |
| Money expended or expense incurred in preparing (a) Articles and Reports, (b) Advertisements and Notices, or (c) other matter, including matter appearing in newspapers, and matter printed on cards or in the form of handbills, posters, pamphlets, or otherwise <sup>(4)</sup> |               |    |    |                                        |    |    |
| Total .. ..                                                                                                                                                                                                                                                                       |               |    |    |                                        |    |    |
| <i>II. Articles or other matter in Newspapers.</i>                                                                                                                                                                                                                                |               |    |    |                                        |    |    |
| Money expended or expense incurred in connexion with the insertion of articles or other matter in newspapers <sup>(5)</sup>                                                                                                                                                       |               |    |    |                                        |    |    |
| Total .. ..                                                                                                                                                                                                                                                                       |               |    |    |                                        |    |    |

(<sup>4</sup>) Here set out the names and addresses of persons to whom amounts have been paid or are to be paid, the amount paid or to be paid to each, and the nature of the service.

(<sup>5</sup>) Here set out the names of newspapers, the dates on which the articles or other matter appeared, the nature of the articles or other matter, and the amounts paid or to be paid for the insertion thereof. The particulars in respect of each newspaper are to be separately stated.

COMMONWEALTH ELECTORAL ACT AND REFERENDUM  
(CONSTITUTION ALTERATION) ACT

FORM 47—continued.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Amounts Paid. |    |    | Expenditure Incurred but not yet Paid. |    |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----|----|----------------------------------------|----|----|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | £             | s. | d. | £                                      | s. | d. |
| <p><i>III. Reports in Newspapers of Speeches or Addresses.</i></p> <p>Money expended or expense incurred for the insertion in newspapers of reports of addresses or speeches<sup>(6)</sup></p> <p>(<sup>(6)</sup> Here set out the names of the newspapers in which the reports appeared, the nature of the addresses or speeches, the dates on which they appeared and the name of the person making the speech or delivering the address, and the amount paid or to be paid. The particulars as regards each newspaper are to be separately stated.</p> <p style="text-align: right;">Total .. ..</p>                                          |               |    |    |                                        |    |    |
| <p><i>IV. Advertisements or Notices in Newspapers.</i></p> <p>Money expended or expense incurred in connexion with the insertion of advertisements or notices in newspapers<sup>(7)</sup></p> <p>(<sup>(7)</sup> Here set out the names of the newspapers in which the advertisements or notices appeared, the dates on which the advertisements or notices appeared, the nature of the advertisements or notices, and the amounts paid or to be paid for the insertion thereof. The particulars in respect of each newspaper are to be separately stated.</p> <p style="text-align: right;">Total .. ..</p>                                     |               |    |    |                                        |    |    |
| <p><i>V. Printing Articles, Reports, Advertisements, Notices or other matter (other than in Newspapers).</i></p> <p>Money expended or expense incurred in printing (a) Articles and Reports, (b) Advertisements and Notices, or (c) other matter, including matter printed on cards or in the form of handbills, posters, pamphlets, or otherwise<sup>(8)</sup></p> <p style="text-align: right;">Total .. ..</p>                                                                                                                                                                                                                                |               |    |    |                                        |    |    |
| <p><i>VI. Publishing, Issuing, and Distributing Articles, Reports, Advertisements, Notices or other matter.</i></p> <p>Money expended or expense incurred in publishing, issuing, and distributing (a) Articles and Reports, (b) Advertisements and Notices, or (c) other matter, including matter printed on cards or in the form of handbills, posters, pamphlets, or otherwise<sup>(8)</sup></p> <p>(<sup>(8)</sup> Here set out the names and addresses of persons to whom amounts have been paid or are to be paid, the amount paid or to be paid to each, and the nature of the service.</p> <p style="text-align: right;">Total .. ..</p> |               |    |    |                                        |    |    |
| Total .. ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |    |    |                                        |    |    |

## FORM 47—continued.

|                                                                                                                      | Amounts Paid. |    |    | Expenditure Incurred but not yet Paid. |    |    |
|----------------------------------------------------------------------------------------------------------------------|---------------|----|----|----------------------------------------|----|----|
|                                                                                                                      | £             | s. | d. | £                                      | s. | d. |
| <i>VII. Miscellaneous Expenses.</i>                                                                                  |               |    |    |                                        |    |    |
| Money expended or expense incurred but not accounted for under any other head provided in this return <sup>(9)</sup> |               |    |    |                                        |    |    |
| Total .. ..                                                                                                          |               |    |    |                                        |    |    |

(<sup>9</sup>) Here set out under separate heads precise particulars of the service for which the money was expended or the expense was incurred together with the names of the persons concerned and the amount paid or to be paid to each person.

## SUMMARY OF MONEY EXPENDED OR EXPENSE INCURRED, AS SHOWN IN THE FOREGOING RETURN.

|                 | Amounts Paid. |    |    | Expenditure Incurred but not yet Paid. |    |    |
|-----------------|---------------|----|----|----------------------------------------|----|----|
|                 | £             | s. | d. | £                                      | s. | d. |
| Head I. . . . . |               |    |    |                                        |    |    |
| „ II. . . . .   |               |    |    |                                        |    |    |
| „ III. . . . .  |               |    |    |                                        |    |    |
| „ IV. . . . .   |               |    |    |                                        |    |    |
| „ V. . . . .    |               |    |    |                                        |    |    |
| „ VI. . . . .   |               |    |    |                                        |    |    |
| „ VII. . . . .  |               |    |    |                                        |    |    |
| Totals .. ..    |               |    |    |                                        |    |    |

(10)

(<sup>10</sup>) Here insert I or We, and the names, addresses, and descriptions of the persons making the return.

do solemnly and sincerely declare that this return is true in every particular.

Declared and subscribed before me at  
day of 19

the

Justice of the Peace.

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 48.

Regulation 88.

COMMONWEALTH OF AUSTRALIA.  
The Commonwealth Electoral Act.

State of

NOTICE UNDER COMMONWEALTH ELECTORAL ACT, SECTION 152 (8.).  
To—

Take notice that I, \_\_\_\_\_ the Chief Electoral Officer for the Commonwealth, hereby require you, within \_\_\_\_\_ from the date of this notice, to make a return, in accordance with section 152 of the above-named Act, of any money expended or expense incurred by [here insert you or your trades union registered or unregistered, organization, association, or league or the body of persons of which you are the president (or the chairman or the secretary or an officer) as the case requires] in connexion with the [here insert the election or elections in connexion with which the return is required]—

- (a) on behalf of, or in the interests of, any candidate; or
- (b) on behalf of, or in the interests of, any political party; or
- (c) in printing, publishing, or issuing electoral advertisements or notices, or procuring the insertion in any newspaper of any advertisement, article, or report, or matter intended or calculated to affect the result of the said election [or elections].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Chief Electoral Officer.

FORM 49.

Regulation 89 (1.).

COMMONWEALTH OF AUSTRALIA.  
The Commonwealth Electoral Act.

State of

Sec. 153.

RETURN BY PROPRIETOR OR PUBLISHER OF A NEWSPAPER OF  
ELECTORAL MATTER PUBLISHED THEREIN IN RESPECT OF WHICH  
PAYMENT HAS BEEN OR IS TO BE MADE.

Title of newspaper—

Place where published—

Name of proprietor—

\*Here insert  
particulars of  
the election.

The amount of electoral matter in connexion with the election held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for—\*

inserted in the above paper in respect of which payment has been or is to be made, the space occupied by such matter, the amount paid or owing in respect of such matter, and the names and addresses of the trades unions (registered or unregistered), organizations, associations, leagues, bodies of persons, or persons authorizing the insertion thereof are as follows:—[Here set out in the proper columns the date and particulars as regards each article, advertisement, report of speech, paragraph, or other electoral matter inserted in the paper and for the insertion of which payment has been or is to be made. The following specimens of particulars may be taken as guides.]

| Date.  | Particulars of Electoral Matter.                                                                                                                                            | Amounts paid or owing for insertion. |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 1918.  |                                                                                                                                                                             | £ s. d.                              |
| Dec. 2 | Article headed "Aims of the Buff Party," 1½ columns, inserted by authority of Samuel Grey, 14 Yellow-street, Buff Town, Secretary of the Buff Party                         | 5 5 0                                |
| „ 3    | Advertisement announcing candidature of William Drab, for the Buff Town Division, ¼ column, inserted by authority of William Drab, of 25 White-street, Buff Town, gentleman | 1 1 0                                |
| „ 4    | Report of Speech by William Drab, delivered at Town Hall, Buff Town, on 3 Feb., 2 columns, inserted by his authority                                                        | 7 7 0                                |
| „ 5    | Paragraph, "Points for the Buff Town electors," ½ column, inserted by authority of Samuel Grey, 14 Yellow-street, Buff Town, Secretary of the Buff Party                    | 2 2 0                                |

\*Here set out  
name and  
address of  
person making  
return, and  
whether  
proprietor or  
publisher of the  
newspaper.

I,—\*  
do solemnly and sincerely declare that this return is true in every particular.  
Declared and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Justice of the Peace.

FORM 50.  
COMMONWEALTH OF AUSTRALIA.

Regulation 90.

The *Commonwealth Electoral Act*.

State of

Division of [*here insert name of Division if for the House of Representatives*]

FORM OF WITHDRAWAL BY CANDIDATE OF CONSENT TO  
NOMINATION.

(Section 80 of Act.)

To the [*here insert Commonwealth Electoral Officer in the case of a Senate Election  
or Divisional Returning Officer in the case of a House of Representatives Election*].

I [*here insert Christian names, surname, place of residence, and occupation*] do  
hereby withdraw my consent to nomination as [*here insert a Senator or a Member  
of the House of Representatives, as the case may be*], dated the                      day of

19                      .

[*Personal signature of Candidate.*]

Dated at [*here insert place*] the                      day of                      19                      .

Witness—

NOTE.—To be signed in the presence of the Officer with whom the nomination  
was lodged or of a Justice of the Peace.

FORM 51.

Regulation 91.

This copy of the writ was received by me this                      day of                      19                      .

Divisional Returning Officer for the Electoral Division of                      .

I certify that the statement made out and signed by me in pursuance of sub-  
section 14 (a) of section 135 of the Commonwealth Electoral Act and attached  
hereto is correct in every particular.

Dated this                      day of                      19                      .

Divisional Returning Officer for the Electoral Division of                      .

I hereby return this copy of the writ to the Commonwealth Electoral Officer  
for the State of                      this                      day of                      19                      .

Divisional Returning Officer for the Electoral Division of                      .

# COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

Sec. 35.

FORM 52.

Regulation 101 (1.).

(<sup>1</sup>) Here set out the name of the trades union, organization, association, league, body of persons, or the name of the person, as the case requires.

(<sup>2</sup>) Here set out the title of the proposed law (or proposed laws). When two or more Referendums are being held on the same day, the particulars as regards all the Referendums may be included in one return.

(<sup>3</sup>) Here state whether the money was expended, or the expense incurred *in favour of* the proposed law or *in opposition to* the proposed law.

(<sup>4</sup>) Here set out the names and addresses of persons to whom amounts have been paid or are to be paid, the amount paid or to be paid to each, and the nature of the service.

(<sup>5</sup>) Here set out the names of newspapers, the dates on which the articles or other matter appeared, the nature of the articles or other matter, and the amounts paid or to be paid for the insertion thereof. The particulars in respect of each newspaper are to be separately stated.

COMMONWEALTH OF AUSTRALIA.

The *Referendum (Constitution Alteration) Act*.

State of

## RETURN OF MONEY EXPENDED OR EXPENSE INCURRED IN CONNEXION WITH A REFERENDUM OR REFERENDUMS (TO BE FURNISHED IN ACCORDANCE WITH SECTION 35 OF THE REFERENDUM (CONSTITUTION ALTERATION) ACT).

Moneys to the following amounts have been expended and expenses to the following amounts have been incurred by(<sup>1</sup>) within three months before the date of taking the vote at the Referendum (or Referendums) held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, for the submission of a proposed law (or proposed laws) entitled(<sup>2</sup>)

in connexion with the Referendum or Referendums, and such amounts were expended or such expense was incurred(<sup>3</sup>)

the proposed law submitted to the electors at the Referendum or Referendums.

|                                                                                                                                                                                                                                                                                    | Amounts Paid. |    |    | Expenditure Incurred but not yet Paid. |    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----|----|----------------------------------------|----|----|
|                                                                                                                                                                                                                                                                                    | £             | s. | d. | £                                      | s. | d. |
| <i>I. Preparing Articles, Reports, Advertisements, Notices or other matter.</i>                                                                                                                                                                                                    |               |    |    |                                        |    |    |
| Money expended or expense incurred in preparing (a) Articles and Reports, (b) Advertisements and Notices, or (c) other matter, including matter appearing in newspapers, and matter printed on cards or in the form of handbills, posters, pamphlets, or otherwise( <sup>4</sup> ) |               |    |    |                                        |    |    |
| Total .. ..                                                                                                                                                                                                                                                                        |               |    |    |                                        |    |    |
| <i>II. Articles or other matter in Newspapers.</i>                                                                                                                                                                                                                                 |               |    |    |                                        |    |    |
| Money expended or expense incurred in connexion with the insertion of articles or other matter in newspapers( <sup>5</sup> )                                                                                                                                                       |               |    |    |                                        |    |    |
| Total .. ..                                                                                                                                                                                                                                                                        |               |    |    |                                        |    |    |

## FORM 52—continued.

|                                                                                                                                                                                                                                                                           | Amounts Paid. |    |    | Expenditure Incurred but not yet Paid. |    |    |                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----|----|----------------------------------------|----|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                           | £             | s. | d. | £                                      | s. | d. |                                                                                                                                                                                                                                                                                                                                                            |
| <i>III. Reports in Newspapers of Speeches or Addresses.</i>                                                                                                                                                                                                               |               |    |    |                                        |    |    |                                                                                                                                                                                                                                                                                                                                                            |
| Money expended or expense incurred for the insertion in newspapers of reports of addresses or speeches <sup>(6)</sup>                                                                                                                                                     |               |    |    |                                        |    |    | ( <sup>(6)</sup> Here set out the names of the newspapers in which the reports appeared, the nature of the addresses or speeches, the dates on which they appeared and the names of the persons making the speeches or delivering the addresses, and the amount paid or to be paid. The particulars as regards each newspaper are to be separately stated. |
| Total .. ..                                                                                                                                                                                                                                                               |               |    |    |                                        |    |    |                                                                                                                                                                                                                                                                                                                                                            |
| <i>IV. Advertisements or Notices in Newspapers.</i>                                                                                                                                                                                                                       |               |    |    |                                        |    |    |                                                                                                                                                                                                                                                                                                                                                            |
| Money expended or expense incurred in connexion with the insertion of advertisements or notices in newspapers <sup>(7)</sup>                                                                                                                                              |               |    |    |                                        |    |    | ( <sup>(7)</sup> Here set out the names of the newspapers in which the advertisements or notices appeared, the dates on which the advertisements or notices appeared, the nature of the advertisements or notices, and the amounts paid or to be paid for the insertion thereof. The particulars in respect of each newspaper are to be separately stated. |
| Total .. ..                                                                                                                                                                                                                                                               |               |    |    |                                        |    |    |                                                                                                                                                                                                                                                                                                                                                            |
| <i>V. Printing Articles, Reports, Advertisements, Notices or other matter (other than in Newspapers).</i>                                                                                                                                                                 |               |    |    |                                        |    |    |                                                                                                                                                                                                                                                                                                                                                            |
| Money expended or expense incurred in printing (a) Articles and Reports, (b) Advertisements and Notices, or (c) other matter, including matter printed on cards or in the form of handbills, posters, pamphlets, or otherwise <sup>(8)</sup>                              |               |    |    |                                        |    |    | ( <sup>(8)</sup> Here set out the names and addresses of the persons to whom amounts have been paid or are to be paid, the amount paid or to be paid to each, and the nature of the service.                                                                                                                                                               |
| Total .. ..                                                                                                                                                                                                                                                               |               |    |    |                                        |    |    |                                                                                                                                                                                                                                                                                                                                                            |
| <i>VI. Publishing, Issuing, and Distributing Articles, Reports, Advertisements, Notices or other matter.</i>                                                                                                                                                              |               |    |    |                                        |    |    |                                                                                                                                                                                                                                                                                                                                                            |
| Money expended or expense incurred in publishing, issuing, and distributing (a) Articles and Reports, (b) Advertisements and Notices, or (c) other matter, including matter printed on cards or in the form of handbills, posters, pamphlets, or otherwise <sup>(8)</sup> |               |    |    |                                        |    |    |                                                                                                                                                                                                                                                                                                                                                            |
| Total .. ..                                                                                                                                                                                                                                                               |               |    |    |                                        |    |    |                                                                                                                                                                                                                                                                                                                                                            |

COMMONWEALTH ELECTORAL ACT AND REFERENDUM  
(CONSTITUTION ALTERATION) ACT

FORM 52—continued.

|                                                                                                                                                                                                                                                      | Amounts Paid. |    |    | Expenditure Incurred but not yet Paid. |    |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----|----|----------------------------------------|----|----|
|                                                                                                                                                                                                                                                      | £             | s. | d. | £                                      | s. | d. |
| <i>VII. Miscellaneous Expenses.</i>                                                                                                                                                                                                                  |               |    |    |                                        |    |    |
| Money expended or expense incurred but not accounted for under any other head provided in this return <sup>(9)</sup>                                                                                                                                 |               |    |    |                                        |    |    |
| <sup>(9)</sup> Here set out under separate heads precise particulars of the service for which the money was expended or the expense was incurred, together with the names of the persons concerned and the amount paid or to be paid to each person. |               |    |    |                                        |    |    |
| Total .. ..                                                                                                                                                                                                                                          |               |    |    |                                        |    |    |

SUMMARY OF MONEY EXPENDED OR EXPENSE INCURRED, AS SHOWN IN THE  
FOREGOING RETURN.

|                 | Amounts Paid. |    |    | Expenditure Incurred but not yet Paid. |    |    |
|-----------------|---------------|----|----|----------------------------------------|----|----|
|                 | £             | s. | d. | £                                      | s. | d. |
| Head I. . . . . |               |    |    |                                        |    |    |
| „ II. . . . .   |               |    |    |                                        |    |    |
| „ III. . . . .  |               |    |    |                                        |    |    |
| „ IV. . . . .   |               |    |    |                                        |    |    |
| „ V. . . . .    |               |    |    |                                        |    |    |
| „ VI. . . . .   |               |    |    |                                        |    |    |
| „ VII. . . . .  |               |    |    |                                        |    |    |
| Totals .. ..    |               |    |    |                                        |    |    |

<sup>(10)</sup> Here insert I or We, and the names, addresses and descriptions of the persons making the return.

do solemnly and sincerely declare that this return is true in every particular.

Declared and subscribed before me at  
day of

the

19

Justice of the Peace.



FORM 53.

Regulation 102.

COMMONWEALTH OF AUSTRALIA.

The *Referendum (Constitution Alteration) Act*.

State of

NOTICE UNDER REFERENDUM (CONSTITUTION ALTERATION) ACT,  
SECTION 35 (9.).

To—

Take notice that I, \_\_\_\_\_ the Chief Electoral Officer for the Commonwealth, hereby require you, within \_\_\_\_\_ from the date of this notice, to make a return, in accordance with section 35 of the above-named Act, of any money expended or expenses incurred, within three months before the date of taking the vote at the undermentioned referendum (or referendums), by [*here insert you or your trades union, registered or unregistered, organization, association, or league or the body of persons of which you are the president (or the chairman or the secretary or an officer) as the case requires*] in connexion with the [*here insert the referendum or referendums in connexion with which the return is required*]:—

- (a) in support of the proposed law (or laws) submitted to the electors at the said referendum (or referendums); or
- (b) in opposition to the proposed law (or laws) submitted to the electors at the said referendum (or referendums); or
- (c) in printing, publishing, or issuing advertisements or notices, or procuring the insertion in any newspaper of any advertisement, article, or report, or matter intended or calculated to affect the result of the said referendum (or referendums).

Dated this

day of

19 .

Chief Electoral Officer.

FORM 54.

Regulation 103 (1.).

COMMONWEALTH OF AUSTRALIA.

The *Referendum (Constitution Alteration) Act*.

State of

RETURN BY PROPRIETOR OR PUBLISHER OF A NEWSPAPER OF  
MATTER RELATING TO A REFERENDUM, PUBLISHED THEREIN  
WITHIN THREE MONTHS BEFORE THE DATE OF TAKING THE  
VOTE AT THE REFERENDUM IN RESPECT OF WHICH PAYMENT  
HAS BEEN OR IS TO BE MADE.

Title of newspaper—

Place where published—

Name of Proprietor—

The amount of matter in connexion with the Referendum (or Referendums) held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for the submission to the electors of a proposed law (or proposed laws) entitled—<sup>(1)</sup>

(1) Here insert the title of the proposed law (or proposed laws). (Where two or more referendums are being held on the same day the particulars as regards all the Referendums may be included in one return.)

inserted in the above paper within three months before the date of taking the vote at the said Referendum (or Referendums) in respect of which payment has been or is to be made, the space occupied by such matter, the amount paid or

## COMMONWEALTH ELECTORAL ACT AND REFERENDUM (CONSTITUTION ALTERATION) ACT

FORM 54—continued.

owing in respect of such matter, and the names and addresses of the trades unions (registered or unregistered), organizations, associations, leagues, bodies of persons, or persons authorizing the insertion thereof are as follows:—*[Here set out in the proper columns the date and particulars as regards each article, advertisement, report of speech, paragraph, or other matter in connexion with the referendum, inserted in the paper, and for the insertion of which payment has been or is to be made.]*

| Date. | Particulars. | Amounts paid<br>or owing for<br>insertion. |
|-------|--------------|--------------------------------------------|
|       |              | £   s.   d.                                |
|       |              |                                            |

(2) Here set out name and address of person making the return, and whether proprietor or publisher of the newspaper. I,—(2)

do solemnly and sincerely declare that this return is true in every particular.

Declared and subscribed before me this                      day of                      19

Justice of the Peace.

# COMMONWEALTH EMPLOYEES' COMPENSATION ACT 1930-1956

## EMPLOYEES' COMPENSATION REGULATIONS.\*

1. These Regulations may be cited as the Employees' Compensation Regulations.\*

2. The Employees' Compensation Regulations (comprising Statutory Rules 1945, No. 23; Statutory Rules 1946, No. 37; Statutory Rules 1947, Nos. 27 and 132; Statutory Rules 1948, No. 13; Statutory Rules 1949, No. 90; and Statutory Rules 1951, No. 2) are repealed. Repeal.

3.—(1.) In these Regulations, unless the contrary intention appears— Definitions.

“authority” means an authority of the Commonwealth specified in regulation 15 of these Regulations;

“the Act” means the *Commonwealth Employees' Compensation Act 1930-1951*.

(2.) A reference in these Regulations to a Form by letter shall be read as a reference to the Form so lettered in the Schedule to these Regulations.

4.—(1.) A claim for compensation under the Act shall be delivered or sent by post by an employee, or in the case of a dependant claiming compensation in respect of the death of an employee, by the dependant, to the Permanent Head or Chief Officer of the Department or authority in or by which the employee was employed, or to the officer in charge of the work on which the employee was employed, at the time when the injury, incapacity or death upon which the claim is based occurred. Claim by employee or dependant.

(2.) A claim for compensation under the Act by an employee shall be in accordance with Form A.

(3.) A claim for compensation under the Act by a dependant shall be in accordance with Form B.

5. An election made by an employee under section 15 of the Act shall be in accordance with Form C. Election under section 15 of the Act.

6. The fees to be paid to a medical referee are Three pounds three shillings for a first examination and One pound eleven shillings and sixpence for a subsequent examination. Fees to medical referee.

7. The Commissioner may, from time to time, appoint such medical boards as are required. Appointment of medical boards.

\* The Employees' Compensation Regulations, in force under the *Commonwealth Employees' Compensation Act 1930-1956*, comprise the following Statutory Rules:—

| Year and Number.     | Date of Notification in <i>Gazette</i> and of Commencement. |
|----------------------|-------------------------------------------------------------|
| 1953, No. 22 .. .. . | 19th March, 1953                                            |
| 73 .. .. .           | 13th August, 1953                                           |
| 1954, No. 19 .. .. . | 18th March, 1954                                            |

Medical  
examinations.

8. The medical referee, medical practitioner, or medical board to whom or to which a matter is referred, shall give a certificate in accordance with Form D and shall forward it to the Commissioner or his delegate as soon as possible after the examination.

Time for  
nomination by  
employee of  
representative  
on medical  
board.

9. An employee who is required by the Commissioner in pursuance of section 19 of the Act to submit himself for examination by a medical board, may, within seven days of the date on which he is so required, nominate a medical practitioner to be one of the members of the board.

Frequency of  
medical  
examinations.

10. An employee who has made a claim for compensation, or is in receipt of weekly payments, under the Act shall not be required after a period of one month has elapsed from the date on which the first payment of compensation was made, to submit himself against his will for examination by a medical referee, a medical board, or a medical practitioner, provided and paid by the Commonwealth, except at reasonable hours and not at more frequent intervals than once a week during the second month, once a month during the third, fourth, fifth, and sixth months after the date on which the first payment of compensation was made and, thereafter, once in every two months.

Appeals.

11.—(1.) An appeal under section 20 of the Act may be instituted by notice of appeal in accordance with this regulation.

(2.) The person appealing shall, within thirty days after the determination or action appealed against is made or taken, serve the notice of appeal on the Commissioner and shall file a copy of the notice of appeal in the County Court.

(3.) The notice of appeal shall state the grounds of appeal.

(4.) A person who intends to apply to the Court for extension of the time for appeal shall serve on the Commissioner not less than seven days' notice of his intention to apply for extension of the time for appeal.

(5.) Where, upon an application for extension of the time for appeal, the Court extends the time for appeal, the person appealing shall serve on the Commissioner the notice of appeal together with a copy of the Order of the Court extending the time for appeal.

(6.) Unless the Court otherwise orders, the date fixed for the hearing of the appeal shall be not less than thirty days after the service on the Commissioner of the notice of appeal.

Costs of appeal.

12.—(1.) The allowance of the costs of and incidental to an appeal under section 20 of the Act (including an adjournment), or to an application for an extension of the time for appeal, to be paid by one party to another, shall be in the discretion of the County Court to which the application or appeal is made, and the Court shall have full power to allow or disallow the costs.

(2.) A Court which allows costs in pursuance of the last preceding sub-regulation shall make an order directing by whom and to whom the costs are to be paid, and costs so awarded shall, in default of agreement between the parties as to the amount of the costs, be taxed according to the scale which would be applicable if the proceeding had been an action in the Court, and the laws in force for the time being with respect to the allowance and taxation of costs in an action in the Court and with respect to objections and the review of taxation by the taxing officer shall apply accordingly.

(3.) Where the subject-matter of the application or appeal is not a capital sum, the Court shall, for the purpose of the allowance and the taxation of costs, direct what shall be considered to be the amount of the subject-matter of the application or appeal and, in default of a direction, the amount shall be fixed by the taxing officer by whom the costs are to be taxed, subject to review by the Court.

(4.) Where there is no provision for the taxing of costs in the Court, the Court shall, in default of agreement between the parties as to the amount of the costs, fix the amount of the costs.

(5.) An order for the payment of costs made by the Court in pursuance of this regulation shall have the same force and effect in all respects as a judgment of the Court and the like proceedings (including proceedings in bankruptcy) may be taken upon the order as if it was a judgment of the Court for the amount of the costs.

(6.) In this regulation "taxing officer" means the Registrar, Clerk of the Court or other person having power to tax the costs of an action in the Court.

**13.** The Permanent Head or Chief Officer of each Department and authority shall furnish to the Commissioner not later than the thirty-first day of July, in each year, a correct return in accordance with Form E of payments made under the Act during the twelve months ended on the preceding thirtieth day of June. Returns by Departments.

**14.** As soon as possible after the close of each financial year, the Commissioner shall furnish to the Treasurer a correct return specifying— Returns by Commissioner to Treasurer.

- (a) the number of cases in respect of which compensation has been paid under the Act during that year;
- (b) the amount of compensation paid during that year; and
- (c) the amount paid in respect of medical and funeral expenses during that year.

**15.** The authorities of the Commonwealth to the employees of which the application of the Act shall extend are as follows:— Commonwealth authorities.  
Amended by 1953, No. 73; and 1954, No. 19.

- Army Canteens Service Board;
- Australian Aluminium Production Commission;
- Australian Atomic Energy Commission;
- Australian Broadcasting Commission;
- Australian Shipping Board;
- Australian Stevedoring Industry Board;
- Board of Management appointed under the *Australian War Memorial Act* 1925-1952;
- Bush Fire Council appointed under the *Careless Use of Fire Ordinance* 1936 of the Australian Capital Territory, or that Ordinance as amended;
- Canberra Community Hospital Board;
- Commonwealth Bank of Australia;
- Commonwealth Scientific and Industrial Research Organization;
- Commonwealth Railways Commissioner;
- Commonwealth Savings Bank of Australia;
- Director of Shipping;
- Overseas Telecommunications Commission (Australia);
- R.A.A.F. Canteens Service Board;

State Rifle Associations, District Rifle Club Unions, Miniature Rifle Club Unions, rifle clubs and miniature rifle clubs formed or established in accordance with, or under, the Australian Rifle Club Regulations;

The Council of the Canberra University College;

The Trustees of the Canberra Public Cemetery;

Trustees of the Services Canteens Trust Fund.

Special  
liability of  
Commonwealth.

**16.** Liability under the Act to pay compensation in respect of personal injury by accident arising out of or in the course of the employment on a rifle range of an employee of a State Rifle Association, District Rifle Club Union, Miniature Rifle Club Union, rifle club or miniature rifle club who is employed in the actual conduct of a rifle practice or competition, shall be borne by the Commonwealth.

Payment of  
compensation  
to trustees.

**17.**—(1.) Where the Act provides that an amount of compensation shall be paid to the Commissioner and invested or applied or dealt with by him in such manner as he thinks fit for the benefit of the persons entitled to that amount, the amount may be paid to such trustee or trustees as the Commissioner appoints to be held for the benefit of the persons so entitled upon such trusts as are approved by the Commissioner.

(2.) Where a determination is varied by the Commissioner in pursuance of paragraph (9.) of the First Schedule to the Act, a trust created under this regulation shall cease and determine as from the date of the variation, and trust moneys then held shall be dealt with in such manner as the Commissioner directs.

(3.) The determination of a trust by operation of the last preceding sub-regulation shall not prejudice a right of action against a trustee in respect of an act or omission occurring prior to the date of the variation.

Declarations.  
Amended by  
1954, No. 19.

**18.** A declaration under these Regulations may be made before—

- (a) a member of the Parliament of the Commonwealth or of a State, or a councillor or alderman of a municipality or shire;
- (aa) a commissioned officer of the Defence Force who has attained the age of twenty-one years;
- (b) a police, stipendiary or special magistrate of the Commonwealth or of a State;
- (c) a justice of the peace;
- (d) a barrister or solicitor, a notary public, a commissioner for affidavits, or a commissioner for declarations;
- (e) a legally qualified medical practitioner;
- (f) a minister of religion;
- (g) a member of the police force of the Commonwealth or of a State;
- (h) an adult permanent officer of the Public Service of the Commonwealth;
- (i) a postmaster or postmistress, or person in charge of a post office; or
- (j) a head-teacher of a State school.

Compliance  
with forms.

**19.** Strict compliance with the forms in the Schedule shall not be required and substantial compliance therewith shall suffice for the purposes of these Regulations.

## THE SCHEDULE.

## FORM A.

Regulation 4 (2.).

*Commonwealth Employees' Compensation Act 1930-19 .*

## CLAIM FOR COMPENSATION.

## CLAIM BY INCAPACITATED EMPLOYEE.

To—

I, [here write full name] of [here write full postal address] hereby claim compensation under the above-mentioned Act in respect of personal injury sustained by me and arising out of or in the course of my employment by the Commonwealth and declare that, to the best of my knowledge and belief, the following replies to the questions and requests for information are true and correct in every particular:—

| Questions and Requests for Information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Replies. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| State the date of your birth .. .. .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |          |
| On date of injury you were employed:—<br>(a) In what precise capacity? .. .. .<br>(b) By what Department or Authority? .. .. .<br>If you are a member of the Defence Force at date of injury—<br>(c) What was your rank? .. .. .<br>(d) What was your unit? .. .. .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |          |
| If you are claiming in respect of incapacity arising from injury by accident:—<br>(a) What is the nature of your injury? .. .. .<br>(b) At what hour did injury occur? .. .. .<br>(c) On what date did injury occur? .. .. .<br>(d) Where did injury occur? .. .. .<br>(e) Describe briefly how injury was caused .. .. .<br>(f) Were you incapacitated for work? .. .. .<br>(g) On what date were you incapacitated for work? .. .. .<br>(h) Give names of any persons who were present at time of accident or immediately afterwards .. .. .<br>(i) If accident occurred whilst travelling to or from your employment, training school or any place to obtain a medical certificate or to receive medical treatment or compensation in respect of a previous injury, give particulars of journey .. .. . |          |
| If you are claiming in respect of incapacity arising from a disease:—<br>(a) What is nature of disease? .. .. .<br>(b) How was disease caused? .. .. .<br>(c) When was disease caused? .. .. .<br>(d) When were you first incapacitated by such disease?<br>(e) For what period were you engaged in your employment? .. .. .<br>(f) If you have previously suffered from such disease, state:—<br>(i) Approximate date on which such disease first manifested itself .. .. .<br>(ii) Extent to which such disease interfered with your employment .. .. .                                                                                                                                                                                                                                                  |          |
| Was notice of accident or incapacity served? .. .. .<br>On whom was notice served? .. .. .<br>On what date was notice served? .. .. .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |          |

## COMMONWEALTH EMPLOYEES' COMPENSATION ACT

THE SCHEDULE—*continued.*

| Questions and Requests for Information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Replies. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Have you engaged in any employment since date of your injury or commencement of incapacity? .. ..<br>If so, give full particulars .. ..<br>State wages received .. ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |          |
| If this claim is made more than six months after occurrence of accident or commencement of incapacity, give reasons for failure to make claim within that period .. ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |          |
| Are you receiving or entitled to receive from the Commonwealth any payment, allowance or benefit in respect of your incapacity under—<br>(a) <i>Repatriation Act 1920-19</i> , e.g., pension;<br>(b) <i>Social Services Consolidation Act 1947-19</i> , e.g., unemployment, sickness, or rehabilitation benefits or invalid pension;<br>(c) any other law (other than <i>Commonwealth Employees' Compensation Act 1930-19</i> )? .. ..<br>If so, give particulars .. ..                                                                                                                                                                             |          |
| Have you another claim or right to claim against the Commonwealth or another person for compensation or damages or for any payment (other than a payment under an insurance policy privately effected by you or from a friendly society) in respect of the incapacity? .. ..<br>If so, do you intend taking proceedings in respect of that other claim .. ..                                                                                                                                                                                                                                                                                        |          |
| Give particulars (including full name) of one of following:—<br>(a) your wife; or<br>(b) female over age of 16 years caring for a child wholly or mainly dependent upon your earnings and under age of 16 years; or .. ..<br>(c) female member of your family over 16 years of age<br>Was she wholly or mainly dependent upon your earnings at date of injury? .. ..<br>Has she continuously remained so dependent? .. ..<br>Is she now so dependent? .. ..<br>If not, state extent of dependence .. ..<br>If she was not wholly or mainly dependent upon your earnings at date of injury but has since become so dependent, give particulars .. .. |          |

| Full name of each child under 16 years of age dependent upon your earnings. | Age. | Date of birth. | Relationship to you. | State whether wholly, mainly or partially (giving full particulars) dependent upon your earnings. |
|-----------------------------------------------------------------------------|------|----------------|----------------------|---------------------------------------------------------------------------------------------------|
|                                                                             |      |                |                      |                                                                                                   |
|                                                                             |      |                |                      |                                                                                                   |
|                                                                             |      |                |                      |                                                                                                   |

Declared at                      on the                      day of                      , 19     .

*Signature of Declarant.*

Before me—



## THE SCHEDULE—continued.

## FORM B.

## Regulation 4 (3.).

## Commonwealth Employees' Compensation Act 1930-19 .

## CLAIM FOR COMPENSATION.

## CLAIM BY DEPENDANT OF EMPLOYEE.

To—

I, [here write full name] of [here write full postal address] hereby claim compensation under the above-mentioned Act for myself and children named below in respect of the death of [here write full name of deceased employee] and declare that, to the best of my knowledge and belief, the following replies to the questions and requests for information are true and correct in every particular:—

| Questions and Requests for Information.                                                                                                                                                                                                                              | Replies. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| On date of injury, above-named employee was employed:—                                                                                                                                                                                                               |          |
| (a) In what precise capacity? .. .. .                                                                                                                                                                                                                                |          |
| (b) By what Department or Authority? .. .. .                                                                                                                                                                                                                         |          |
| If he was a member of the Defence Forces at date of injury—                                                                                                                                                                                                          |          |
| (c) What was his rank? .. .. .                                                                                                                                                                                                                                       |          |
| (d) What was his unit? .. .. .                                                                                                                                                                                                                                       |          |
| If death of employee was caused by injury by accident:—                                                                                                                                                                                                              |          |
| (a) What was nature of injury? .. .. .                                                                                                                                                                                                                               |          |
| (b) At what hour did injury occur? .. .. .                                                                                                                                                                                                                           |          |
| (c) On what date did injury occur? .. .. .                                                                                                                                                                                                                           |          |
| (d) Where did injury occur? .. .. .                                                                                                                                                                                                                                  |          |
| (e) Describe briefly how injury was caused .. .. .                                                                                                                                                                                                                   |          |
| (f) Give names of any persons who were present at time of accident or immediately afterwards .. .. .                                                                                                                                                                 |          |
| (g) If accident occurred whilst employee was travelling to or from his employment, training school or any place to obtain a medical certificate or to receive medical treatment or compensation in respect of a previous injury, give particulars of journey .. .. . |          |
| If death of employee was caused by a disease:—                                                                                                                                                                                                                       |          |
| (a) What was nature of disease? .. .. .                                                                                                                                                                                                                              |          |
| (b) How was disease caused? .. .. .                                                                                                                                                                                                                                  |          |
| (c) When was disease caused? .. .. .                                                                                                                                                                                                                                 |          |
| (d) When was employee first incapacitated by such disease? .. .. .                                                                                                                                                                                                   |          |
| (e) For what period was employee engaged in his employment? .. .. .                                                                                                                                                                                                  |          |
| (f) If employee ever previously suffered from such disease, state:—                                                                                                                                                                                                  |          |
| (i) Approximate date on which such disease first manifested itself .. .. .                                                                                                                                                                                           |          |
| (ii) Extent to which such disease interfered with his employment .. .. .                                                                                                                                                                                             |          |
| Was notice of accident or incapacity served? .. .. .                                                                                                                                                                                                                 |          |
| On whom was notice served? .. .. .                                                                                                                                                                                                                                   |          |
| On what date was notice served? .. .. .                                                                                                                                                                                                                              |          |
| What is your relationship to deceased employee? .. .. .                                                                                                                                                                                                              |          |
| Were you wholly dependent upon employee's earnings at date of his death? .. .. .                                                                                                                                                                                     |          |
| Were you in part dependent upon employee's earnings at date of his death? .. .. .                                                                                                                                                                                    |          |
| If so, give full particulars .. .. .                                                                                                                                                                                                                                 |          |

## COMMONWEALTH EMPLOYEES' COMPENSATION ACT

## THE SCHEDULE—continued.

| Questions and Requests for Information.                                                                                                                                                                                                                                                                                                                                | Replies. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Was any other person contributing towards your maintenance at date of employee's death? .. ..<br>If so, give full particulars .. .. .                                                                                                                                                                                                                                  |          |
| Were you in receipt of a pension or other payment (other than Child Endowment) from the Commonwealth at the date of employee's death? .. .. .<br>If so, give particulars .. .. .                                                                                                                                                                                       |          |
| Did you at date of employee's death have any other means of support? .. .. .<br>If so, give full particulars .. .. .                                                                                                                                                                                                                                                   |          |
| Are you receiving or entitled to receive from the Commonwealth in respect of the death of the employee, or was the employee receiving or entitled to receive, any payment under—<br>(a) <i>Repatriation Act 1920-19</i> , e.g., pension;<br>(b) any other law (other than <i>Commonwealth Employees' Compensation Act 1930-19</i> )<br>If so, give particulars .. .. . |          |
| Have you another claim or right to claim against the Commonwealth or another person for compensation or damages or for any payment (other than a payment under an insurance policy privately effected by employee or from a friendly society) in respect of death of employee ..<br>If so, do you intend taking proceedings in respect of that other claim? .. .. .    |          |
| Give names, addresses and relationships to deceased employee of all other persons (except children) known to you, who were dependent upon his earnings at date of his death                                                                                                                                                                                            |          |
| If this claim is made more than six months after employee's death, give reasons for failure to make claim within that period .. .. .                                                                                                                                                                                                                                   |          |

| Full name of each child dependent upon deceased employee's earnings. | Age. | Date of Birth. | Relationship to deceased employee. | State whether wholly, mainly or partially (giving full particulars) dependent upon employee's earnings at date of his death. |
|----------------------------------------------------------------------|------|----------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
|                                                                      |      |                |                                    |                                                                                                                              |
|                                                                      |      |                |                                    |                                                                                                                              |
|                                                                      |      |                |                                    |                                                                                                                              |
|                                                                      |      |                |                                    |                                                                                                                              |

Declared at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

*Signature of Declarant.*

Before me—

THE SCHEDULE—continued.

FORM C.

Regulation 5.

Commonwealth Employees' Compensation Act 1930-19 .

ELECTION UNDER SECTION 15.

I, \_\_\_\_\_ of \_\_\_\_\_  
being a person entitled to elect to take compensation or benefits under the *Commonwealth Employees' Compensation Act 1930-19* , or under the provisions of a determination made by the Public Service Arbitrator appointed under the *Public Service Arbitration Act 1920-19* , in respect of personal injury by accident arising out of or in the course of my employment by the Commonwealth, hereby elect to take compensation or benefits under the *Commonwealth Employees' Compensation Act 1930-19* .

Signed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ .  
[Signature of Employee.]  
Signature of witness.  
Occupation and address of witness.

FORM D.

Regulation 8.

Commonwealth Employees' Compensation Act 1930-19 .

REPORT OF MEDICAL REFEREE, MEDICAL BOARD OR MEDICAL PRACTITIONER.

\*I, \_\_\_\_\_  
We, \_\_\_\_\_  
\_\_\_\_\_ a Medical Referee  
\_\_\_\_\_ a Medical Board  
\_\_\_\_\_ a Medical Practitioner

acting under the *Commonwealth Employees' Compensation Act 1930-19* , have this day examined \_\_\_\_\_ of \_\_\_\_\_, whose signature appears in the margin of this Form, a claimant for compensation under the above-named Act. On examination—

\*I, \_\_\_\_\_ find that claimant is about \_\_\_\_\_ years of age and is suffering from (a) \_\_\_\_\_  
We, \_\_\_\_\_

The above condition is the result of (b) \_\_\_\_\_  
and is such that the claimant is thereby incapacitated at present to the extent of \_\_\_\_\_ per cent. of total incapacity at his employment at the date of the injury, and \_\_\_\_\_ per cent. of total incapacity in the general labour market. Claimant is fit to undertake employment in such occupations as \_\_\_\_\_

(c) The above condition is the result of (d) \_\_\_\_\_  
disease which \*was \_\_\_\_\_ due to the nature of his employment by the Commonwealth was not \_\_\_\_\_

In \*my opinion claimant \*has \_\_\_\_\_ previously suffered from the above-mentioned disease  
our \_\_\_\_\_ has not \_\_\_\_\_  
General Remarks—

Date \_\_\_\_\_, 19\_\_\_\_ .  
\*Medical Referee.  
Medical Board.  
Medical Practitioner.

Signature of Claimant.

- \* Strike out what is inapplicable.
- (a) Fully describe claimant's general condition.
- (b) State whether injury by accident or disease.
- (c) This part to be filled in only in case of claimant suffering from a disease.
- (d) State nature of disease.

## COMMONWEALTH EMPLOYEES' COMPENSATION ACT

THE SCHEDULE—*continued*.

FORM E.

Regulation 13.

*Commonwealth Employees' Compensation Act 1930-19* .RETURN OF PAYMENTS MADE DURING THE YEAR ENDED  
30TH JUNE, 19 .DEPARTMENT *or* AUTHORITY

£ s. d.

## 1. Amount paid under Section 9 (General Accidents)—

(a) in cases of incapacity .. .. .  
(b) in cases of death .. .. .

## 2. Amount paid under Section 9A (Travelling)—

(a) in cases of incapacity .. .. .  
(b) in cases of death .. .. .

## 3. Amount paid under Section 10 (Diseases)—

(a) in cases of incapacity .. .. .  
(b) in cases of death .. .. .

## 4. Amount paid under Section 12 (Specified Injuries)

TOTAL AMOUNT OF COMPENSATION PAID DURING THE YEAR ..

5. Amount paid in respect of medical and funeral expenses ..

TOTAL AMOUNT PAID UNDER THE ACT DURING THE YEAR ..

Number of injuries in respect of which payments have been made under  
the Act during the year .. .. .Permanent Head or Chief  
Officer of the Department or Authority.

Date

# COMMONWEALTH GRANTS COMMISSION ACT 1933-1951

## COMMONWEALTH GRANTS COMMISSION REGULATIONS.\*

1. These Regulations may be cited as the Commonwealth Grants Commission Regulations.\* Short title.

2.—(1.) An allowance at the rate of Four pounds four shillings per day shall be payable to each member or deputy of a member of the Commission on account of his expenses in travelling to discharge the duties of his office. Travelling expenses.  
Sub-reg. (1.) amended by 1939, No. 56; 1953, No. 8; and 1954, No. 74.

(2.) Where a member or the deputy of a member travels by steamer or by railway and the fare paid includes subsistence, one quarter only of the ordinary rate to which the member or deputy of a member would otherwise be entitled shall be allowed.

(3.) The travelling allowance shall be in addition to the cost of conveyance, and the amount of allowance payable in respect of any portion of a day shall be computed on an hourly basis, the hourly rate being one twenty-fourth of the daily rate. The period for which travelling allowance may be claimed shall be computed from the time of departure of to time of arrival on return by the train, steamer, or other conveyance by which a member or deputy of a member travels.

\* \* \* \* \*

Sub-reg. (4.) omitted by 1953, No. 8.

\* The Commonwealth Grants Commission Regulations, in force under the *Commonwealth Grants Commission Act 1933-1951*, comprise the following Statutory Rules:—

| Year and Number.   | Date of Notification<br>in <i>Gazette</i> . | Date of Commencement. |
|--------------------|---------------------------------------------|-----------------------|
| 1933, No. 87 .. .. | 27th July, 1933 .. ..                       | 27th July, 1933       |
| 1939, No. 56 .. .. | 13th July, 1939 .. ..                       | 13th July, 1939       |
| 1953, No. 8 .. ..  | 29th January, 1953 .. ..                    | 1st July, 1952        |
| 1954, No. 74 .. .. | 10th June, 1954 .. ..                       | 1st November, 1953    |

## COMMONWEALTH INSCRIBED STOCK ACT 1911-1946

## COMMONWEALTH INSCRIBED STOCK REGULATIONS.\*

## PART I.—PRELIMINARY.

- Citation.** 1. These Regulations may be cited as the Commonwealth Incribed Stock Regulations.\*
- Repeal.** 2. The Commonwealth Incribed Stock Regulations (comprising Statutory Rules 1927, No. 157; 1928, Nos. 29 and 61; 1931, Nos. 17, 102 and 151; 1932, Nos. 71 and 135; 1934, Nos. 8 and 123; 1935, No. 128; 1936, No. 72; 1938, No. 50; 1940, No. 40; and 1942, No. 227) are repealed.
- Parts.** 3. These Regulations are divided into Parts, as follows†:—  
     Part I.—Preliminary.  
     Part II.—Provisions relating to Stock.  
     Part III.—Provisions relating to Treasury Bonds.  
     Part IV.—Powers of Attorney.  
     Part V.—Miscellaneous.
- Definitions.** 4. In these Regulations, unless the contrary intention appears—  
     “bond” means Treasury Bond;  
     “owner” means an owner of stock or the owners of stock in a joint account;  
     “the Act” means the *Commonwealth Incribed Stock Act 1911-1943*;  
     “the Secretary” means the Secretary, Department of the Treasury.

\* The Commonwealth Incribed Stock Regulations, in force under the *Commonwealth Incribed Stock Act 1911-1946*, comprise the following Statutory Rules:—

| Year and Number.      | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|-----------------------|----------------------------------------------------------------|
| 1944, No. 186 .. .. . | 20th December, 1944                                            |
| 1946, No. 75 .. .. .  | 17th April, 1946                                               |
| 1947, No. 96 .. .. .  | 29th July, 1947                                                |
| 1952, No. 26 .. .. .  | 24th April, 1952                                               |

† The regulations contained in the various Parts of these Regulations are as follows:—  
     Part I., rr. 1-6;  
     Part II., rr. 7-42;  
     Part III., rr. 43-54;  
     Part IV., rr. 55-58;  
     Part V., rr. 59-70.

5.—(1.) In these Regulations, any reference to a Form shall be read as a reference to a Form in the Schedule to these Regulations. Forms.

(2.) Where these Regulations require the use of any Form, any Form to the like effect approved by the Treasurer may be used.

6. Each Registry shall be open for the transaction of business on such days and during such hours as the Treasurer determines. Hours of business at Registries.

## PART II.—PROVISIONS RELATING TO STOCK.

7.—(1.) An application to purchase stock, except where the application is made on a form accompanying a prospectus calling for subscriptions by public tender, shall be in accordance with Form 1. Applications for stock.

(2.) The application shall be accompanied by the purchase money, together with any premium and accrued interest to the date of purchase.

(3.) In the case of a joint account, the application shall set forth the names in the order in which they are to appear in the Stock Ledger.

8. Upon receipt of the application and purchase money, the Registrar shall issue a receipt in accordance with Form 2. Receipt for application.

9.—(1.) Stock Ledgers shall be in accordance with Form 3 and may be kept in a loose-leaf system or in some other system approved by the Treasurer. Stock Ledgers.

(2.) The Registrar or other officer authorized to make entries in Stock Ledgers shall initial all entries made by him in a Stock Ledger.

10.—(1.) The full name, address and description of each owner of stock shall be entered in the Stock Ledger. Name and address to be entered in Stock Ledger.

(2.) Where the owner of any stock changes his address, he shall give notice thereof to the Registrar in accordance with Form 4 or by letter to the like effect, and the Registrar shall record the change of address in the Stock Ledger, and shall thereupon forward a notice in accordance with Form 5 to the stock owner at the address previously recorded in the Stock Ledger.

11.—(1.) Stock may be inscribed in the name of an infant solely, and an infant may transfer stock, but if the infant has not attained the age of fourteen years, the stock shall not be transferred, and Treasury bonds shall not be issued in exchange therefor without the consent of the infant's parent or guardian. Inscription of stock in the name of an infant solely.

(2.) Bonds issued in exchange for stock inscribed in the name of such an infant may be delivered by the Registrar to the infant's parent or guardian whose receipt shall be a valid discharge.

12.—(1.) Where stock is inscribed in the name of an infant jointly with one or more other persons, the principal may, if the infant has attained the age of fourteen years, be paid to the infant jointly with the other person or persons in whose names the stock is inscribed. Re-payment of principal where stock inscribed in names of infant and adult.

(2.) Where the infant has not attained the age of fourteen years the principal may be paid to the infant's parent or guardian jointly with the other person or persons in whose names the stock is inscribed.

Executors, &c.

**13.** Executors, administrators and trustees shall not be registered as such, but in their individual names without reference to any trusteeship.

Inscription of stock in names of banks.

**14.** Where an applicant for the purchase of bonds requests that the bonds be delivered to a bank (including a savings bank), the equivalent amount of stock may, on application by the bank in accordance with Form 6, be inscribed in the name of the bank, but nothing in this regulation shall affect any obligation of a bank to deliver bonds to the purchaser thereof.

Inscription of stock in names of bodies corporate.

**15.**—(1.) Subject to the next succeeding regulation, before stock is inscribed in the name of a body corporate, there shall be furnished to the Registrar—

- (a) a copy of the certificate of incorporation, or, if the body corporate is specifically established by any law or by any Royal Charter or similar instrument, a copy of that law, Royal Charter or instrument;
- (b) a copy of the seal of the body corporate authenticated in accordance with Form 7; and
- (c) a copy of any regulations or resolution of the body corporate governing the affixing of the seal certified or authenticated to the satisfaction of the Registrar.

(2.) In the case of a body corporate incorporated outside Australia, the Treasurer may determine that it shall not be necessary to furnish a copy of the seal of the body corporate authenticated in accordance with Form 7, provided there is furnished to the Registrar a power of attorney authorizing dealings in stock on behalf of the body corporate executed under the seal of the body corporate and notarially attested.

Applications by Friendly Societies, &c.

**16.**—(1.) An application by a Friendly Society, Trade Union, or any branch thereof, for inscribed stock shall be in accordance with Form 1 or in accordance with the form accompanying the prospectus of a loan in respect of which the application is made, or in accordance with Form 15 or Form 33, and shall contain the particulars specified in the form.

(2.) Whenever an application for stock is made by a Friendly Society, Trade Union or any branch thereof, or a transfer of stock to a Friendly Society, Trade Union or any branch thereof is delivered to the Registrar, there shall be furnished to the Registrar a certificate in accordance with Form 8, unless the Registrar is already in possession of such a certificate.

(3.) Whenever any change occurs in the persons authorized in accordance with Form 8, there shall be furnished to the Registrar a fresh certificate in accordance with that Form.

Marriage of females owning stock.

**17.**—(1.) On the marriage of a female who is the owner of stock, her name and description shall be altered in the Stock Ledger with respect to stock standing either in her name solely, or in the name of herself and any other person jointly, on lodgment with the Registrar of a request, in accordance with Form 9, signed by her, stating the name in full of her husband, and setting forth particulars of the stock concerning which it is desired to have the alteration made.

(2.) The Registrar shall forward a notification of the alteration in accordance with Form 10.



**18.**—(1.) Where the Registrar is satisfied, on request in writing to correct a mistake in the Stock Ledger, that any stock is inscribed incorrectly owing to a mistake in a request for inscription or transfer, or for any other reason, the Registrar may amend the Stock Ledger.

Correction of mistakes.

(2.) If the Registrar so requires, a statutory declaration as to the circumstances shall be furnished.

**19.**—(1.) The Registrar shall take steps to secure, either by post or personally, specimen signatures of all stock owners.

Specimen signatures.

(2.) Specimen signatures obtained by post shall be witnessed.

(3.) Where the signing of documents by owners of stock does not take place before the Registrar the Registrar shall satisfy himself as to the genuineness of the signatures before accepting the document or acting thereunder.

(4.) In any case where he thinks fit, the Registrar may require a document to be signed before him.

**20.** An owner or part owner of stock shall be at liberty at all reasonable times to inspect his account of stock in the Stock Ledger, upon application in accordance with Form 11.

Inspection of Stock Ledgers.

**21.**—(1.) The Registrar shall keep a Sales and Transfer Book in accordance with Form 12 in which he shall enter particulars of all sales of stock to original purchasers (whether by public tender or otherwise) of all transfers and transmissions to other persons, of all exchanges of stock for bonds, or *vice versa*, of all stock redeemed or converted, of all transfers from or to another Registry and of any other transaction in respect of stock.

Sales and Transfer Books to be kept.

(2.) All entries made in the Sales and Transfer Book shall be numbered consecutively, beginning on the first day of July in each year, and corresponding numbers shall be placed on the forms from which the entries are made.

**22.**—(1.) The Registrar shall, upon the inscription of any stock, notify the persons concerned of the inscription.

Certificates as to proprietorship of stock.

(2.) The Registrar shall, at any time upon request being made in accordance with Form 13, or to the like effect, issue a certificate in accordance with Form 14 as to the proprietorship of the stock concerned, and shall keep a record of each certificate so issued.

(3.) The request may, if the Registrar so approves, be signed by, and the certificate issued to, a person authorized to act on behalf of the owner.

**23.**—(1.) Stock may be transferred from one person to another by instrument of transfer and acceptance in accordance with Form 15.

Transfers of stock from one person to another.

(2.) Signatures to a transfer and acceptance shall be attested by one of the following persons:—

- (a) a Commissioner for Affidavits;
- (b) a Commonwealth Commissioner for Declarations;
- (c) a Notary Public;
- (d) a solicitor;
- (e) a British Consul;
- (f) a member of a recognized Stock Exchange in Australia;
- (g) an officer of the Registry;
- (h) a bank manager; or
- (i) any other person approved by the Treasurer.

(3.) A person (not being an officer of a Registry) shall not attest the signature to a transfer and acceptance unless the person signing is personally known to the first-mentioned person.

(4.) Where a signature to a transfer and acceptance is attested by a bank manager he shall add the bank stamp.

(5.) Upon the registration of a transfer and acceptance the transferor and transferee shall be notified in accordance with Forms 16 and 17 respectively of the completion of the transaction.

(6.) Where stock is inscribed in the names of persons jointly it shall be sufficient if the first inscribed owner is so notified.

Transfers of  
stock from one  
Registry to  
another.

**24.**—(1.) Stock may be transferred from one Registry to another Registry on application being made in accordance with Form 18.

(2.) Where any stock is transferred from one Registry to another Registry, the Registrar of the Registry from which the stock is transferred shall forward to the Registrar of the Registry to which the stock is transferred an advice, in accordance with Form 19, of the transfer of the stock, together with a specimen signature of the owner, and shall forward to the owner a notification, in accordance with Form 20.

Death of sole  
owner of stock.

**25.** Upon production to the Registrar of probate of the will or letters of administration of the estate of the sole owner of any stock and, if required by the Registrar, a declaration by some person approved by the Registrar as to the identity of the deceased person as the owner, the Registrar may record the death of the owner in the Stock Ledger.

Death of  
joint owner of  
stock.

**26.** Upon production to the Registrar of probate of the will, letters of administration of the estate or certificate of death of one of the joint owners of stock and, if required by the Registrar, a declaration by some person approved by the Registrar as to the identity of the deceased as the owner, the stock shall be registered in the name of the survivor or survivors.

Exhibition of  
probates, &c.

**27.**—(1.) All probates, letters of administration, orders of sequestration, vesting orders and other like orders shall be exhibited at the Registry at least two clear days before the stock affected by them may be dealt with.

(2.) Particulars of all such documents shall be entered in the Register in accordance with Form 21, and the documents shall be forwarded to the Auditor-General or to such other person appointed by him for the purpose for notation before their return to the person by whom they were exhibited.

Transmission  
applications.

**28.**—(1.) A transmission application shall be in accordance with Form 22.

(2.) Upon the registration of a transmission, the Registrar shall forward to the person making the request for transmission a notice in accordance with Form 23.

(3.) The Registrar may require the signature of persons who claim transmission of stock by virtue of their appointment as executors, administrators or trustees to be verified to his satisfaction.

**29.** Where the Treasurer is satisfied that stock is inscribed in the name of a person whose property is required by law to be administered by a Public Curator or other officer charged with the duty of administering the estates of missing persons or persons under disability (other than bankruptcy or insolvency), the Treasurer may, upon receiving such indemnity from the Public Curator or other officer as he thinks necessary, authorize the transfer of the stock to the name of the Public Curator or other officer.

Transfer of stock to Public Curator, &c.

**30.** Except with the approval of the Treasurer, no transaction relating to stock shall be registered or dealt with within fourteen days prior to the date upon which interest is due, or within one month prior to the date of maturity of the stock.

Transfers, &c., not to be registered within fourteen days before due date of interest.

**31.—(1.)** The Registrar may mark a transfer of stock which has been properly executed by the transferor with the words "Stock held against this transfer for \_\_\_\_\_ pounds for a period of fourteen days from \_\_\_\_\_, 19\_\_\_\_".

Marked transfers.

(2.) Where any transfer is so marked, the Registrar may refuse to give effect to any dealing in stock to which the transfer relates during the period of fourteen days following the marking except in pursuance of the marked transfer.

**32.—(1.)** Interest on stock shall be paid by interest warrant.

Payment of interest.

(2.) Unless otherwise requested, warrants shall be made payable to the owner, or, in the case of a joint account, to the owner whose name is inscribed first in the Stock Ledger, and shall be forwarded by post to the payee.

(3.) Upon a request being made in accordance with Form 24, interest may be paid into any bank account, including a savings bank account.

(4.) When any such request reaches the Registrar less than fourteen clear days before interest is due the Registrar may decline to act thereon until after payment of that interest.

(5.) Any request under this regulation shall be signed by the owner of the stock, or, in the case of a joint account, by all the owners or the owner whose name is inscribed first in the Stock Ledger.

**33.** If a request in accordance with Form 25 is made by the owner, or, in the case of a joint account, by all the owners or by the owner whose name is inscribed first, interest warrants may be made payable to and transmitted by post to a person specified in the request, a specimen of whose signature shall be supplied to the Registrar.

Payment of interest to other persons.

**34.** All interest warrants shall be made payable to order and shall be signed by the payee before payment.

Interest warrants to be payable to order.

**35.** A request under regulation 32 or 33 of these Regulations shall remain in force until cancelled or varied.

Requests to remain in force until cancelled or varied.

**36.—(1.)** Any change of address of the person to whom an interest warrant is sent shall be notified at once to the Registrar.

Change of address.

(2.) Where any such notification reaches the Registrar less than fourteen clear days before the next interest is due, the Registrar may decline to act thereon until after the payment of that interest.

Payment of  
interest where  
infant is sole  
owner.

**37.** Interest on stock inscribed in the name of an infant solely shall be paid as directed by him, but if the infant has not attained the age of fourteen years, interest may be paid at the discretion of the Registrar to the infant's parent or guardian, whose receipt shall be a valid discharge.

Payment of  
interest where  
infant is joint  
owner.

**38.**—(1.) Where stock is inscribed in the name of an infant jointly with one or more other persons, the interest thereon may, if the infant has attained the age of fourteen years, be paid to the infant jointly with that other person or those other persons.

(2.) Where the infant has not attained the age of fourteen years the interest may be paid to the infant's parent or guardian jointly with that other person or those other persons.

Payment of  
interest where  
person under  
disability is  
joint owner.

**39.** Interest on stock inscribed in the name of an infant, or in the name of a person of unsound mind, jointly with others not under legal disability, may be paid as directed by the owners, other than those under a disability, and without the concurrence of the infant or person of unsound mind, upon sufficient proof of legal disability being lodged with the Registrar.

Redemption of  
interminable  
stock.

**40.** For the purpose of redeeming stock made interminable, fourteen days' notice, in writing, shall be given to the holder of the stock by the Treasurer or by a person appointed by the Treasurer in that behalf.

Exchange of  
stock for bonds.

**41.**—(1.) Stock may be exchanged for bonds on application being made in accordance with Form 26, provided the exchange will not result in the amount of stock held by any one person, or by two or more persons jointly, being less than One hundred pounds.

(2.) Bonds issued in exchange for stock shall be of the same currency and rate of interest as the stock and the Registrar shall cause any overdue interest coupons to be cut-off and cancelled before the bonds are issued.

(3.) If the bonds are delivered at the Registry, a receipt therefor shall be given at the foot of the application.

(4.) Where stock is exchanged for bonds a notification shall immediately be forwarded by post to the stock owner in accordance with Form 27.

Exchange of  
bonds for  
stock in name  
of infants, &c.

**42.**—(1.) Where stock is inscribed in the name of an infant, or in the name of a person of unsound mind, jointly with other persons not under legal disability, bonds shall not be issued in exchange for the stock except in pursuance of an order of a Justice of the High Court or of a Judge of the Supreme Court of a State or Territory:

Provided that where, in the case of a person of unsound mind, the Master in Lunacy or other officer of a State or Territory exercising powers and functions similar to the powers and functions of a Master in Lunacy is authorized under the law of the State or Territory to administer the estate of that person, bonds may be issued in exchange for stock inscribed in the name of that person jointly with other persons not under legal disability otherwise than in pursuance of an order of the kind referred to in this sub-regulation, upon receipt of an application in accordance with Form 26 signed by the Master in Lunacy or other officer, as the case may be, on behalf of the person of unsound mind, and by the persons not under legal disability.

(2.) Where an order has been made by a Justice of the High Court or a Judge of the Supreme Court of a State or Territory in relation to stock which is inscribed in the name of a person of unsound mind jointly with other persons not under any legal disability, it shall not be necessary for an application in accordance with Form 26 for the issue of bonds in exchange for that stock to be signed by or on behalf of the person of unsound mind.

### PART III.—PROVISIONS RELATING TO TREASURY BONDS.

**43.** Treasury Bonds, with coupons attached, shall be in accordance with Form 28 or 29. Treasury Bonds.

**44.** Treasury Bonds known as War Savings Certificates shall be in accordance with Form 30. War Savings Certificates.

**44A.** Treasury Bonds known as Savings Certificates shall be in accordance with Form 30A or Form 30B. Savings Certificates.  
Inserted by  
1946, No. 75;  
amended by  
1947, No. 96.

**45.** Debentures shall be in accordance with Form 31. Debentures.

**46.** Treasury Bills in accordance with Form 32 may be issued under section 51A of the Act. Treasury Bills.

**47.—**(1.) Paragraphs (c), (e) and (f) of section 4 of the *Treasury Bills Act* 1914-1915 shall not apply to Treasury Bonds and Debentures. Certain provisions of Treasury Bills Act not to apply to Treasury Bonds, &c.  
(2.) Paragraphs (c) and (e) of that section shall not apply to Treasury Bills issued under section 51A of the Act.

**48.—**(1.) Bonds may be exchanged for stock upon application being made in accordance with Form 33 for the inscription, provided the exchange will not result in the amount of stock held by any one person, or by two or more persons jointly, being less than One hundred pounds. Inscription of stock in exchange for bonds.

(2.) The Registrar shall issue a receipt in accordance with Form 34 for bonds lodged in exchange for stock and shall keep a record thereof.

(3.) Stock inscribed in exchange for bonds shall be of the same currency and rate of interest, and for the amount of the bonds surrendered.

(4.) The Registrar shall forward a notification of the inscription in accordance with Form 35 to the person in whose name the stock is inscribed, or, in the case of a joint account, to the owner whose name is inscribed first in the Stock Ledger.

**49.** Upon application being made in accordance with Form 36, bonds may be surrendered at a Registry in exchange for other bonds of the equivalent face value, of the same currency and bearing the same rate of interest. Exchange of bonds at same Registry.

**50.—**(1.) Upon application being made in accordance with Form 37, bonds may be surrendered at one Registry, in exchange for bonds of the equivalent face value, of the same currency and bearing the same rate of interest, to be issued at another Registry. Exchange of bonds at different Registries.

(2.) On receipt of the bonds surrendered, the Registrar receiving the bonds shall notify the Registrar at the other Registry in accordance with Form 38 that bonds may be issued in exchange for the bonds so surrendered.

(3.) The Commonwealth shall not be under any legal liability for any delay in issuing bonds under this regulation.

**51.** Bonds issued in exchange for other bonds under either of the last two preceding regulations shall have attached thereto coupons equivalent to the coupons attached to the bonds surrendered. Coupons on exchanged bonds.

Surrender by  
banks of  
War Savings  
and Savings  
Certificates  
held in safe  
custody.

Inserted by  
1952, No. 26.

**51A.**—(1.) A bank which holds Treasury Bonds known as War Savings Certificates or Savings Certificates in safe custody for a person may surrender those bonds to a Registrar.

(2.) A bank which surrenders bonds in pursuance of the last preceding sub-regulation shall be entitled to a certificate, in accordance with Form 38A, equivalent in face value to the total face value of the bonds surrendered, and the Registrar shall issue the certificate accordingly.

Applications  
for bonds.

**52.**—(1.) An application to purchase bonds, except where the application is made on a form accompanying a prospectus calling for subscriptions by public tender, shall be in accordance with Form 1.

(2.) The application shall be accompanied by the purchase-money, together with any premium and accrued interest to the date of purchase.

(3.) Upon receipt of the application and purchase money, the Registrar shall issue the bonds and a receipt in accordance with Form 39.

(4.) The purchaser shall give a receipt for the bonds.

(5.) Before any bonds are issued under this regulation any overdue coupons shall be cut off.

Purchase of  
bonds by  
infants.

**53.**—(1.) Bonds may be purchased by an infant and his receipt for the bonds shall be a valid discharge.

(2.) If the infant has not attained the age of fourteen years, the Registrar may deliver the bonds to the parent or guardian of the infant whose receipt shall be a valid discharge.

Delivery of  
bonds not  
exceeding £100  
on behalf of  
deceased  
persons.

**54.**—(1.) Upon the death of a person who is entitled to receive from a Registrar any bonds not exceeding a face value of One hundred pounds, the Treasurer may authorize the delivery of the bonds to such person as he thinks fit.

(2.) No person shall have any claim against the Commonwealth in respect of any bonds delivered under this regulation but nothing in this regulation shall relieve the person to whom the bonds are delivered to account for or deal with the bonds in accordance with law.

#### PART IV.—POWERS OF ATTORNEY.

Prescribed  
form of power  
of attorney.

**55.**—(1.) A power of attorney may be in accordance with Form 40.

(2.) A power of attorney in accordance with Form 40 shall be executed and attested in accordance with the instructions contained in that Form.

(3.) Where a power of attorney relates to stock in a joint account, it shall be signed by all the owners.

Powers of  
attorney not  
in prescribed  
form.

**56.** Where a power of attorney not in accordance with Form 40 contains full power to act for any purpose in relation to stock, and, in the opinion of the Registrar, it is inconvenient to obtain a power of attorney in accordance with Form 40, the Registrar may act on the power of attorney which is not in accordance with Form 40.

Powers of  
attorney to be  
left for  
notation.

**57.** All powers of attorney shall be left at the Registry for notation at least two clear days before they are to be acted upon, and particulars thereof shall be entered in a Register in accordance with Form 21.

Action on  
powers of  
attorney.

**58.**—(1.) If the Registrar is satisfied that a power of attorney has been properly executed and attested, and that the signatures thereto are genuine, the Registrar may act upon the authority contained therein.

(2.) In case of doubt, the Registrar shall forward a notice in accordance with Form 41 to the owner of the stock, and the Registrar shall not act under the power of attorney until he is satisfied that there is no objection thereto.

#### PART V.—MISCELLANEOUS.

**59.** A Registrar shall exercise his powers and functions in accordance with the Act and these Regulations and with such instructions as are given to him by the Secretary. Duties of Registrar.

**60.** It shall be the duty of a Registrar to take steps to secure the safe custody of all bonds, and of all books, forms and other records relating to stock and bonds, in his charge, and no person other than an officer of the Registry acting in the course of his duty shall, unless so authorized by the Secretary, be permitted to have access thereto. Safe custody of bonds, &c.

**61.** An officer of a Registry shall not divulge any information coming to his knowledge in the course of his duties, except as authorized by the Act, by these Regulations or by the Secretary, or except as required by law. Secrecy.

**62.** All instruments under these Regulations executed by a body corporate shall be sealed in accordance with any regulations or resolution of the body corporate governing the affixing of the seal and the Registrar may require proof that such an instrument has been so sealed. Sealing of documents by bodies corporate.

**63.**—(1.) A Registrar may, where he considers it desirable to do so, arrange for bonds which cannot conveniently be delivered personally to the owner thereof at the Registry, to be delivered to the owner through a bank or postmaster. Delivery of bonds through a bank or postmaster.

(2.) The owner shall furnish to the Registrar a receipt for bonds so delivered.

**64.** Where for any reason the Registrar considers it desirable to do so, he may, before giving effect to any transaction in connexion with stock, forward to the owner a notice in accordance with Form 41 and shall not give effect to the transaction until he is satisfied that there is no objection thereto. Notice of dealing.

**65.**—(1.) The Treasurer may, by writing under his hand, delegate to any other person any of his powers and functions under these Regulations except this power of delegation. Delegation of Treasurer's Powers.

(2.) Every delegation under this regulation shall be revocable at will, and no such delegation shall prevent or affect the exercise of any power or function by the Treasurer.

**66.**—(1.) Section 10 of the *Treasury Bills Act* 1914-1915 shall not apply to Treasury Bonds, Debentures and other prescribed securities. Lost, &c., bonds, &c.

(2.) Where a Treasury Bond (but not including an interest coupon which has been detached from a Treasury Bond), Debenture or other prescribed security is lost, stolen, destroyed or mutilated before it is paid off, the owner may apply to the Treasurer for the issue of a Treasury Bond, Debenture or other security to replace the lost, stolen, destroyed or mutilated Treasury Bond, Debenture or security.

(3.) If the Treasurer is satisfied—

(a) that the Treasury Bond, Debenture or security has been lost, stolen, destroyed or mutilated; and

(b) that the applicant is the owner thereof,

the Treasurer may, subject to this regulation and upon the applicant giving an indemnity to the satisfaction of the Treasurer to indemnify the Commonwealth against double payment of the Treasury Bond, Debenture or security and of the interest thereon, authorize the issue of a Treasury Bond, Debenture or security in place of the lost, stolen, destroyed or mutilated Treasury Bond, Debenture or security, upon such conditions as he thinks fit.

(4.) If the Treasurer is satisfied that an interest coupon detached from a Treasury Bond has been lost, stolen or destroyed before it is paid, the Treasurer may, subject to such conditions as he thinks fit, and upon the owner giving an indemnity to the satisfaction of the Treasurer to indemnify the Commonwealth against double payment of the coupon, authorize payment of the amount of the coupon to the owner thereof.

Marksman.

**67.** Where any person is unable to sign his name instruments required for the purposes of these Regulations shall be executed by him and attested in such manner as the Registrar requires.

Preservation of instruments.

**68.** The Registrar shall preserve all instruments relating to stock and bonds until their destruction is authorized by the Treasurer.

General Register of Treasury Bonds.  
Returns.

**69.** The Secretary shall keep a General Register of Treasury Bonds.

**70.**—(1.) Each Registrar shall furnish to the Secretary such returns and information as the Secretary requires.

(2.) The Registrar shall forward a copy of each return under this regulation to the Auditor-General.

## THE SCHEDULE

FORM 1.  
Regulations 7, 16 and 52.

|                            |                  |
|----------------------------|------------------|
| AUSTRALIAN CONSOLIDATED    | INSCRIBED STOCK. |
| COMMONWEALTH GOVERNMENT    |                  |
| <i>per cent., maturing</i> | 19 .             |

APPLICATION TO PURCHASE STOCK OR BONDS OTHERWISE THAN  
BY PUBLIC TENDER.

To the Registrar,  
Commonwealth Government Registry of Incribed  
Stock at

I  
We hereby apply for £ ( pounds) of  
Australian Consolidated Incribed Stock  
and herewith tender the sum of  
Commonwealth Government Treasury Bonds



|                                         |        |    |               |   |
|-----------------------------------------|--------|----|---------------|---|
|                                         | pounds |    | shillings and |   |
| pence in payment for the same, namely:— |        |    |               |   |
|                                         |        |    |               | £ |
| Amount of Stock or Bonds purchased      | ..     | .. | ..            |   |
| Amount of premium                       | ..     | .. | ..            |   |
| Accrued interest                        | ..     | .. | ..            |   |
| Total                                   | ..     | .. | ..            |   |

| Full Name(s) of Applicant(s). | Address(es). | Occupation(s). |
|-------------------------------|--------------|----------------|
|                               |              |                |

Date (Signatures)

FORM 2.  
Regulation 8.

BOOK No.  
RECEIPT No.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT  
*per cent., maturing* 19 .

RECEIPT FOR PURCHASE MONEY FOR STOCK SOLD OTHER THAN  
BY PUBLIC TENDER.

Commonwealth Government Registry of Inscribed  
Stock at  
Date 19 .

Received from  
the sum of  
shillings  
and  
pounds  
pence,  
for purchase of Australian Consolidated  
Commonwealth Government Inscribed Stock  
as under, to be inscribed in the name(s) of

This document is valueless  
either for purposes of  
transfer or for negotiation.

|                           |    |    |    |   |
|---------------------------|----|----|----|---|
| Amount of Stock purchased | .. | .. | .. | £ |
| Amount of premium         | .. | .. | .. | £ |
| Accrued interest          | .. | .. | .. | £ |
| Total amount paid         | .. | .. | .. | £ |

Deputy Registrar.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT

Regulation 9.

Name

Address

Occupation

Specimen Signature

**Interest Instructions:—**

[illegible]

FORM 4.  
Regulation 10.

AUSTRALIAN CONSOLIDATED INSCRIBED STOCK.  
COMMONWEALTH GOVERNMENT  
NOTIFICATION OF CHANGE OF ADDRESS.

To the Registrar,  
Commonwealth Government Registry of Inscribed  
Stock at

I hereby notify you that I have changed my address from

to  
and request that in future all communications from you in regard to stock standing  
in my name be forwarded to me at the latter address.

Signature  
Address  
Date

FORM 5.  
Regulation 10.

AUSTRALIAN CONSOLIDATED INSCRIBED STOCK.  
COMMONWEALTH GOVERNMENT  
CHANGE OF ADDRESS.

Commonwealth Government Registry of Inscribed  
Stock at

19

I have to acknowledge receipt of your letter dated  
stating that you have changed your address from  
to

and to inform you that your change of address has been duly recorded.

*Deputy Registrar.*

FORM 6.  
Regulation 14.

AUSTRALIAN CONSOLIDATED INSCRIBED STOCK.  
COMMONWEALTH GOVERNMENT

*per cent., maturing* 19 .  
APPLICATION FOR INSCRIPTION OF STOCK IN RESPECT OF  
APPLICATIONS FOR BONDS.

The Registrar,  
Commonwealth Government Registry of Inscribed  
Stock at

Please inscribed stock in the name(s) of  
in respect of the undermentioned applications for bonds of a total value of .

| No. of Application. | Name of Applicant for Bonds. | Amount. | Remarks. |
|---------------------|------------------------------|---------|----------|
|                     |                              | £       |          |
|                     |                              |         |          |
|                     |                              |         |          |
|                     |                              |         |          |

Signature  
(Bank stamp to be affixed.)

## COMMONWEALTH INSCRIBED STOCK ACT

FORM 7.  
Regulation 15.

AUSTRALIAN CONSOLIDATED INSCRIBED STOCK.  
COMMONWEALTH GOVERNMENT  
Registered address  
Date

## AUTHENTICATION OF CORPORATE SEAL.

The Registrar,  
Commonwealth Government Registry of Incribed  
Stock,

Dear Sir,

Please note that any of the undermentioned\*

(1)

(2)

(3)

(4)

(5)

(6)

(Full names.)

who have signed this document at the foot hereof, are authorized to sign on behalf of  
in conjunction with the on the sealing of documents

of the said Corporation and we certify that the Seal appearing hereon is that of  
and was affixed in accordance with governing the affairs of the said Corporation, a duly authenticated copy of which

is attached hereto.

and any amendments thereto \_\_\_\_\_  
has been supplied to you.

(Signatures.)

(1)

(4)

(2)

(5)

(3)

(6)

Given under the Common Seal of }

\* Insert "Directors", "Trustees", or as the case requires.

FORM 8.  
Regulation 16.

AUSTRALIAN CONSOLIDATED INSCRIBED STOCK.  
COMMONWEALTH GOVERNMENT  
Friendly Societies, Trade Unions, and Branches thereof.

## FORM OF CERTIFICATE.

This is to certify that \_\_\_\_\_ and \_\_\_\_\_  
and \_\_\_\_\_ have been duly appointed by the  
\*Society in accordance with the constitution and rules of the said \*Society  
\*Union to sign applications on behalf of the \*Society for Incribed Stock, and that  
\*Union and \_\_\_\_\_ and \_\_\_\_\_  
have been duly appointed by the said \*Society in accordance with its constitution  
\*Union

and rules to sign any documents relating to stock inscribed in the name of the said  
 \*Society, and that has been duly appointed by the  
 \*Union  
 \*Society in accordance with its constitution and rules to receive interest, certificates,  
 \*Union receipts, and other documents relating to such stock.

A specimen signature of each of the persons appointed as above appears at foot hereof.

*President*  
 (or Principal Executive Officer.)  
*Secretary*

Date

Specimen signature of persons appointed as above—

*Specimen signature.*

*Specimen signature.*

\* Cross out whichever is inapplicable.

NOTE.—A fresh Certificate in the above form must be furnished to the Registrar whenever any change is made in any of the persons appointed as above.

FORM 9.  
 Regulation 17.

AUSTRALIAN CONSOLIDATED  
 \_\_\_\_\_ INSCRIBED STOCK.  
 COMMONWEALTH GOVERNMENT

APPLICATION OF FEMALE OWNER FOR ALTERATION OF NAME ON  
 MARRIAGE.

To the Registrar,

Commonwealth Government Registry of  
 Inscribed Stock at

In consequence of my marriage, I desire that £ ( pounds) of Stock inscribed in the name\* of (my former name) of (my former address) be inscribed in my present name. My husband's full name is

My address in future will be

[Here insert particulars of stock.]

Signature (former name)  
 Signature (married name)

Date

\* State name in full.

FORM 10.  
 Regulation 17.

AUSTRALIAN CONSOLIDATED  
 \_\_\_\_\_ INSCRIBED STOCK.  
 COMMONWEALTH GOVERNMENT

NOTIFICATION OF ALTERATION OF NAME ON MARRIAGE.

Commonwealth Government Registry of Inscribed  
 Stock at

19

I have to inform you that in accordance with your application(s) of 19 , the stock owned by you has, in consequence of your marriage, been altered in the Stock Ledger from the name of to the name of

*Registrar.*

## COMMONWEALTH INSCRIBED STOCK ACT

FORM 11.  
Regulation 20.

AUSTRALIAN CONSOLIDATED  


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INSCRIBED STOCK.

COMMONWEALTH GOVERNMENT  
APPLICATION TO INSPECT STOCK LEDGER.

To the Registrar,  
Commonwealth Government Registry of  
Inscribed Stock at

I desire to inspect the account in the Stock Ledger standing in the name of

Signature  
Date

FORM 12.  
Regulation 21.

AUSTRALIAN CONSOLIDATED

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INSCRIBED STOCK.

COMMONWEALTH GOVERNMENT  
per cent., maturing \_\_\_\_\_, 19 \_\_\_\_.  
SALES AND TRANSFER BOOK.

[illegible]

FORM 13.  
Regulation 22.

AUSTRALIAN CONSOLIDATED  


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INScribed STOCK.

COMMONWEALTH GOVERNMENT  
APPLICATION FOR STOCK CERTIFICATE.

To the Registrar,  
Commonwealth Government Registry of  
Inscribed Stock at

I  
We hereby request that a Certificate of the Proprietorship of the Stock inscribed  
in the name(s) of  
be issued to  
Signature  
Address

Date \_\_\_\_\_

FORM 14.  
Regulation 22.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT INSCRIBED STOCK.

## STOCK CERTIFICATE.

No. Commonwealth Government Registry of Inscribed  
Stock at  
Date

|                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                              |                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>This is to Certify that £</p> <p>of <u>Australian Consolidated</u></p> <p>is inscribed in the name(s) of <u>Commonwealth Government</u></p> <p>as the owner(s) of the said Stock.</p> <p>This Certificate is neither issued only as evidence of the hereof.</p> <p>Dated this<br/>nine hundred and</p> <p>per cent. maturing / /19 £</p> <p>per cent. maturing / /19 £</p> <p>per cent. maturing / /19 £</p> | <p><i>This Certificate is valueless<br/>for purposes of transfer or<br/>negotiation.</i></p> | <p>( pounds)</p> <p>Inscribed Stock specified hereunder</p> <p>transferable nor negotiable, and is ownership of the Stock at the date</p> <p>day of One thousand</p> <p style="text-align: right;"><i>Registrar.</i></p> <p>per cent. maturing / /19 £</p> <p>per cent. maturing / /19 £</p> <p>per cent. maturing / /19 £</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

FORM 15.  
Regulations 16 and 23.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT INSCRIBED STOCK.

per cent., maturing, 19 .  
Commonwealth Government Registry of Inscribed  
Stock at

## TRANSFER AND ACCEPTANCE.

I  
We (Name, address and occupation must be given in full.)  
hereby assign and transfer unto (Name, address and occupation must be given in full.)  
h  
their executors, administrators, or assigns, the sum of £

( pounds) Australian  
Commonwealth

Consolidated  
Government Inscribed Stock, and all my property and interest in and right to  
our the same, and to the interest accrued thereon.

As witness hand this day of 19 .  
Witness  
Witness  
Witness  
Witness

I  
We the abovenamed transferee(s) hereby accept the stock mentioned above  
transferred into my name.  
our

As witness hand this day of 19 .  
Witness  
Witness  
Witness  
Witness

## COMMONWEALTH INSCRIBED STOCK ACT

FORM 16.  
Regulation 23.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT  
*per cent., maturing* 19  
INSCRIBED STOCK.  
NOTICE TO TRANSFEROR.

To  
I beg to inform you that in  
19  
of Stock has been inscribed in the

This Document is Valueless  
either for purposes of  
Transfer or for Negotiation.

Commonwealth Government  
Registry of Inscribed Stock

At

Date,

accordance with your application of  
pounds  
name of the Transferee.

*Registrar.*

FORM 17.  
Regulation 23.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT  
*per cent., maturing* 19  
INSCRIBED STOCK.  
NOTICE TO TRANSFEREE.

To  
I beg to inform you that in  
19  
of Stock has been inscribed in the

This Document is Valueless  
either for purposes of  
Transfer or for Negotiation.

Commonwealth Government  
Registry of Inscribed Stock

At

Date,

accordance with your acceptance of  
pounds  
name of

*Registrar.*

FORM 18.  
Regulation 24.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT  
*per cent., maturing* 19  
INSCRIBED STOCK.

APPLICATION FOR TRANSFER TO ANOTHER REGISTRY.

To the Registrar,  
Commonwealth Government Registry of  
Inscribed Stock at

I  
We  
of

(address(es) at present recorded)

occupation(s)  
hereby request that £

(

pounds)

of Stock standing in <sup>my</sup>our name(s) be transferred from the Registry at

to the Registry at  
Signature

New Address  
Date

19 .



| Verification of Signatures<br>by Registrar. | Specimen Signatures of<br>each Stock-owner. | New Address. | Occupation. |
|---------------------------------------------|---------------------------------------------|--------------|-------------|
|                                             | 1.                                          |              |             |
|                                             | 2.                                          |              |             |
|                                             | 3.                                          |              |             |
|                                             | 4.                                          |              |             |

FORM 19.

Regulation 24.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT  
*per cent., maturing* 19

INSCRIBED STOCK.

## ADVICE TO REGISTRAR OF TRANSFER FROM ANOTHER REGISTRY.

Transfer No. / Commonwealth Government Registry of Inscribed  
Stock at 19

To the Registrar,

Commonwealth Government Registry of  
Inscribed Stock at

I hereby inform you that on the application of  
Name

Address

Occupation

a specimen of whose signature is enclosed, £ ( pounds) of the above stock has been debited in the Stock  
Ledger in this Registry, and it is requested that stock for the same amount and  
series be inscribed in that name in the Stock Ledger at the Registry at

A full half year's interest is payable by you on , 19

\*

Registrar.

\* Here insert particulars of new address, if any, and any special instructions as to payment of  
interest.

## COMMONWEALTH INSCRIBED STOCK ACT

FORM 20.  
Regulation 24.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT  
*per cent., maturing* 19

INSCRIBED STOCK.  
NOTIFICATION OF TRANSFER TO ANOTHER REGISTRY.  
Commonwealth Government Registry of Incribed  
Stock at

I hereby inform you that, as requested in your application of  
steps have been taken to transfer £ ( 19 pounds)  
of Stock from this Registry to the Registry at  
This notification is valueless for purposes of transfer or negotiation.

Registrar.

FORM 21.  
Regulations 27 and 57.

COMMONWEALTH GOVERNMENT REGISTRY OF INSCRIBED STOCK.  
REGISTER OF POWERS OF ATTORNEY, PROBATES, LETTERS OF  
ADMINISTRATION, ETC.

| Date. | No. | From— | To— | Purport. | Initials of<br>Deputy<br>Registrar. |
|-------|-----|-------|-----|----------|-------------------------------------|
|       |     |       |     |          |                                     |

FORM 22.  
Regulation 28.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT  
*per cent., maturing* 19

INSCRIBED STOCK.  
REQUEST FOR TRANSMISSION.

To the Registrar,

Commonwealth Government Registry of  
Inscribed Stock at

Please have the undermentioned Transmission effected:—

From \_\_\_\_\_ who lately resided  
at \_\_\_\_\_ but who is now\*  
£ ( \_\_\_\_\_ pounds)  
of Australian Consolidated  
Commonwealth Government Inscribed Stock to  
who reside(s) at \_\_\_\_\_  
and is a \_\_\_\_\_ and claim(s) by transmission.  
are (Occupation.)

I submit herewith the following documents in support of this claim:—  
We

Signature {

(The capacity of the person(s) making the request, e.g., "Executor(s)", &c., must be shown.)  
Witness— Address

Date

\* Dead, bankrupt, or insolvent.

FORM 23.  
Regulation 28.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT

*per cent., maturing*

INSCRIBED STOCK.

19

NOTIFICATION OF TRANSMISSION.

Commonwealth Government Registry of Inscribed  
Stock at

To

Date

I hereby inform you that, in accordance with your request of  
£ ( pounds)  
of the abovementioned Stock has been inscribed in the name(s) of

Registrar.

FORM 24.  
Regulation 32.

AUSTRALIAN CONSOLIDATED

COMMONWEALTH GOVERNMENT

INSCRIBED STOCK.

REQUEST TO PAY INTEREST TO BANK ACCOUNT.

To the Registrar,

Commonwealth Government Registry of Inscribed  
Stock at

Please pay to the credit of

Branch of the

at the  
Bank,

all interest as it becomes due on the amount  
of the above-mentioned Stock which now stands, or may hereafter stand, in the  
name(s) of

Dated this                      day of                      19  
Required if interest {  
is to be credited { No. of Passbook  
to a Savings Bank {  
account.                      Place of Issue

Signature.

Witness

Address.

FORM 25.  
Regulation 33.

AUSTRALIAN CONSOLIDATED

COMMONWEALTH GOVERNMENT

*per cent., maturing*

INSCRIBED STOCK.

19

REQUEST TO PAY INTEREST TO ANOTHER PERSON.

To the Registrar,

Commonwealth Government Registry of Inscribed  
Stock at

Please pay by warrant all interest as it becomes due on the amount of the above-  
mentioned Stock, which now stands, or may hereafter stand, in the name(s) of

to

a specimen of whose signature appears in the margin, and whose address is

Dated this                      day of                      19

Signatures.

Address.

Witness

Specimen Signature

## COMMONWEALTH INSCRIBED STOCK ACT

FORM 26.

Regulations 41 and 42.

AUSTRALIAN CONSOLIDATED

INSCRIBED STOCK.

COMMONWEALTH GOVERNMENT

*per cent., maturing*

19 .

## APPLICATION FOR THE ISSUE OF BONDS IN EXCHANGE FOR STOCK.

To the Registrar,

Commonwealth Government Registry of Incribed  
Stock atI  
We hereby request that £ (

Australian Consolidated  
pounds) of the \_\_\_\_\_ Incribed Stock standing in my  
Commonwealth Government our  
name(s) be exchanged for Treasury Bonds (of the denomination of  
£ \_\_\_\_\_), to the total value of  
pounds.

It is requested that the Bonds be delivered \*at  
to \_\_\_\_\_ \*at the Post Office  
whose signature appears in the margin.

Signature  
Address  
Date

Witness

Received as undermentioned:—

Treasury Bonds totalling £

|   |        |      |
|---|--------|------|
| @ | £10    | Nos. |
| @ | £50    | „    |
| @ | £100   | „    |
| @ | £500   | „    |
| @ | £1,000 | „    |

(Signature)

First interest coupon due

Signature of Recipient

\* Cross out whichever is inapplicable.

FORM 27.

Regulation 41.

AUSTRALIAN CONSOLIDATED

INSCRIBED STOCK.

COMMONWEALTH GOVERNMENT

*per cent., maturing*

, 19 .

## NOTIFICATION OF ISSUE OF BONDS IN EXCHANGE FOR STOCK.

Commonwealth Government Registry of Incribed  
Stock at

To

I have to inform you that in accordance with your application of  
Treasury Bonds (of the denomination of £ \_\_\_\_\_) to the  
total value of \_\_\_\_\_ pounds have been issued in exchange for  
Australian Consolidated \_\_\_\_\_

Incribed Stock standing in your name.

Commonwealth Government

The Bonds were delivered \*at the Post Office  
\*at

to

in accordance with your request.

Registrar.

\* Cross out whichever is inapplicable.

FORM 28.  
Regulation 43.

## COMMONWEALTH TREASURY BOND.

TRANSFERABLE BY DELIVERY.

Issued under the *Commonwealth Inscribed Stock Act 1911-19* .

£ This Bond entitles the bearer to the payment at the office of the Commonwealth Bank of Australia, Sydney, Melbourne, Brisbane, Townsville, Rockhampton, Adelaide, Perth, Hobart or Launceston of £ , together with interest thereon at the rate of per centum per annum in accordance with the attached coupons and such sums are secured on the Consolidated Revenue of the Commonwealth of Australia.

Principal is repayable on the day of ,  
19 .  
Dated this day of 19 .  
Secretary to the Treasury.

## COMMONWEALTH TREASURY BOND.

Coupon for six months' interest on £ repayable 19 .  
Payable free of exchange at any bank in the Commonwealth.

FORM 29.  
Regulation 43.

## COMMONWEALTH OF AUSTRALIA.

## NATIONAL SAVINGS BOND.

No. TRANSFERABLE BY DELIVERY.

Issued under the *Commonwealth Inscribed Stock Act 1911-19* .

This Bond entitles the bearer to the payment at the office of the Commonwealth Bank of Australia at Sydney, Melbourne, Brisbane, Townsville, Rockhampton, Adelaide, Perth, Hobart or Launceston, of pounds on the day of , together with interest thereon at the rate of pounds per centum per annum in accordance with the attached coupons, and such sums are secured on the Consolidated Revenue of the Commonwealth of Australia.

Dated the day of , 19 .  
Secretary to the Treasury.

## COMMONWEALTH OF AUSTRALIA.

## 3% NATIONAL SAVINGS BOND.

Coupon for six months' interest on £ repayable 19 .  
Payable free of exchange at any bank in the Commonwealth.

FORM 30.  
Regulation 44.

Face value is payable on 19 (Being seven years after purchase date.)

## COMMONWEALTH OF AUSTRALIA.

## WAR SAVINGS CERTIFICATE.

£ No. .

Issued under the *Commonwealth Inscribed Stock Act 1911-19* .

TRANSFERABLE BY DELIVERY.

This Certificate entitles the Bearer to the payment at any Australian Branch of the Commonwealth Bank of Australia of the sum of at the expiration of Seven years after the day of One thousand nine hundred and forty- and such sum is secured on the Consolidated Revenue of the Commonwealth of Australia.

Secretary to the Treasury.

Stamp of  
Issuing Office.

## COMMONWEALTH INSCRIBED STOCK ACT

The Certificate may be cashed at any time within the period of seven years from the date of purchase. The value of the Certificate for purposes of redemption before maturity is set forth hereunder:—

## REDEMPTION VALUES AFTER DATE OF PURCHASE.

|                       | s. d. |    |    |    |    |
|-----------------------|-------|----|----|----|----|
| Within 1 year         | ..    | .. | .. | .. | .. |
| At end of 1 year      | ..    | .. | .. | .. | .. |
| At end of 2 years     | ..    | .. | .. | .. | .. |
| At end of 3 years     | ..    | .. | .. | .. | .. |
| At end of 4 years     | ..    | .. | .. | .. | .. |
| At end of 5 years     | ..    | .. | .. | .. | .. |
| At end of 6 years     | ..    | .. | .. | .. | .. |
| At maturity (7 years) | ..    | .. | .. | .. | .. |

A person is not entitled to purchase or own War Savings Certificates of a greater face value than £250.

Inserted by  
1946, No. 75.

FORM 30A.

Regulation 44A.

Face value is payable on 19 (Being seven years after purchase date.)

COMMONWEALTH OF AUSTRALIA.

SAVINGS CERTIFICATE.

£

No.

Issued under the *Commonwealth Inscribed Stock Act 1911-19* .

Transferable by Delivery.

This Certificate entitles the Bearer to the payment at any Australian Branch of the Commonwealth Bank of Australia of the sum of at the expiration of seven years after the day of One thousand nine hundred and forty- and such sum is secured on the Consolidated Revenue of the Commonwealth of Australia.

*Secretary to the Treasury.*

Stamp of  
Issuing Office.

The Certificate may be cashed at any time within the period of seven years from the date of purchase. The value of the Certificate for purposes of redemption before maturity is set forth hereunder:—

## REDEMPTION VALUES AFTER DATE OF PURCHASE.

|                       | s. d. |    |    |    |    |
|-----------------------|-------|----|----|----|----|
| Within 1 year         | ..    | .. | .. | .. | .. |
| At end of 1 year      | ..    | .. | .. | .. | .. |
| At end of 2 years     | ..    | .. | .. | .. | .. |
| At end of 3 years     | ..    | .. | .. | .. | .. |
| At end of 4 years     | ..    | .. | .. | .. | .. |
| At end of 5 years     | ..    | .. | .. | .. | .. |
| At end of 6 years     | ..    | .. | .. | .. | .. |
| At maturity (7 years) | ..    | .. | .. | .. | .. |

A person is not entitled to purchase or own Savings Certificates of a greater face value than £250.

FORM 30B.  
Regulation 44A.

Inserted by  
1947, No. 96.

Maturity date:—1st

COMMONWEALTH OF AUSTRALIA.  
SAVINGS CERTIFICATE.

Five Years.

No.

£

No.

Issued under the *Commonwealth Inscribed Stock Act 1911-1946*.

Transferable by Delivery.

This Certificate entitles the Bearer to payment at any Australian Branch of the Commonwealth Bank of Australia of the sum of \_\_\_\_\_ together with interest amounting to \_\_\_\_\_ at the expiration of five years after the \_\_\_\_\_ day of \_\_\_\_\_ One thousand nine hundred and \_\_\_\_\_ and such sum is secured on the Consolidated Revenue of the Commonwealth of Australia.

*Secretary to the Treasury.*

Stamp of  
Issuing Office.

The Certificate may be cashed at any time within the period of five years from the date of purchase. The value of the Certificate for purposes of redemption before maturity is set forth hereunder:—

REDEMPTION VALUES AFTER DATE OF PURCHASE. £ s. d.

|                       |    |    |    |    |    |
|-----------------------|----|----|----|----|----|
| Within 1 year         | .. | .. | .. | .. | .. |
| At end of 1 year      | .. | .. | .. | .. | .. |
| At end of 2 years     | .. | .. | .. | .. | .. |
| At end of 3 years     | .. | .. | .. | .. | .. |
| At end of 4 years     | .. | .. | .. | .. | .. |
| At maturity (5 years) | .. | .. | .. | .. | .. |

This Savings Certificate is payable at face value plus accrued interest amounting to \_\_\_\_\_ five years after date of purchase. The amount then payable includes the amount paid for the Certificate and compound interest thereon. Interest will cease at the date of the maturity of the Certificate.

A person is not entitled to purchase or own Savings Certificates of a greater face value than £250.

FORM 31.  
Regulation 45.

Payable

19 .

No.

£

COMMONWEALTH GOVERNMENT DEBENTURE.

TRANSFERABLE BY DELIVERY.

Issued under the *Commonwealth Inscribed Stock Act 1911-19* .

This Debenture entitles the bearer thereof to payment at \_\_\_\_\_ of \_\_\_\_\_ pounds, on the \_\_\_\_\_ day of \_\_\_\_\_ One thousand nine hundred and \_\_\_\_\_ together with interest thereon at the rate of \_\_\_\_\_ pounds, \_\_\_\_\_ shillings and \_\_\_\_\_ pence per centum per annum from the date of the Debenture, payable on the \_\_\_\_\_ and such sums are secured on the Consolidated Revenue of the Commonwealth of Australia.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ One thousand nine hundred and \_\_\_\_\_

*Secretary to the Treasury.*

FORM 32.  
Regulation 46.

Payable

19 .

£

No.

COMMONWEALTH OF AUSTRALIA.

TREASURY BILL.

Issued under the *Commonwealth Inscribed Stock Act 1911-19* .

TRANSFERABLE BY DELIVERY.

This Treasury Bill entitles the Bearer to the payment at \_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ , One thousand nine hundred and \_\_\_\_\_ , and such sum is secured on the Consolidated Revenue of the Commonwealth of Australia.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

, 19 .  
*Secretary to the Treasury.*

## COMMONWEALTH INSCRIBED STOCK ACT

FORM 33.

Regulations 16 and 48.

AUSTRALIAN CONSOLIDATED

INSCRIBED STOCK.

COMMONWEALTH GOVERNMENT

*per cent., maturing*, 19 .APPLICATION FOR THE INSCRIPTION OF STOCK IN EXCHANGE  
FOR BONDS.

To the Registrar,

Commonwealth Government Registry of Incribed

Stock at

I forward herewith Treasury Bonds, detailed below, of a total value of  
£ ( pounds), with therequest that they be exchanged for Australian Consolidated Incribed Stock,Commonwealth Government

to be inscribed in the name(s) of:—

| Name. | Address. | Occupation. |
|-------|----------|-------------|
|       |          |             |
|       |          |             |
|       |          |             |
|       |          |             |

Bond Numbers.

Next interest payable—

@ £10 = £

@ £50 = £

@ £100 = £

@ £500 = £

@ £1,000 = £

(Signature)

Full Address

Date

FORM 34.

Regulation 48.

AUSTRALIAN CONSOLIDATED

INSCRIBED STOCK.

COMMONWEALTH GOVERNMENT

*per cent., maturing*, 19 .

## INSCRIPTION OF STOCK IN EXCHANGE FOR BONDS.

INTERIM RECEIPT.

No.

Registry  
19

Received from

of

Australian Consolidated

Treasury Bonds of the face

Commonwealth Governmentvalue of pounds, to be inscribed in the  
name(s) of

in terms of the prescribed form of application dated

19 .

Registrar.

Should the official notification (Form 35) of the inscription not be received by the stockholder within seven days, kindly communicate direct with Registrar at the abovementioned Registry.



FORM 35.  
Regulation 48.

AUSTRALIAN CONSOLIDATED INSCRIBED STOCK.

COMMONWEALTH GOVERNMENT  
per cent., maturing , 19 .

NOTIFICATION OF INSCRIPTION OF STOCK IN EXCHANGE FOR BONDS.  
Commonwealth Government Registry of Inscribed  
Stock at  
Date

To

I have to inform you that in  
Australian  
19  
Commonwealth  
value of £ ( pounds) has been  
inscribed in the name(s) of  
in exchange for Treasury Bonds

This document is valueless  
either for purposes of  
transfer or for negotiation.

accordance with your application of  
Consolidated  
Government  
forwarded with your application.

Registrar.

[Back of Form.]

Unless otherwise instructed, the Registrar will forward by post an interest warrant to the registered address of the owner or to and in favour of the owner whose name is first inscribed in a joint account on each due date. If the warrant is not received on the correct day, notice should be sent to the Registrar without delay.

If requested on the prescribed form, the Registrar will pay the interest to a Banking Account or to any person.

Any change of address of the owner of Stock or of the person to whom warrants are sent or any desired alteration in regard to payment of interest to a Banking Account should be notified at once to the Registrar. When any such notification reaches the Registrar less than fourteen clear days before the next interest is due, the Registrar cannot undertake to record it until after the payment of such next interest.

Upon application to the Registrar, Stock may be exchanged for Treasury Bonds or inscribed at another Registry.

FORM 36.  
Regulation 49.

AUSTRALIAN CONSOLIDATED TREASURY BONDS.

COMMONWEALTH  
per cent., maturing , 19 .

APPLICATION FOR BONDS IN EXCHANGE FOR BONDS.

To the Registrar,  
Commonwealth Government Registry of Inscribed  
Stock at

I forward herewith the following Treasury Bonds amounting to £  
( pounds) together with interest coupons  
dated from / 19 to / 19 :—  
@ £10 = £ Numbers  
@ £50 = £ Numbers  
@ £100 = £ Numbers  
@ £500 = £ Numbers  
@ £1,000 = £ Numbers  
£

## COMMONWEALTH INSCRIBED STOCK ACT

with the request that they be exchanged for Treasury Bonds of the denominations as follows:—

|                 |            |                                                                                                                                                                                                                                                                                                                                                        |                              |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |
|-----------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|---------|---|---------|---|----------|---|----------|---|------------|-------|--|--|---|-------|--|--------------------------|
| Bonds Received. | / 19 .     | { <table border="0" style="margin-left: 20px;"> <tr><td>@</td><td>£10 = £</td></tr> <tr><td>@</td><td>£50 = £</td></tr> <tr><td>@</td><td>£100 = £</td></tr> <tr><td>@</td><td>£500 = £</td></tr> <tr><td>@</td><td>£1,000 = £</td></tr> <tr><td colspan="2"><hr/></td></tr> <tr><td></td><td>£</td></tr> <tr><td colspan="2"><hr/></td></tr> </table> | @                            | £10 = £ | @ | £50 = £ | @ | £100 = £ | @ | £500 = £ | @ | £1,000 = £ | <hr/> |  |  | £ | <hr/> |  | Numbers of Bonds Issued. |
| @               | £10 = £    |                                                                                                                                                                                                                                                                                                                                                        |                              |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |
| @               | £50 = £    |                                                                                                                                                                                                                                                                                                                                                        |                              |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |
| @               | £100 = £   |                                                                                                                                                                                                                                                                                                                                                        |                              |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |
| @               | £500 = £   |                                                                                                                                                                                                                                                                                                                                                        |                              |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |
| @               | £1,000 = £ |                                                                                                                                                                                                                                                                                                                                                        |                              |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |
| <hr/>           |            |                                                                                                                                                                                                                                                                                                                                                        |                              |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |
|                 | £          |                                                                                                                                                                                                                                                                                                                                                        |                              |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |
| <hr/>           |            |                                                                                                                                                                                                                                                                                                                                                        |                              |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |
|                 |            | £<br><hr/>                                                                                                                                                                                                                                                                                                                                             | Next Interest Due<br>/ /19 . |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |
|                 |            | Signature<br>Full Address<br>Date                                                                                                                                                                                                                                                                                                                      |                              |         |   |         |   |          |   |          |   |            |       |  |  |   |       |  |                          |

FORM 37.  
Regulation 50.

AUSTRALIAN CONSOLIDATED  
TREASURY BONDS.  
COMMONWEALTH  
*per cent., maturing* , 19 .

### APPLICATION FOR THE ISSUE OF BONDS AT ANOTHER REGISTRY.

To the Registrar,  
Commonwealth Government Registry of Incribed  
Stock at

I forward herewith Treasury Bonds, detailed below, of a total value of  
£ ( pounds) with the request that  
Treasury Bonds of equal value be issued upon identification, at  
Registry, to, or to the order of—

| Name. | Address. | Occupation. |
|-------|----------|-------------|
|       |          |             |
|       |          |             |
|       |          |             |

Next Interest Payable—  
/ /19 .

| DENOMINATIONS. |        |       |
|----------------|--------|-------|
| @              | £10    | Nos.  |
| @              | £50    | "     |
| @              | £100   | "     |
| @              | £500   | "     |
| @              | £1,000 | "     |
|                |        | = £   |
|                |        | = £   |
|                |        | = £   |
|                |        | = £   |
|                |        | = £   |
|                |        | <hr/> |
|                |        | £     |

Signature  
Full Address  
Date

Received from  
Treasury Bonds bearing Interest at \_\_\_\_\_ per cent. per annum and  
maturing on \_\_\_\_\_ 19\_\_\_\_, totalling £  
( \_\_\_\_\_ pounds), next Interest payable \_\_\_\_\_ / \_\_\_\_\_  
to be exchanged for Bonds of equal value to be handed to  
through the Commonwealth Government Registry of Inscribed Stock at  
in exchange for this Receipt, and on such Registry receiving authority from this  
Registry.

Countersigned—

Registrar.

FORM 38.

Regulation 50.

AUSTRALIAN CONSOLIDATED

TREASURY BONDS.

COMMONWEALTH

per cent., maturing

19\_\_\_\_.

## ADVICE TO REGISTRAR OF RECIPROCAL ISSUE OF BONDS.

Commonwealth Government Registry of Inscribed  
Stock at

19\_\_\_\_

To the Registrar,

Commonwealth Government Registry of Inscribed  
Stock at

I have to inform you that on the application of  
Treasury Bonds to the value of £ \_\_\_\_\_ ( \_\_\_\_\_  
pounds) may be issued to

or order

upon identification and in exchange for receipt issued by this Registry for equivalent  
amount.

Transfer No.

Interest payable \_\_\_\_\_ / \_\_\_\_\_ : £ \_\_\_\_\_ : \_\_\_\_\_

Registrar.

FORM 38A.

Regulation 51A.

Inserted by  
1952. No. 26.

COMMONWEALTH OF AUSTRALIA.

## SAVINGS CERTIFICATE.

Issued under the *Commonwealth Inscribed Stock Act 1911-19* \_\_\_\_\_.

This Certificate entitles the bearer to payment at the Commonwealth Bank  
of Australia at \_\_\_\_\_ of the sum of \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and that sum is secured on  
the Consolidated Revenue of the Commonwealth of Australia.

Secretary to the Treasury.

Signature of Registrar of Inscribed Stock.

Registry stamp.

FORM 39.

Regulation 52.

Commonwealth Government Registry of Inscribed  
Stock at

19\_\_\_\_

RECEIPT FOR PURCHASE MONEY FOR TREASURY BONDS SOLD  
OTHERWISE THAN BY PUBLIC TENDER.

per cent., maturing \_\_\_\_\_, 19\_\_\_\_.

Received from  
the sum of \_\_\_\_\_  
shillings

pounds

pence for purchase of Treasury Bonds as under:—

|                              |    |    |    |   |
|------------------------------|----|----|----|---|
| Amount of Bonds purchased .. | .. | .. | .. | £ |
| Amount of premium ..         | .. | .. | .. | £ |
| Accrued interest ..          | .. | .. | .. | £ |

|                      |    |    |   |
|----------------------|----|----|---|
| Total amount paid .. | .. | .. | £ |
|----------------------|----|----|---|

Registrar.

## COMMONWEALTH INSCRIBED STOCK ACT

FORM 40.

Regulations 55 and 56.

AUSTRALIAN CONSOLIDATED

INSCRIBED STOCK.

COMMONWEALTH GOVERNMENT

## POWER OF ATTORNEY.

Know all Men by these presents that I

of

do hereby constitute and appoint

a specimen of whose signature appears in the margin hereof, my true and lawful attorney for me and in my name and on my behalf to purchase Australian Consolidated Commonwealth Government Inscribed Stock, and sell, assign, transfer, convert into some other Commonwealth Loan, or otherwise deal with any Australian Consolidated Commonwealth Government Inscribed Stock which may now or hereafter be inscribed in my name either solely or jointly with another or others, and for me and in my name and on my behalf to sign all Acceptances, Transfers, Receipts, Applications, instructions regarding payment of interest and other documents necessary and proper to be signed on occasion of the premises.

Signature of Attorney—

In witness whereof I have hereunto set my hand and seal this

day of

One thousand nine hundred

and

Signed, sealed and delivered by the said

in the presence of—

\*

\* Signature, occupation and address of each witness.

## NOTE—

1. Strike out words in italics, if not required.
2. Special attention is requested to the instructions for executing powers of attorney which are on the other side.
3. Sub-section (3.) of section 56 of the *Commonwealth Inscribed Stock Act 1911-1940* reads as follows:—

“(3.) A power of attorney shall be valid and effectual for all the purposes therein mentioned until notice of its revocation or of the bankruptcy, insolvency, lunacy, unsoundness of mind, or death of the principal, has been received by the Registrar at the Registry where the power of attorney is deposited.”

[Back of Form.]

INSTRUCTIONS FOR EXECUTING POWERS OF ATTORNEY, WHICH  
MUST BE STRICTLY OBSERVED.

1. The date must be inserted, at time of execution, in words and not in figures.
2. Each execution must be attested by two credible witnesses, who must state their full addresses and occupations. (In the case of a married woman, she must give her husband's name, address and occupation.)
3. A wife may not witness her husband's signature and a husband may not witness his wife's signature.
4. Where clerks or servants are witnesses, they should give the name and address of their employers.
5. Where the powers of attorney are executed by more than one person, the subscribing witnesses must insert in the attestation the name of the parties or party whose execution they attest, and if the parties do not all execute at the same time and in the presence of the same witnesses the words “Signed by the said \_\_\_\_\_ in the presence of us”, must be repeated in each attestation.

6. Where a power of attorney is executed out of the Commonwealth of Australia, in addition to two witnesses, the signature must be attested by a British or Australian Minister, Consul, Vice-Consul, or other British authority, or by a Notary Public.

7. If it should be necessary for a Stock-holder to execute a power of attorney by a mark instead of by signing his name, each witness must be a person of known position, such as a Minister of Religion, Magistrate, Commissioner for Affidavits, Commonwealth Commissioner for Declarations, Solicitor, Conveyancer, Bank Manager, member of recognized Australian Stock Exchange, or Medical Practitioner; and the witness must declare in writing that the document has been read over and fully explained to and understood by the Stock-holder.

8. Any alteration, interlineation or erasure made in a power of attorney must be particularly mentioned in the attestation subscribed by the witnesses, and it must be stated to have been made before execution.

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FORM 41.

Regulations 58 and 64.

AUSTRALIAN CONSOLIDATED  
COMMONWEALTH GOVERNMENT

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INSCRIBED STOCK.

NOTICE OF DEALING.

Commonwealth Government Registry of Inscribed  
Stock at  
Date, 19

To

I have to inform you that application has been made to deal with the under-mentioned Stock standing in your name, in the following manner, and if no objection in writing is received from you within  
days, the transaction referred to will be allowed by me.

*Registrar.*

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## CONCILIATION AND ARBITRATION ACT 1904-1956

## CONCILIATION AND ARBITRATION REGULATIONS.\*

## PART I.—PRELIMINARY.

- Citation.**        **1.** These Regulations may be cited as the Conciliation and Arbitration Regulations.\*
- Repeal.**        **2.** The Conciliation and Arbitration Regulations (comprising Statutory Rules 1947, No. 142; 1948, Nos. 117, 143 and 146; 1949, Nos. 20, 28 and 49; 1951, Nos. 64, 100, 118 and 155; 1952, Nos. 12, 39, 55 and 71; 1953, No. 45; and 1954, Nos. 2, 6, 17, 37 and 107) are repealed.
- Parts.**        **3.** These Regulations are divided into Parts, as follows:—
- Part I.—Preliminary (Regulations 1-5).
- Part II.—Procedure of the Commonwealth Conciliation and Arbitration Commission.
- Division 1.—General (Regulations 6-15).
- Division 2.—Procedure in Particular Matters (Regulations 16-42).
- Part III.—Procedure of the Commonwealth Industrial Court.
- Division 1.—General (Regulations 43-67).
- Division 2.—Procedure in Particular Matters (other than Appeals) (Regulations 68-76).
- Division 3.—Appeals (other than Appeals from Courts of a State or Territory) (Regulations 77-78).
- Division 4.—Appeals from Courts of a State or Territory (Regulations 79-95).
- Division 5.—Costs (Regulations 96-98).
- Division 6.—Execution and Attachment (Regulations 99-107).
- Part IV.—Procedure of the Commonwealth Court of Conciliation and Arbitration (Regulations 108-114).
- Part V.—Organizations (Regulations 115-146).
- Part VI.—Inspectors (Regulations 147-153).
- Part VII.—Miscellaneous (Regulations 154-171).

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\* Statutory Rules 1956, No. 60; in force under the *Conciliation and Arbitration Act* 1904-1956; notified in the *Gazette* and commenced on 15th August, 1956.

4. In these Regulations, unless the contrary intention appears—

Definitions.

“Commissioner” includes, in relation to an industrial dispute, a presidential member of the Commission dealing with the dispute;

“Commissioner for Affidavits” means a person authorized under the law of the Commonwealth or of a State or Territory of the Commonwealth to take affidavits or declarations;

“Judge” means the Court constituted by a single Judge;

“Justice of the Peace” means a Justice of the Peace of a State or part of a State or of a Territory of the Commonwealth;

“the Act” means the *Conciliation and Arbitration Act 1904-1956*;

“the Registrar” means the Industrial Registrar, and includes a Deputy Industrial Registrar and, for the purposes of Part V. of these Regulations, means, in relation to an organization or branch of an organization—

(a) where the organization is registered at the Principal Registry—the Industrial Registrar or a Deputy Industrial Registrar stationed at the Principal Registry; or

(b) in any other case—the Industrial Registrar or the Deputy Industrial Registrar in charge of the Registry at which the organization is registered.

5.—(1.) Any reference in these Regulations to a form shall be read as a reference to a form in the First Schedule to these Regulations.

Forms.

(2.) Strict compliance with any form shall not be necessary and substantial compliance shall be sufficient.

PART II.—PROCEDURE OF THE COMMONWEALTH CONCILIATION AND ARBITRATION COMMISSION.

*Division 1.—General.*

6.—(1.) At each Registry, there shall be a seal bearing the Royal Arms with the words “The Seal of the Commonwealth Conciliation and Arbitration Commission” and the name of the Registry, and any of those seals may be used as the Seal of the Commission.

Seal of the Commission.

(2.) The Seal at each Registry shall be in the custody of the Registrar in charge of that Registry and shall be affixed by him or with his authority to all awards and orders of the Commission and to such other documents as the Commission directs.

7.—(1.) At each Registry, there shall be a stamp bearing the words “The Stamp of the Commonwealth Conciliation and Arbitration Commission” and the name of the Registry.

Stamp of the Commission.

(2.) The Stamp at each Registry shall be in the custody of the Registrar in charge of that Registry and shall be affixed by him to all documents issued by him in relation to proceedings before the Commission.

Award or order  
to be signed.

**8.—**(1.) Every determination, decision or finding made by the Commission in or for the purpose of the prevention or settlement of an industrial dispute shall be forthwith reduced to writing and embodied in an award or order, and that award or order shall bear the date of its making and shall be signed by the member, or one of the members, who constituted the Commission for the purpose of the making of the determination, decision or finding.

(2.) If a member of the Commission dies or ceases to be a member after a determination, decision or finding has been made by the Commission constituted by him and the award or order has not been reduced to writing or has not been signed by him, an award or order, recording the determination, decision or finding so made, signed by the Registrar, and sealed with the Seal of the Commission, shall have effect as if the award or order had been signed by that member of the Commission.

Award or order  
to be kept  
by Registrar.

**9.** The original of every award or order made by the Commission shall be kept by the Registrar with the documents relating to the proceeding in which the award or order was made.

Service to be  
effected by  
parties.

**10.** Except as otherwise prescribed, or unless the Commission otherwise directs, parties shall serve all documents.

Directions as  
to service.

**11.—**(1.) Where provision is made for personal or other service of any document in proceedings before the Commission, the Commission or a member of the Commission may, subject to the Act, make such order for substituted or other service, or for the substitution, for the service otherwise required, of notice by letter, telegram, public advertisement or otherwise, as it or he thinks just.

(2.) Where the Commission or a member of the Commission orders that notice by telegram or public advertisement be substituted for the service otherwise required, the notice shall contain such particulars as the Commission or a member of the Commission directs.

Withdrawal of  
proceeding.

**12.\*** A proceeding before the Commission may, with the leave of the Commission, be withdrawn by the party who initiated the proceeding.

Exhibits.

**13.** A person shall not take away, without the permission of the Commission or a member of the Commission, any exhibit lodged in connexion with a proceeding before the Commission.

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\* Held by the High Court (*Williams, A.C.J., Fullagar, Kitto and Taylor, J.J., Webb, J.* dissenting) in relation to the previous Reg. 12 made under the *Conciliation and Arbitration Act 1904-1952* that a Conciliation Commissioner who has entered upon the hearing of an industrial dispute has no jurisdiction to proceed to the making of an award where, prior to the making of the award, the dispute has come to an end notwithstanding that no application under the regulation for leave to withdraw the proceedings has been made, or if made, might be refused: *R. v. Blackburn; ex parte Transport Workers' Union of Australia* 88 C.L.R. 125; 27 A.L.J. 402; (1953) A.L.R. 35.



14.—(1.) An affidavit for use in proceedings before the Commission— Affidavits and affirmations.

- (a) shall be on foolscap paper;
- (b) shall be written, typewritten or printed on one side of the paper only;
- (c) shall be signed on each page by the deponent and the person before whom it is made; and
- (d) if made in the Commonwealth, shall be made before a Justice of the Peace or a Commissioner for Affidavits.

(2.) A copy of an affidavit filed in support of a document which is to be served on another party shall be served with that document.

15. The Registrar shall either personally, or by such officer as he directs acting in his name and on his behalf— Registrar to deal with process.

- (a) where necessary, submit to the Commission all documents filed or lodged with him under this Part;
- (b) issue all notices and summonses; and
- (c) keep a record of the proceedings of the Commission.

*Division 2.—Procedure in Particular Matters.*

16.—(1.) A notification to a Commissioner or to the Registrar under section 28 of the Act may be given orally, by telegraph or in writing, and no particular form need be used, but the person giving the notification shall state therein the parties to the industrial dispute and the industrial matter the subject of the dispute. Notification under section 28.

(2.) Where an oral notification is given, the person giving the notification shall confirm the notification in writing as soon as may be practicable.

(3.) A notification may be in accordance with Form 1.

(4.) Where a notification is given under section 28 of the Act, the person to whom it is given shall forthwith bring it to the notice of—

- (a) the Senior Commissioner;
- (b) the Registrar; or
- (c) such other Commissioner as is appropriate.

(5.) The Senior Commissioner shall, subject to any directions of the President, inform the President of notifications given under section 28 of the Act.

17.—(1.) Where a Commissioner has ascertained, in pursuance of sub-section (1.) of section 28 of the Act, the parties to an industrial dispute and the matters which form the subject of the dispute, he shall make and sign a record of the matters so ascertained, and the Registrar shall keep that record with the documents relating to the dispute. Record of findings under section 28.

(2.) Where, after a Commissioner has made any record under this regulation, he is of opinion that that record should be varied by the addition of further parties or otherwise, he shall make and sign a varied record accordingly.

(3.) The record or varied record, or a copy thereof certified by the Registrar to be a true copy, shall be evidence of the facts set out therein as ascertained by the Commissioner.

Application  
under section  
29.

**18.—**(1.) An application under sub-section (1.) of section 29 of the Act may be in accordance with Form 2 and shall specify the parties to the industrial dispute and the industrial matter the subject of the dispute.

(2.) Such an application may be made by filing the application with the Registrar, who shall forthwith bring the matter under the notice of the Senior Commissioner and such other Commissioner as is appropriate.

Notice to  
parties of  
hearing of  
dispute.

**19.—**(1.) Subject to regulation 25 of these Regulations, where a dispute is not settled by conciliation, the Commissioner may, of his own motion or on the application of a party, fix a time and place for hearing the parties to the dispute, and persons alleged to be parties, with a view to settlement of the dispute by arbitration.

(2.) Thereupon the Registrar shall, either at the direction of the Commissioner or on the application of a party, issue a notice in accordance with Form 3 to any person appearing to be, or alleged to be, a party to the dispute.

(3.) A notice under the last preceding sub-regulation shall be served—

- (a) if it is issued on the application of a party—by that party;  
or
- (b) if it is issued at the direction of the Commissioner—by the Registrar or a person thereunto authorized by the Registrar.

Procedure on  
date fixed for  
hearing.

**20.—**(1.) On the date fixed for the hearing, the Commissioner shall—

- (a) after hearing all persons who attend before him as parties, or alleged parties, to the dispute as to the matters mentioned in sub-regulation (1.) of regulation 17 of these Regulations, review his previous conclusions as to those matters and make any necessary alterations to the record of his previous conclusions, or, if he has not previously done so, ascertain and record his conclusions on those matters as provided in that regulation;
- (b) determine whether the whole or any part of the evidence or argument is to be presented in writing;
- (c) after giving to the parties appearing before him an opportunity of presenting their views as to the periods which are reasonably necessary for the fair and adequate presentation of the cases of the parties, determine the periods which are so necessary and inform the parties of their obligation to present their cases within the periods respectively determined; and
- (d) proceed to hear the parties and settle the dispute by arbitration.

(2.) If it appears to the Commissioner that any person who has not been notified under the last preceding regulation is or may be a party to the dispute, he may adjourn the proceedings for the purpose of enabling a notification in a similar form to be given to that person, requiring that person to appear at the time and place to which the proceedings are adjourned, and shall not make an award or order expressed to bind any such person unless that person—

- (a) has been so notified and has had an opportunity of being heard in relation to the dispute; or
- (b) is a party to the dispute and has appeared or has been represented on the hearing of the dispute.

**21.—**(1.) A summons to a witness may be in accordance with Form 4 or a form approved by the Commission, a member of the Commission or the Registrar. Summons to witness.

(2.) Service shall be effected by serving on the witness a copy of the summons signed by a member of the Commission or by the Registrar.

(3.) Any number of witnesses may be included in one summons, but the copy served need contain only the name of the witness upon whom it is served.

**22.—**(1.) An application to the Commission to certify, under section 31 of the Act, a memorandum of the terms of an agreement between the parties to an industrial dispute shall be made by lodging with the Registrar an application in accordance with Form 5 and a signed copy of the memorandum. Application for certificate under section 31.

(2.) The decision of the Commission on the application shall be reduced to writing, signed by the member, or one of the members, who constituted the Commission for the purpose of the making of the decision and kept by the Registrar with the documents relating to the proceeding.

**23.** An opinion of the Commission in Presidential Session under sub-section (3.) of section 33 of the Act shall be recorded in writing and signed by a member of the Commission and shall be kept by the Registrar with the documents relating to the proceeding. Opinion under section 33 (3.) to be recorded.

**24.—**(1.) A reference under sub-section (4.) of section 33 of the Act for the opinion of the President shall state the question referred to the President, shall be in writing signed by the Commissioner, and shall set out— References under sections 33 (4.) and 34.

- (a) full particulars of the matter in relation to which the question has arisen;
- (b) any findings of fact made by the Commissioner in relation to the matter which may be relevant to the question; and
- (c) a short statement of the contentions of the parties on the question,

and shall be accompanied by a copy of the notes (if any) of the evidence and argument before the Commissioner relevant to the question.

(2.) An opinion of the President on such a reference shall be recorded in writing and signed by the President and shall be kept, together with the reference, by the Registrar with the documents relating to the proceeding.

(3.) The decision of the President on a consultation under section 34 of the Act shall be reduced to writing, signed by the President and kept by the Registrar with the documents relating to the proceeding.

Hearing by the Commission constituted otherwise than by a single Commissioner.

**25.**—(1.) Where an industrial dispute is to be heard and determined—

(a) by the Commission in Presidential Session; or

(b) by the Commission constituted as provided by section 34 of the Act,

the President may, on his own motion or on the application of a party, fix a time and place for the hearing by the Commission of the parties to the dispute and persons alleged to be parties to the dispute.

(2.) Thereupon the Registrar shall, either at the direction of the President or on the application of a party, issue a notice in accordance with Form 3, directed to any person appearing to be, or alleged to be, a party to the dispute.

(3.) A notice under the last preceding sub-regulation shall be served—

(a) if it is issued on the application of a party—by that party; or

(b) if it is issued at the direction of the President—by the Registrar or a person thereunto authorized by the Registrar.

(4.) The Registrar shall, in the case of an industrial dispute which is to be heard and determined by the Commission constituted as provided by section 34 of the Act, give notice to the Attorney-General of the time and place fixed for the hearing.

(5.) On the day fixed for the hearing, the Commission shall make such preliminary determinations and give such directions as are necessary (including determinations and directions under sub-sections (2.) and (3.) of section 40 of the Act) and may, if it appears necessary, adjourn the proceedings for the purpose of enabling the parties to present their cases in accordance with those directions.

Documents for use of Commission.

**26.**—(1.) Not less than five days before the date fixed for the hearing of any matter by the Commission in Presidential Session or by the Commission constituted as provided by section 34 of the Act, every party who has filed any document in the matter shall lodge in a Registry three copies, or such greater number of copies as will provide one for each of the members who will constitute the Commission, of the document.

(2.) A member of the Commission may, on the application of any party, exempt that party from compliance with the requirements of the last preceding sub-regulation.

(3.) An application under the last preceding sub-regulation may be made *ex parte*.

**27.**—(1.) An appeal under section 35 of the Act to the Commission constituted as provided by that section shall be instituted by filing with the Registrar a notice of appeal in accordance with Form 6, together with three copies of—

Institution of appeal.

- (a) the notice of appeal;
- (b) the notice, summons or other document upon which the award, order or decision under appeal was made;
- (c) the notes (if any) of the evidence and argument before the Commissioner;
- (d) each document which was an exhibit before the Commissioner;
- (e) the award, order or decision appealed against; and
- (f) the statement (if any) of the reasons of the Commissioner for the award, order or decision.

(2.) The appellant shall, within seven days after the filing of the notice of appeal, serve a copy of the notice of appeal upon—

- (a) the other parties who appeared or were represented before the Commissioner or the representatives of those parties; and
- (b) the Attorney-General.

(3.) The President or a member of the Commission may exempt an appellant from compliance with any of the requirements of sub-regulation (1.) of this regulation.

**28.** The President shall fix a time and place for the hearing of the appeal, and the Registrar shall give notice of the time and place so fixed to—

Date and place of hearing.

- (a) the appellant;
- (b) the other parties who appeared or were represented before the Commissioner or the representatives of those parties;
- (c) such other persons as the President directs; and
- (d) the Attorney-General.

**29.** The President may, when fixing the time and place for the hearing of an appeal, direct that additional copies of the documents referred to in sub-regulation (1.) of regulation 27 of these Regulations be lodged with the Registrar and the Registrar shall, in such a case, give notice to the appellant accordingly.

Additional copies of documents may be required.

**30.** An application for an order under sub-section (5.) of section 35 of the Act may be made *ex parte*.

Application under section 35 (5.).

**31.**—(1.) For the purposes of section 59 of the Act—

- (a) an application for the setting aside of an award or order or any of the terms of an award or order may be made by filing with the Registrar a notice in accordance with Form 7; and
- (b) an application for variation of the terms of an award or order may be made by filing with the Registrar a notice in accordance with Form 8.

Application for variation or setting aside of award or variation of agreement.

(2.) Forthwith upon the making of an application referred to in this regulation, the Registrar shall bring the matter under the notice of the President, the Senior Commissioner or such other Commissioner as is appropriate.

(3.) When a time and place has been fixed for the hearing of the application, the Registrar shall complete the form of notice filed and furnish a copy thereof to the applicant for the purpose of service.

Provisions  
implementing  
section 61.

**32.**—(1.) The prescribed time for the purposes of paragraph (c) of section 61 of the Act is fourteen days after the service on the person concerned of the notification referred to in that paragraph or the time between the date of that service and the date of the conclusion of the hearing of the industrial dispute, whichever is the longer.

(2.) A notification for the purposes of paragraph (b) or (c) of section 61 of the Act may be served or given—

- (a) in the manner authorized by regulation 158, 159 or 160 of these Regulations, as the case may require, for the service of documents; or
- (b) in accordance with an order made by the Commission or a member of the Commission under regulation 11 of these Regulations.

Application for  
a common rule.

**33.**—(1.) An application to the Commission for a declaration that any term of an award shall, in a Territory of the Commonwealth, be a common rule of any industry shall be made by filing with the Registrar an application in accordance with Form 9.

(2.) Forthwith upon the filing of any such application, the Registrar shall bring the matter under the notice of the President, the Senior Commissioner or such other Commissioner as is appropriate.

(3.) After the filing of such an application, the applicant shall apply to the Commission or a member of the Commission for directions as to—

- (a) the persons (if any) to whom notice, other than the *Gazette* notice, of the application shall be given;
- (b) the times within which that notice is to be served on those persons and the form of the notice;
- (c) the publications (if any), other than the *Gazette*, in which notice of the application shall be published;
- (d) the time, manner and form in which the notice in the *Gazette* and in any such other publication shall be given; and
- (e) the time and place for hearing the application.

(4.) An application under the last preceding sub-regulation may be made *ex parte*.

(5.) The notification to be published in the *Gazette* and in the other publications (if any), and (with any necessary modifications) the notice of the application directed to be served on any person, shall, subject to any directions of the Commission or a member of the Commission, be in accordance with Form 10.

Service and  
publication.

**34.**—(1.) The applicant shall, in accordance with the directions given under the last preceding regulation and with these Regulations, serve the notices (if any) directed to be served.

(2.) The Registrar shall, on behalf of the Commission, cause the notice to be published in the *Gazette* and the other publications (if any).

**35.** Unless the Commission otherwise directs, a person claiming to be interested in, and desiring to be heard on, an application of the nature mentioned in regulation 33 of these Regulations shall, at least three days before the date fixed for the hearing, file with the Registrar a notice in accordance with Form 11 and shall, as soon as practicable before the hearing, serve a copy of the notice upon the applicant.

Notice of objections, &c., to application for common rule.

**36.** Where the Commission declares that any term of an award shall, in a Territory of the Commonwealth, be a common rule of an industry, a copy of the declaration shall, when signed, be published by the Registrar in the *Gazette*.

Publication of common rule.

**37.—(1.)** In a proceeding before the Commission in relation to an industrial dispute—

Certain applications under section 41 (d).

- (a) a party to the dispute;
- (b) the Attorney-General of a State; or
- (c) an association (whether a party to the dispute or not) acting on behalf of persons who might be affected by any award or order that might be made by the Commission in relation to the dispute,

may apply to the Commission for a decision that it refrain from further hearing or from determining the dispute or part of the dispute on the ground that the dispute or part has been dealt with or is being dealt with or is proper to be dealt with by a State Industrial Authority.

(2.) Where an application is made under the last preceding sub-regulation, the Commission shall hear the applicant and such parties as have an interest in the application.

(3.) The decision of the Commission on the application shall be recorded in writing signed by the member, or one of the members, who constituted the Commission for the purpose of making the decision and shall be kept by the Registrar with the documents relating to the proceeding.

**38.** An application under section 62 of the Act shall be supported by an affidavit setting out the grounds on which the suspension or cancellation is sought.

Application for suspension or cancellation of award.

**39.—(1.)** The Registrar shall, if the Commission constituted by more than one member so directs, settle the minutes of an award or order of the Commission as so constituted.

Settlement of awards and orders.

(2.) Where the Commission as so constituted directs that the minutes of an award or order be settled by the Registrar, the party who was the applicant or the party directed by the Commission shall, within fourteen days after the decision of the Commission was given, or within such further time as the Registrar allows, lodge the minutes of the award or order with the Registrar.

(3.) The Registrar shall, within fourteen days after the lodging of the minutes of an award or order, give to the parties such notice of his intention to settle the minutes as he thinks proper, but may, if he thinks it unnecessary to give notice to a party, settle the minutes without notice to that party.

(4.) If a party is dissatisfied with the form in which the minutes of an award or order have been settled, he may, within three days after the settlement, apply to the Commission to vary the minutes as settled.

(5.) If the party who is required so to do fails to lodge minutes of the award or order within the time prescribed by this regulation, the Registrar shall proceed to prepare and settle the minutes, and for that purpose may give all necessary notices, and the party in default shall, on demand by the Registrar, pay to him the fee prescribed in the Third Schedule to these Regulations for preparation by the Registrar of an award or order for settlement.

Applications under section 45B of Navigation Act.

**40.** An application under section 45B of the *Navigation Act* 1912-1956 shall be in accordance with Form 12 and shall be supported by an affidavit.

Application of this Part to proceedings under other Acts.

**41.—(1.)** The provisions of this Part prescribing the practice and procedure in relation to references and appeals under the Act apply, *mutatis mutandis* and so far as they are applicable, with respect to references and appeals to the Commission under another Act.

(2.) For the purposes of the application of the last preceding sub-regulation, a reference in this Division to a Commissioner shall be deemed to be a reference to the person who, under the other Act, exercises the like powers, duties and functions as a Commissioner.

Application of this Part to proceedings under Divisions 2, 3 and 4 of Part III. of the Act.

**42.** This Part extends to and in relation to proceedings under Divisions 2, 3 and 4 of Part III. of the Act and in its application to those Divisions—

- (a) references in this Part to industrial disputes shall be read as including references to industrial questions (other than industrial disputes); and
- (b) references to a Commissioner or to the Commissioner shall be read as references to the presidential member of the Commission constituting the Commission under whichever of those Divisions is applicable.

### PART III.—PROCEDURE OF THE COMMONWEALTH INDUSTRIAL COURT.

#### *Division 1.—General.*

Seal of the Court.

**43.—(1.)** At each Registry, there shall be a seal bearing the Royal Arms with the words “The Seal of the Commonwealth Industrial Court” and the name of the Registry, and any of those seals may be used as the Seal of the Court.

(2.) The Seal at each Registry shall be in the custody of the Registrar in charge of that Registry and shall be affixed by him or with his authority to judgments and orders of the Court and to such other documents as the Court or a Judge directs.

Stamp of the Court.

**44.—(1.)** At each Registry, there shall be a stamp bearing the words “The Stamp of the Commonwealth Industrial Court” and the name of the Registry.

(2.) The Stamp at each Registry shall be in the custody of the Registrar in charge of that Registry and shall be affixed by him to all documents issued by him in relation to proceedings before the Court.



**45.**—(1.) The vacations and holidays of the Court shall be the same Vacations.  
as those of the High Court.

(2.) If the Court or a Judge considers it necessary, the Court may sit, or Chamber-business may be taken, during vacation.

**46.** Where none of these Regulations is applicable, the practice High Court practice.  
for the time being of the High Court shall, except, in any particular case where the Court or a Judge otherwise directs, regulate, as far as is practicable, the practice of the Court.

**47.**—(1.) For the purposes of paragraph (h) of sub-section (2.) of Jurisdiction of a single Judge.  
section 104 of the Act, the matters of practice or procedure with respect to which the jurisdiction of the Court may be exercised by a single Judge are those matters in relation to which these Regulations provide that a power or function may be exercised by a Judge.

(2.) A Judge may exercise the powers and functions of the Court in relation to any matter of practice or procedure which, under the High Court Rules, would, if it arose in the High Court, be exercisable by a single Justice of the High Court.

**48.** All applications to the Court or a Judge for which no other General method of procedure.  
method of procedure is provided by these Regulations shall, unless otherwise directed by a Judge, be made in accordance with Form 13.

**49.** The Court or a Judge may extend any time prescribed by this Judge may extend prescribed time.  
Part, whether or not the time has already expired.

**50.**—(1.) All documents filed in Court or lodged with the Registrar Form of documents.  
shall, unless the nature of the document renders it impracticable—

- (a) be legibly and clearly written, typewritten or printed, without blotting, erasure or such alteration as to cause material disfigurement;
- (b) have a space of not less than a quarter of an inch between each line;
- (c) be upon folio foolscap white paper of good and durable quality and capable of receiving ink writing;
- (d) be upon one side only of the paper with a quarter margin upon the left hand side of each sheet;
- (e) be folded lengthwise;
- (f) have each page numbered; and
- (g) have a backsheet upon which appears the number (if known) and the title of the proceeding, a short description of the document and the name and address of the solicitor or person filing or lodging the document.

(2.) The Registrar may refuse to file or accept a document if it does not comply with the provisions of the last preceding sub-regulation, and the costs of the document may be disallowed upon taxation.

**51.** All documents to be filed in the Court shall, except where other- Documents to be lodged in duplicate.  
wise prescribed, be lodged in duplicate.

Copies of documents for use of Court.

**52.**—(1.) Not less than five days before the date fixed for the hearing of any matter by the Court (except where the jurisdiction of the Court is exercised by a single Judge), every party who has filed any document in the matter shall lodge in a Registry three copies of each such document.

(2.) A Judge may, on the application of any party, exempt that party from compliance with the requirements of the last preceding sub-regulation.

(3.) An application under the last preceding sub-regulation may be made *ex parte* and without the filing of an affidavit.

Affidavit to accompany documents.

**53.**—(1.) Except where otherwise provided in these Regulations, a summons, application or notice of appeal in relation to proceedings or proposed proceedings in the Court or before a Judge shall be supported by an affidavit or affirmation.

(2.) Where a summons, application or notice of appeal, or a copy thereof, is served upon a party or other person, it shall be accompanied by a copy of the affidavit or affirmation.

Affidavits and affirmations.

**54.**—(1.) An affidavit or affirmation filed in the Court—

(a) shall be signed on each page by the deponent and the person before whom it is made; and

(b) if made in the Commonwealth, shall be made before a Justice of the Peace or a Commissioner for Affidavits.

(2.) Except as provided by the last preceding sub-regulation and regulation 50 of these Regulations, the provisions of the High Court Rules relating to affidavits apply, so far as applicable, to affidavits and affirmations filed in the Court.

Notice of intention to give oral evidence.

**55.** In any proceeding before the Court in which oral evidence is to be called, the party intending to call that evidence shall—

(a) endorse on the process notice of his intention to do so; or

(b) not less than two clear days before the hearing, file a notice of that intention and serve a copy of the notice upon the other party or parties.

Carriage of proceedings.

**56.**—(1.) Except where otherwise provided, the party who initiates proceedings has the carriage thereof.

(2.) Where the party so entitled to the carriage fails to take any step within the time fixed by these Regulations, or by the Court, a Judge or the Registrar, the Registrar may commit the carriage to any other party to the proceeding.

Registrar to deal with process.

**57.** The Registrar shall either personally, or by such officer as he directs acting in his name and on his behalf—

(a) where necessary, submit to the Court all documents filed or lodged with him under this Part;

(b) issue all summonses, notices, warrants and writs; and

(c) keep a record of the proceedings of the Court.

**58.**—(1.) A summons to a witness shall be in accordance with Form 14 or a form approved by the Court, a Judge or the Registrar. Summons to witness.

(2.) Service shall be effected by serving on the witness a copy of the summons signed by a Judge or the Registrar.

(3.) Any number of witnesses may be included in one summons, but the copy served need contain only the name of the witness upon whom it is served.

**59.** Except as otherwise prescribed, or unless the Court or a Judge otherwise directs, parties shall serve all documents. Service to be effected by parties.

**60.**—(1.) Where provision is made for personal or other service of any document in proceedings before the Court, the Court or a Judge may, subject to the Act, make such order for substituted or other service, or for the substitution for the service otherwise required, of notice by letter, telegram, public advertisement or otherwise, as it or he thinks just. Direction as to service.

(2.) Where the Court or a Judge orders that notice by telegram or public advertisement be substituted for the service otherwise required, the notice shall contain such particulars as the Court or the Judge directs.

**61.** A summons, notice and rule to show cause shall be served at least two clear days before the day fixed for the hearing of the proceeding, unless the Court or a Judge gives leave for shorter service. Time for service of summons.

**62.** A person shall not take an exhibit out of Court without the permission of the Court or a Judge. Exhibits.

**63.**—(1.) The Registrar shall, if the Court or a Judge so directs, settle the minutes of an order or judgment of the Court or a Judge. Settlement of orders or judgments.

(2.) Where the Court or a Judge directs that the minutes of an order or judgment be settled by the Registrar, the party who has the carriage of the order or judgment shall, within fourteen days after the order or judgment of the Court or Judge was given, or within such further time as the Court or a Judge allows, lodge the minutes of the order or judgment with the Registrar.

(3.) The Registrar shall, within fourteen days after the lodging of the minutes of an order or judgment, give to the parties such notice of his intention to settle the minutes as he thinks proper, but may, if he thinks it unnecessary to give notice to a party, settle the minutes without notice to that party.

(4.) If the party who has the carriage of an order or judgment fails to lodge minutes of the order or judgment within the time prescribed by this regulation, the Registrar shall proceed to prepare and settle the minutes, and for that purpose may give all necessary notices, and the party in default shall, on demand by the Registrar, pay to him the fee prescribed in the Third Schedule to these Regulations for preparation by the Registrar of an order or judgment for settlement.

(5.) Subject to any direction of the Court or a Judge, the party who is successful in a proceeding has the carriage of the order or judgment.

Order or judgment to be signed and sealed.

**64.**—(1.) Every order or judgment of the Court or a Judge shall bear the date of its making, shall be signed by one or more of the members of the Court who took part in the decision, or by the judge, as the case may be.

(2.) If a Judge dies or ceases to hold office after an order or judgment has been made by that Judge and the order or judgment has not been signed by him, an order or judgment in terms of the order or judgment so made signed by the Registrar and sealed with the Seal of the Court shall have effect as if the order or judgment had been signed by the Judge.

Order or judgment to be retained by the Registrar.

**65.** The original of every order or judgment made by the Court or a Judge shall be kept by the Registrar with the documents relating to the proceeding in which the order or judgment was made.

Withdrawal of process.

**66.** Subject to the Act, a proceeding before the Court or a Judge may, with the leave of the Court or a Judge, be withdrawn by the party who initiated the proceeding.

Where form not prescribed.

**67.** Where a form is not prescribed for any document, or where a prescribed form is not suitable to the circumstances of a particular case, the form shall be such as the Court or a Judge directs or approves for the purposes of a particular case.

*Division 2.—Procedure in Particular Matters (other than Appeals).*

Reference by single Judge or Commission to Court.

**68.**—(1.) A reference by a Judge of a question of law arising in proceedings before him for the opinion of the Court constituted as provided by section 105 of the Act shall be in writing signed by the Judge and shall set out—

- (a) full particulars of the matter in relation to which the question has arisen;
- (b) any findings of fact made by the Judge in relation to the matter which may be relevant to the question;
- (c) a short statement of the contentions of the parties on the question;
- (d) if relevant to the question, the terms of any order proposed to be made by the Judge; and
- (e) a precise statement of the question on which the opinion of the Court is sought,

and shall be lodged with the Registrar together with a copy of the notes (if any) of the evidence and argument before the Judge relevant to the question.

(2.) A reference by the Commission of a question of law arising in proceedings before it for the opinion of the Court under section 107 of the Act shall be in writing signed by the member or members constituting the Commission and shall set out—

- (a) full particulars of the matter in relation to which the question has arisen;
- (b) any findings of the fact made by the Commission in relation to the matter which may be relevant to the question;
- (c) a short statement of the contentions of the parties on the question;
- (d) if relevant to the question, the terms of any award or order proposed to be made by the Commission; and

- (e) a precise statement of the question on which the opinion of the Court is sought,

and shall be lodged with the Registrar together with a copy of the notes (if any) of the evidence and argument before the Commission relevant to the question.

(3.) Before referring a question of law to the Court, the Judge or the Commission shall, where practicable, consult the parties who have appeared before him or it and are affected by the terms in which the question is to be so referred.

**69.**—(1.) Where a Judge or the Commission has referred a question of law for the opinion of the Court, the Chief Judge shall fix a time and place for the hearing of the question, and shall give such directions to the Registrar as the Chief Judge thinks proper for notifying any persons interested in the question of the time and place so fixed.

Time and place of hearing.

(2.) The Registrar shall forward with the notification a copy of the reference.

**70.**—(1.) Proceedings under paragraph (a) or (b) of sub-section (1.) of section 109, under section 140 or 141, under sub-section (1.) of section 143 or under section 150 of the Act shall be by rule in accordance with Form 15 calling upon the person or organization concerned to show cause why the order should not be made.

Procedure under section 109 (1.) (a) or (b), 140, 141, 143 (1.) or 150.

(2.) An application for a rule specified in the last preceding sub-regulation may be made to the Court or a Judge *ex parte* supported by an affidavit verifying the facts upon which the application is based.

(3.) The affidavit in support of an application under section 140 of the Act shall set forth—

- (a) the rule or rules sought to be disallowed;
- (b) the ground specified in that section upon which the application is founded; and
- (c) a short statement of the reasons relied on by the applicant.

(4.) The affidavit in support of a complaint under section 141 of the Act shall set forth—

- (a) the rule or rules the performance or observance of which is in question;
- (b) the nature of the order sought; and
- (c) a short statement of the grounds relied on by the applicant, including the facts relied on by the applicant as establishing the obligation of the person against whom the order is sought to perform or observe the rule or rules in question.

(5.) As soon as practicable after an application for a rule specified in sub-regulation (1.) of this regulation is granted, the applicant shall file the rule and the supporting affidavit with the Registrar.

**71.** Where, under section 112 of the Act, the Registrar refers a matter or question to the Court for decision, the Chief Judge shall fix a time and place for the hearing of the matter or question, and shall give such directions to the Registrar as the Chief Judge thinks proper for notifying any persons interested in the matter or question of the time and place so fixed.

Matters and questions referred to Court by Registrar.

Alteration of rules by association applying for registration.

**72.**—(1.) An application to the Court under section 134 of the Act shall be in accordance with Form 16 and shall be filed with the Registrar.

(2.) An association which has altered its rules in accordance with leave granted by the Court under section 134 of the Act shall, within twenty-eight days after the alteration, lodge with the Registrar two copies of the alterations, verified by statutory declaration.

Application under section 144.

**73.** An application under section 144 of the Act shall be in accordance with Form 17 and shall be filed with the Registrar.

Application under section 159.

**74.**—(1.) An application under section 159 of the Act shall be in accordance with Form 18 and shall be lodged with the Industrial Registrar.

(2.) The time after the completion of an election within which an application under section 159 of the Act in respect of the election may be lodged is six months.

Applications under section 35 of the *Stevedoring Industry Act* 1956.

**75.** An application under section 35 of the *Stevedoring Industry Act* 1956 shall be in accordance with Form 13 and shall be filed with the Registrar.

Proceeding for penalty or offence.

**76.**—(1.) Every application for the recovery of a penalty for any breach or non-observance of an award or order shall be by summons in accordance with Form 19.

(2.) Proceedings before the Court in respect of an offence against the Act (including these Regulations) or another Act or proceedings for a contempt of the Court shall be instituted by summons upon information in accordance with Form 20.

(3.) A summons issued on an information shall be in accordance with Form 21.

### *Division 3.—Appeals (other than Appeals from Courts of a State or Territory).*

Appeals from Registrar.

**77.**—(1.) An application under paragraph (c) of sub-section (1.) of section 109 of the Act for leave to appeal to the Court shall be made within twenty-one days after the act or decision sought to be appealed against—

- (a) by filing with the Registrar from whose act or decision the appeal is sought to be brought an application in accordance with Form 22; and
- (b) by serving a copy of the application on any other person who appeared or was represented before the Registrar or his representative.

(2.) The Court or a Judge shall fix a time and place for the hearing of the application and the Registrar shall give notice thereof to the appellant and to any other person who appeared or was represented before the Registrar or his representative and to any person to whom the Court or a Judge directs that notice be given.

(3.) The Registrar may, if the Court or a Judge thinks fit, be heard on the application for leave to appeal.

(4.) If leave to appeal is granted—

- (a) the Court or a Judge may proceed to hear the appeal forthwith if the Court or Judge is satisfied that it is just so to do; or
- (b) in any other case, the Court or Judge shall fix a time and place for the hearing of the appeal and the Registrar shall give notice thereof to the appellant, to all persons to whom notice of the hearing of the application for leave to appeal was given and to all persons who appeared on the hearing of the application for leave to appeal.

(5.) The Registrar may, if the Court or a Judge thinks fit, be heard on the hearing of the appeal.

(6.) The Court's order on the appeal shall be lodged with the Registrar whose decision has been appealed against, and that Registrar shall do all things necessary to be done on his part to carry the order into effect.

**78.**—(1.) An appeal under section 37 of the *Stevedoring Industry Act* 1956 shall be in accordance with Form 23.

Appeals under section 37 of the *Stevedoring Industry Act* 1956.

(2.) The prescribed officer for the purposes of that section is the Deputy Industrial Registrar in the State or Territory in which the port at which the appellant was registered is situated.

(3.) Unless otherwise directed by the Court or a Judge, an appeal shall be heard at the Capital City of the State, or the principal city or town of the Territory, in which the port at which the appellant was registered is situated.

*Division 4.—Appeals from Courts of a State or Territory.*

**79.**—(1.) An appeal to the Court under section 113 of the Act from a judgment, decree, order or sentence of a court referred to in that section shall be instituted by notice of appeal.

Mode of instituting appeals.

(2.) The appellant may, by the notice of appeal, appeal from the whole or any part of the decision, and the notice of appeal shall state whether the whole or part only of the decision is complained of, and, in the latter case, shall specify the part complained of.

(3.) The notice of appeal shall state shortly the grounds on which the appellant intends to rely.

(4.) The notice of appeal shall be filed with the Registrar within twenty-one days after the date on which the decision appealed from was pronounced.

**80.** Unless otherwise directed by the Court or a Judge, an appeal shall be heard at the Capital City of the State, or the principal city or town of the Territory, from a court of which the appeal is brought.

Place for hearing appeals.

**81.**—(1.) The notice of appeal shall be served upon all parties affected by the appeal.

To whom notice to be given.

(2.) It shall not be necessary to serve parties not so affected, but the Court may direct notice of the appeal to be served on a person not a party, and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as are just, and may give such judgment and make such order as might have been given or made if the persons served with such notice had been originally parties.

(3.) A person on whom notice of an appeal is so directed to be served shall, for the purposes of this Division, be deemed to be a respondent.

(4.) Any notice of appeal may be amended at any time as the Court thinks fit.

(5.) The appellant shall, before setting down the appeal, file an affidavit of service in the Registry of the Court in the State or Territory of the Commonwealth in which the decision appealed from was given.

Title of  
appeals.

**82.** A notice of appeal and all subsequent proceedings on appeals shall be entitled "In the Commonwealth Industrial Court, on appeal from" (naming the court from which the appeal is brought) and shall also be entitled as between the party appellant and the party respondent.

Notice to  
Registrar.

**83.** The appellant shall, within seven days after filing with the Registrar the notice of appeal, file a copy of the notice of appeal in the court from which the appeal is brought.

Appealable  
nature of  
judgment to  
be shown by  
affidavit.

**84.—(1.)** The appellant shall file with the copy of the notice of appeal filed in the court from which the appeal is brought an affidavit setting out sufficient facts to show that the judgment or order is one from which an appeal lies to the Court, and shall file a copy of the affidavit with the copy of the notice of appeal in the Registry of the Court.

(2.) Where the evidence given in the court from which the appeal is brought is material for the purposes of the appeal and no depositions, written transcript or official notes of that evidence are available, the affidavit shall set forth an account of the evidence given in that court, and that affidavit may be answered on affidavit by any respondent.

(3.) Any such answering affidavit shall be filed with the Registrar within ten days after service of the notice of appeal on the respondent filing the affidavit or within ten days after service on him of notice of the setting down of the appeal, whichever is the later.

(4.) Where notice of appeal to the Court is given in any case in which an appeal cannot be brought to the Court, the Court or a Judge may set aside the notice.

When appeal  
deemed to be  
instituted.

**85.** Upon compliance by the appellant with regulations 79, 81, 82, 83 and 84 of the Regulations, the appeal shall be deemed to be instituted.

Security for  
costs may be  
ordered.

**86.—(1.)** The Court or a Judge may, on the application of a respondent, order the appellant to give security to its or his satisfaction for the costs of the appeal.

(2.) Where an order for security for costs has not been complied with, the Court may dismiss or refuse to hear the appeal.



**87.**—(1.) The proper officer of the court from which the appeal is brought shall forthwith after the filing in that court of a copy of the notice of appeal transmit to the Registrar in charge of the Registry in the State or Territory of the Commonwealth in which the judgment or order was given a certified copy of all such documents as are required for the hearing of the appeal. Transmission of documents.

(2.) If the appeal is directed to be heard elsewhere than in that State or Territory, the Registrar shall transmit the copies to the Registrar in charge of the Registry situated in the place where the appeal is to be heard.

(3.) A statement of the reasons of the court for the decision shall, if available, be included in the documents transmitted in accordance with the preceding provisions of this regulation.

(4.) Upon application of the appellant and upon payment of the prescribed fee (if any), the proper officer of the court from which the appeal is brought shall supply to the appellant a list of the documents referred to in this regulation and a certified copy of any of those documents which are not in the possession of the appellant.

**88.**—(1.) The appeal shall be set down by the appellant for hearing at a sitting of the Court appointed for hearing appeals at the place at which it is to be heard. Setting down appeal for hearing.

(2.) Unless the Court or a Judge otherwise directs, the appeal shall be set down for the first such sitting appointed to be held after the expiration of one month from the institution of the appeal, unless the respondent consents to its being heard at an earlier sitting.

(3.) If the appellant does not set down the appeal for hearing at that sitting, or does not, at least three weeks before the day appointed for holding the sitting, give notice to the respondent that he has done so (unless the respondent consents to take shorter notice), the respondent, or a respondent, if more than one, may apply to the Court, at any place at which it may be sitting, by motion upon notice for an order dismissing the appeal for want of prosecution.

(4.) If, in a case to which the last preceding sub-regulation applies, the respondent or a respondent does not, within six months after the filing of the notice of appeal, apply for an order referred to in that sub-regulation, the Court shall, on the application of the Registrar, dismiss the appeal for want of prosecution.

**89.**—(1.) Notwithstanding anything contained in this Division, the Court or a Judge may, with the consent of the parties, permit the legal argument in connexion with an appeal to be presented in whole or in part in writing, and, where the argument is to be presented wholly in writing, it shall not be necessary for the appeal to be set down for hearing or for the parties to appear on the hearing of the appeal either personally or by counsel. Written argument on appeals.

(2.) The Court or a Judge may give any consequential directions with respect to the procedure in an appeal to which this regulation applies.

Cross appeals.

**90.**—(1.) It shall not be necessary for a respondent to give notice of motion by way of cross appeal, but if a respondent intends upon the hearing of an appeal to contend that the decision appealed from should be varied, he shall, not less than twenty-one days before the day for which the appeal is set down for hearing, give notice of his intention to such of the parties as may be affected by the contention.

(2.) The omission to give such a notice shall not diminish the powers of the Court when hearing the appeal, but may, in the discretion of the Court, be ground for an adjournment of the appeal or for a special order as to costs.

(3.) A copy of the notice shall be filed in the Registry.

Transcript to be lodged.

**91.**—(1.) Five days at least before the day upon which the appeal is set down for hearing, the appellant shall, unless otherwise ordered—

(a) lodge in the Registry situated in the place where the appeal is to be heard four copies of a transcript setting out the notice of appeal, the affidavit of the appellant, the documents referred to in regulation 87 of these Regulations and any affidavit or notice filed or given by a respondent; and

(b) serve two copies of that transcript upon each respondent or upon his solicitor.

(2.) Persons suing or defending jointly shall be deemed a single party for the purpose of this regulation.

Powers of Court.

**92.**—(1.) An interlocutory judgment or order from which there has been no appeal does not operate to prevent the Court, upon hearing an appeal, from giving such decision upon the appeal as is just.

(2.) The Court may have regard to the evidence given in the Court from which the appeal is brought and has full discretionary power to receive further evidence upon questions of fact, which evidence may be taken either by oral examination in Court, by affidavit, or by deposition taken before an examiner or commissioner.

(3.) The Court, upon the hearing of an appeal, has power to draw inferences of fact, and to give any judgment and make any order which ought to have been given or made in the first instance, and to make such further or other order as the case requires.

(4.) The powers specified by the last preceding sub-regulation may be exercised by the Court notwithstanding that the notice of appeal asks that part only of the decision may be reversed or varied, and may be exercised in favour of all or any of the respondents or parties, including respondents or parties who have not appealed from or complained of the decision.

Stay of proceedings.

**93.**—(1.) When an appeal has been duly instituted, the execution of the judgment or order appealed from shall be stayed until the determination of the appeal or the dismissal of the appeal for want of prosecution.

(2.) The Court or a Judge may nevertheless give leave to prosecute the judgment or order upon the party desiring to prosecute it giving security to its or his satisfaction to abide the decision of the Court on the hearing of the appeal.

**94.** Notwithstanding anything contained in these Regulations, the Court or a Judge may expedite the hearing of any appeal of which notice has been filed in the Court, whether the appeal has been duly instituted or not. Expediting appeals.

**95.** An order dismissing an appeal with costs for want of prosecution may be drawn up and signed by the Registrar on the application of the appellant without other warrant than this regulation, but if notice of cross appeal or notice of intention to move to vary the decision appealed from has been given, the order shall not be drawn up without the consent of the party giving that notice. Dismissal for want of prosecution on applicant's application.

*Division 5.—Costs.*

**96.** Where the Court or a Judge orders any costs of any proceedings to be paid to a party, the Court or the Judge may either fix the amount of the costs to be paid or direct the costs to be taxed and give directions as to the basis of the taxation. Orders as to costs.

**97.—(1.)** In all cases in which the Court or a Judge orders any party to pay any other party the costs of any matter and does not wholly fix the amount of these costs, either party may forthwith obtain an appointment before the Registrar for the taxation of the bill of costs as between party and party, and the bill may be taxed by the Registrar without any special order for that purpose. Taxation of costs.

**(2.)** The party so obtaining the appointment shall give to each party entitled to be heard on the taxation, or his solicitor, notice of the appointment as directed by the Registrar and shall, at the same time, serve a copy of the bill to be taxed on that party or solicitor.

**98.** Where the costs are to be taxed, there may be allowed, in addition to any other amount properly allowable— Amounts allowable.

- (a) the amount of Court fees paid by the party in whose favour the order has been made;
- (b) witnesses' expenses in accordance with the provisions of the Second Schedule to these Regulations; and
- (c) a sum in respect of any item specified in the Second Schedule to these Regulations ascertained in accordance with that Schedule.

*Division 6.—Execution and Attachment.*

**99.** In any case where an order for the payment of money is made by the Court, the party in whose favour the order has been made may cause to be issued a writ of execution in accordance with Form 24. Issue of writ of execution.

**100.** Before the issue of a writ of execution, the creditor shall file with the Registrar an account or statement, verified by affidavit, of what is justly due under the order. Affidavit of amount due.

**101.** A writ of execution shall not be issued until the order of the Court for or in respect of the enforcement of which execution is sought has been signed and a copy of the writ filed. Filing of writ of execution.

Renewal of writ of execution.

**102.**—(1.) A writ of execution, if unexecuted, shall remain in force for one year only from its issue, unless renewed in accordance with this regulation.

(2.) Any such writ may, at any time before its expiration, by leave of a Judge, be renewed by the party issuing it for one year from the date of the renewal, and so on from time to time during the continuance of the renewed writ, either by being marked with the Seal of the Court, bearing the date of the renewal, or by that party giving a written notice of the renewal to the person to whom the writ is directed, signed by the party or his solicitor, and bearing the Seal of the Court.

(3.) A writ of execution so renewed shall have effect, and be entitled to priority, according to the time of the original delivery thereof.

Endorsement of writ of execution.

**103.** Every writ of execution shall be endorsed with the name and the address or registered office of the party actually suing out the same, or the name and address of the solicitor of that party, and, when a solicitor sues out the writ as agent for any other solicitor, with the name and address of that other solicitor.

To whom writ of execution directed.

**104.** Every writ of execution shall be directed to the Marshall of the High Court or to a person whose name is specified in the writ, and shall state the amount to be levied.

Writ of sequestration.

**105.**—(1.) A writ of sequestration may be issued on a special order of a Judge to be obtained on motion upon an affidavit of the circumstances of the case.

(2.) It shall not be necessary to serve the person against whom such a writ is sought to be issued with notice of the motion unless a Judge so directs.

Writ of attachment.

**106.** Where—

- (a) a person has failed to pay money payable by him under a judgment or order of the Court;
- (b) the person affected by the non-payment of the money applies to the Court or a Judge for the issue of a writ of attachment; and
- (c) the applicant satisfies the Court or the Judge to whom the application is made that the first-mentioned person has means to pay the money and is evading or attempting to evade payment of the money,

the Court or a Judge may order that a writ of attachment shall issue.

Issue of writ of attachment.

**107.**—(1.) All writs of attachment ordered by the Court or a Judge to be issued shall be issued forthwith by the Registrar.

(2.) Every such writ shall be in accordance with Form 25 and shall be directed to the Marshall of the High Court or to a person whose name is specified in the writ.

(3.) The person specified in the writ shall bring before the Court any person arrested upon a writ of attachment on the first day on which the Court sits next after the arrest or as soon afterwards as practicable, and the person shall thereupon be dealt with in such manner as the Court thinks fit.

(4.) Nothing in this regulation shall prevent the person specified in the writ from taking bail for the appearance of the person arrested.

PART IV.—PROCEDURE OF THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

108.—(1.) At each Registry, there shall be a seal bearing the Royal Arms with the words “The Seal of the Commonwealth Court of Conciliation and Arbitration” and the name of the Registry, and any of those seals may be used as the Seal of the Court. Seal and Stamp of the Court.

(2.) At each Registry, there shall be a stamp bearing the words “The Stamp of the Commonwealth Court of Conciliation and Arbitration” and the name of the Registry.

(3.) The Seal and the Stamp at each Registry shall be in the custody of the Registrar in charge of that Registry.

(4.) The Seal shall be affixed by the Registrar to judgments and orders of the Commonwealth Court of Conciliation and Arbitration and to such other documents as that Court or a Judge directs, and the Stamp shall be affixed by the Registrar to all documents issued by him in relation to proceedings before that Court.

109.—(1.) Subject to this Part, the provisions of Part III. of these Regulations in relation to proceedings before the Commonwealth Industrial Court apply, so far as they are applicable, to and in relation to proceedings before the Commonwealth Court of Conciliation and Arbitration. General application of Part III. of these Regulations.

(2.) In the application of those provisions, a reference to the Court shall be deemed to be a reference to the Commonwealth Court of Conciliation and Arbitration and a reference to the Chief Judge or a Judge shall be deemed to be a reference to a Judge of that Court.

110. In regulations 111, 112, 113 and 114 of these Regulations, “the Court” means the Commonwealth Court of Conciliation and Arbitration constituted by a single Judge. Definition.

111.—(1.) An application under section 29 of the *Re-establishment and Employment Act* 1945-1955 for special leave to appeal shall be made in court upon a day to be fixed by it. Application for special leave to appeal under Re-establishment and Employment Act.

(2.) Before applying to the Court, the applicant shall file in the Registry of the Court in the State or Territory of the Commonwealth in which the order in question was made an affidavit in accordance with Form 26 setting forth the relevant facts and the grounds relied upon in support of the application.

(3.) A copy of that order and of the depositions, written transcript or official notes of evidence, if any, in the proceedings from the decision from which it is desired to appeal shall be annexed as an exhibit to the affidavit.

(4.) When any such affidavit is filed in a District Registry, the Deputy Registrar shall forthwith advise the Industrial Registrar of the filing of the affidavit and the nature of the proceedings.

(5.) Where the evidence given in the proceedings from which the appeal is brought is material for the purposes of the appeal and no depositions, written transcript or official notes of that evidence are available, the affidavit shall set forth an account of the evidence, and that affidavit may be answered on affidavit by any respondent.

(6.) Any such answering affidavit shall be filed with the Registrar within ten days after service of the notice of appeal, or of notice of the appeal, on the respondent filing the affidavit or within ten days after service on him of notice of the setting down of the appeal, whichever is the later.

Hearing of  
application.

**112.**—(1.) Upon the filing of the affidavit, the Court shall fix a date for the hearing of the application.

(2.) The Court may decide to hear the application either *ex parte* or upon notice to the respondent, and the applicant shall be advised accordingly.

(3.) If the application is to be heard upon notice, a copy of the affidavit and exhibits referred to in the last preceding regulation shall, not less than two clear days or such longer period as the Court directs before the date fixed for the hearing, be served by the applicant upon the respondent, together with notice in accordance with Form 27 of the date upon which the application will be heard.

Hearing of  
the appeal.

**113.**—(1.) When the Court grants special leave to appeal, it may—

- (a) if the case is one in which notice of the application for leave was given to the respondent—proceed to hear the appeal forthwith; or
- (b) in any other case—fix a date for hearing the appeal and give such directions as it considers necessary.

(2.) Where the Court fixes a date for hearing the appeal, the applicant shall give notice to the respondent in accordance with Form 28.

Powers of  
Court.

**114.**—(1.) The Court may have regard to the evidence given before the authority who made the order and has full discretionary power to receive further evidence upon questions of fact, which evidence may be taken either by oral examination in Court, by affidavit, or by deposition taken before an examiner or commissioner.

(2.) The Court, upon the hearing of an appeal, shall have power to draw inferences of fact, and to give any judgment and make any order which ought to have been given or made in the first instance, and to make such further or other order as the case requires.

(3.) The powers specified by the last preceding sub-regulation may be exercised by the Court notwithstanding that the appellant asks that part only of the decision may be reversed or varied, and may be exercised in favour of all or any of the respondents or parties, including respondents or parties who have not appealed from or complained of the decision.

#### PART V.—ORGANIZATIONS.

Conditions of  
registration.

**115.\***—(1.) The following conditions are prescribed conditions to be complied with by an association applying for registration, namely:—

- (a) the association shall be a voluntary and *bona fide* association of a kind referred to in section 132 of the Act;
- (b) the association shall be an association for furthering or protecting the interests of its members;

\* Held by the Commonwealth Court of Conciliation and Arbitration that Reg. 106, which was substantially the same as this regulation, did not require any particular form of election: *Purse v. Amalgamated Society of Carpenters and Joiners of Australia* (1952) 75 C.A.R. 88.

- (c) the association shall not be wholly or partially formed, organized, supported, maintained or conducted, directly or indirectly, for the purpose, or with the view, of opposing, injuring or prejudicing the interests of employers or employees, as the case may be, whose interests it purports to represent, further or protect;
- (d)\* the affairs of the association shall be regulated by rules specifying the industry in or in connexion with which the association is formed, the purposes for which it is formed and the conditions of eligibility for membership thereof and providing, in relation to the association, for—
  - (i) the election of—
    - (A) a committee of management of the association and of each branch of the association;
    - (B) officers of the association and of each branch of the association; and
    - (C) any conference, council, panel or other body (additional to the committee of management), which is empowered to determine policy or to exercise functions of management in the association or branch;
  - (ii) the powers and duties of the committees and of officers;
  - (iii) the manner of summoning meetings of members and of the committees;
  - (iv) the removal of members of the committees and of officers;
  - (v) the control of committees of the association and its branches by the members of the association and the members of the branches, respectively;
  - (vi) the mode in which industrial agreements and other documents may be executed by or on behalf of the association;
  - (vii) the power of submitting industrial disputes to conciliation or arbitration under the Act;
  - (viii) the times when, and the terms on which, persons shall become or cease to be members;
  - (ix) the mode in which the property of the association is to be controlled and its funds invested;
  - (x) the yearly or other more frequent audit of the accounts;
  - (xi) the conditions under which funds may be disbursed;
  - (xii) the keeping of a register of the members arranged, where there are branches of the association and the register is kept at the office of the association, according to branches;
  - (xiii) the office of the association and of each of its branches; and
  - (xiv) the alteration of its rules;

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\* For a discussion of the requirements of and the policy behind former Reg. 6, which is similar to this regulation, see *Steele v. Federated Ironworkers Association of Australia* (1944) 52 C.A.R. 594.

Held by the Commonwealth Court of Conciliation and Arbitration that, to comply with Reg. 106 of the Regulations repealed and replaced by these Regulations, the rules of an organization must place the control of the committees of an organization directly in the hands of the members of the organization. The direct control must be real, reasonable, effective and practicable: *Ford v. Federated Miscellaneous Workers' Union of Australia* (1954) 79 C.A.R. 147. Held, further, that the "election" required by Reg. 106 to be provided for in the rules did not require that every member of the organization must have a personal vote. A "collegiate" form of election was permissible: *ibid.* Held, further, that a rule which did not specify how or by whom an officer could be removed from office did not comply with Reg. 106. Requirements of Reg. 106 considered: *ibid.*

- (e) the rules of the association may provide that a person shall not be eligible to be a candidate for any office in the association or a branch if there is reasonable ground for believing that—
  - (i) within twelve months prior to the date of his nomination, he was a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government; or
  - (ii) he himself advocates or encourages, or has, within twelve months prior to the date of his nomination, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government;
- (f) the rules of the association may provide that a person shall not be eligible to hold or continue to hold office in the association or a branch if there is reasonable ground for believing that—
  - (i) he is a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government; or
  - (ii) he himself advocates or encourages, or has, within twelve months prior to the date of his election, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government;
- (g) the rules of the association may also provide for any other matter not contrary to law;
- (h) the association shall not have the same name as that of an organization already registered or a name which is so similar to the name of an organization already registered as is likely to cause confusion; and
- (i) none of the rules of the association shall be a rule which—
  - (i) is contrary to law, or to an order or award;
  - (ii) is tyrannical or oppressive;
  - (iii) prevents or hinders members of the association from observing the law or the provisions of an order or award; or
  - (iv) imposes unreasonable conditions upon the membership of any member or upon any applicant for membership.

(2.) The conditions specified in the last preceding sub-regulation apply in relation to organizations in like manner as they apply in relation to an association applying for registration as an organization.

(3.) Notwithstanding anything contained in this regulation, the conditions to be complied with by an association which has, before the



date of commencement of these Regulations, applied for registration are, subject to the Act, the conditions prescribed by regulation 106 of the Regulations repealed by regulation 2 of these Regulations.

**116.\***—(1.) An application for registration shall be in accordance with Form 29 or 30, whichever is applicable to the case, shall be declared by two or more officers of the association before the Registrar, a Justice of the Peace or a Commissioner for Affidavits, shall be filed in duplicate with the Industrial Registrar or the Deputy Industrial Registrar in the State where the office of the association is situated and shall be accompanied by—

Application for registration.

- (a) two copies of a list of the members of the association, showing the name and postal address of each member;
- (b) two copies of a list of the officers of the association, showing the postal addresses and occupations of the officers;
- (c) two copies of a list of the branches of the association, showing the name under which each branch is carried on, the situation of its office, and the names, postal addresses and occupations of its officers;
- (d) two copies of the rules of the association and of every branch thereof; and
- (e) two copies of a resolution in favour of registration of the association as an organization passed in accordance with the rules by a majority of the members present at a general meeting of the association or by an absolute majority of the committee of management of the association.

(2.) Each document accompanying the application for registration shall be marked with the date of the declaring of the application and the signatures of the persons signing it, and of the Registrar, Justice of the Peace or Commissioner for Affidavits before whom it is declared.

(3.) The duplicate of every application lodged with a Deputy Industrial Registrar shall forthwith be forwarded by him to the Industrial Registrar.

**117.** Applications for registration shall be dealt with, as far as practicable, in the order in which they are received.

Order in which applications dealt with.

**118.**—(1.) The Registrar shall cause a notice of the receipt of an application for registration to be advertised in the *Gazette*.

Advertisement of application.

(2.) Where an association which has applied for registration is granted leave to alter its rules under section 134 of the Act, the Registrar shall, after the alterations have been lodged with him, cause notice of the alterations to be advertised in the *Gazette*.

**119.†**—(1.) An organization or person may, within thirty-five days after the advertisement of a notice referred to in the last preceding regulation, lodge with the Registrar a notice of objection, in accordance with Form 31, to the registration of the association.

Objection to registration.

\* Held by the Commonwealth Court of Conciliation and Arbitration that unless an application for registration under former Reg. 106 (f), replaced by this regulation, was signed by two or more officers of the association seeking registration, the application was not an application for registration for the purposes of the *Conciliation and Arbitration Act: Building Workers Industrial Union of Australia v. Amalgamated Engineering Union (Australian Section)* (1952) 74 C.A.R. 53.

† Held by the Commonwealth Court of Conciliation and Arbitration (*McIntyre, J.*) that since former Reg. 110, replaced by this regulation, contains no further description or clarification of the person who may object, therefore, any person may object: *Purse v. Amalgamated Society of Carpenters and Joiners of Australia* (1952) 75 C.A.R. 88.

(2.) The grounds of objection shall be set out in the notice and shall be confined to one or more of the following grounds:—

- (a) that the association is not an association capable of registration under the Act;
- (b) that a prescribed condition for registration has not been complied with by the association; or
- (c) that an organization to which the members of the association might conveniently belong has already been registered.

(3.) Particulars of each ground of objection shall be given.

(4.) The objector shall be restricted to the grounds specified in the notice of objection unless the Registrar, on application in that behalf and for reasons shown by the objector, otherwise permits.

(5.) If the objector is an organization, the objection shall be under the seal of the organization or under the hands of two officers authorized to sign the notice of objection.

Evidence in support of objection.

**120.\*** The objector shall lodge with the notice of objection a statutory declaration is so lodged with the Registrar, shall serve copies thereof which the objector relies in respect of each ground of objection, and, within seven days after the notice of objection is lodged with the Registrar, shall serve copies of the notice of objection and of the statutory declaration on the applicants.

Evidence in reply.

**121.** Within fourteen days after service of the notice of objection the applicants may lodge with the Registrar a statutory declaration in answer to the objection, and, within seven days after the statutory declaration is so lodged with the Registrar, shall serve copies thereof on the objector.

Notification of hearing.

**122.** The Registrar by whom the matter is to be heard shall fix a day for hearing the application and the objection, and shall give notice thereof to the objector and to the applicants.

Hearing.

**123.—(1.)** The application and the objection shall be heard by the Industrial Registrar or, in such cases as he directs, by a Deputy Industrial Registrar.

(2.) On the hearing, the Registrar shall hear the parties if they are present and desire to be heard, and, subject to the Act and these Regulations, shall decide the matter.

(3.) The Registrar may, in his discretion, permit any party to call oral evidence.

Right of applicants to be heard.

**124.** The Registrar shall not refuse to grant an application for registration until he has given the applicants an opportunity of being heard in support of it.

Certificate of registration.

**125.** The certificate of registration of an association as an organization shall be in accordance with Form 32.

Advice of registration.

**126.** Each Deputy Industrial Registrar shall, forthwith after the registration by him of an association as an organization, forward to the Industrial Registrar, at the Principal Registry—

- (a) an advice, in accordance with Form 33, of the registration of the organization;
- (b) one copy of the list of members of the organization;
- (c) a list of the officers of the organization, showing the postal addresses and occupations of the officers;

\* This regulation, as substituted by Statutory Rules 1957, No. 78, reads as follows:—

“120. The objector shall lodge with the notice of objection a statutory declaration in support thereof setting forth shortly the facts upon which the objector relies in respect of each ground of objection, and, within seven days after the notice of objection is lodged with the Registrar, shall serve copies of the notice of objection and of the statutory declaration on the applicants.”

- (d) a list of the branches of the organization, showing the name under which each branch is carried on, the situation of the registered office thereof, and the names, postal addresses and occupations of the officers of each branch;
- (e) one copy of the rules of the organization and of its branches; and
- (f) one copy of the resolution in favour of registration of the association as an organization,

and the Industrial Registrar shall thereupon enter in the Register of Organizations kept by him particulars of the registration of the organization.

**127.**—(1.) An application for the consent of the Registrar under sub-section (1.) of section 139 of the Act shall be in accordance with Form 34, 35 or 36, as the case requires. Applications for consent of Registrar.

(2.) Such an application shall be under the seal of the organization or under the hands of two officers of the organization authorized to sign the application, and shall be accompanied by a statutory declaration setting forth the facts on which the applicant relies.

(3.) The Registrar shall cause a notice of the receipt of the application to be advertised in the *Gazette*.

(4.) The duplicate of every application and of the statutory declaration in support thereof, lodged with a Deputy Industrial Registrar, shall forthwith be forwarded by him to the Industrial Registrar.

(5.) Any organization or person interested may, within thirty-five days after the advertisement of the notice of the receipt of the application, lodge with the Registrar a notice of objection in accordance with Form 37, 38 or 39 as the case requires, to the application.

(6.) The grounds of objection may include one or more of the following grounds, namely, the grounds specified in regulation 119 of these Regulations or the ground that the alteration has not been made in accordance with the rules of the organization.

(7.) The notice of objection shall set out particulars of the grounds of objection, and the objector shall be restricted to the grounds specified in the notice of objection unless the Registrar, on application in that behalf and for reasons shown by the objector, otherwise permits.

(8.) If the objector is an organization, the notice of objection shall be under the seal of the organization or under the hands of two officers authorized to sign the notice of objection.

(9.) The objector shall lodge with the notice of objection a statutory declaration or declarations in support thereof, and, within seven days after the notice of objection is lodged with the Registrar, shall serve a copy of the notice of objection and of the statutory declaration or declarations on the applicant.

(10.) The Registrar by whom the matter is to be heard shall fix a day for the hearing of the application and shall give notice thereof to the applicant and the objector.

(11.) The Industrial Registrar or, in such cases as he directs, a Deputy Industrial Registrar, shall hear the parties and, subject to the Act and these Regulations, shall decide the matter.

Filing of rules  
and alterations  
thereof.

**128.**—(1.) Within thirty-five days after an alteration has been made in the rules of an organization or branch, or within such extended time as is allowed by the Registrar, the organization or branch shall forward to the Registrar two copies of the alteration.

(2.) The copies shall be accompanied by a statutory declaration, made by a person appearing to the Registrar to have the necessary knowledge of the facts, stating that the copies are true copies of the alteration, and the alteration was made in accordance with the rules of the organization or of the branch, as the case may be, and the manner in which compliance with the relevant rules was attained.

(3.) The Registrar may refuse to certify such an alteration unless the provisions of this regulation are complied with.

Registered  
office.

**129.**—(1.) Every organization and every branch thereof shall have a registered office.

(2.) Subject to this regulation, the office notified in or in connexion with the application for registration shall be deemed to be the registered office of the organization or branch.

(3.) Where an organization or a branch of an organization commences to use an office other than its registered office as its principal office, the organization or branch, as the case may be, shall, within thirty-five days thereafter, lodge with the Registrar a declaration in accordance with the next succeeding sub-regulation stating the situation of that first-mentioned office and the fact that it has become the principal office of the organization or branch, and that first-mentioned office shall thereupon become the registered office of the organization or branch (as the case may be).

(4.) A declaration for the purposes of the last preceding sub-regulation shall be signed by the secretary or other proper officer of the organization or branch (as the case may be) in the presence of the Registrar, a Justice of the Peace, a Commissioner for Affidavits or a Commissioner for Declarations.

List of branches  
to be kept  
and filed by  
organization.

**130.** For the purposes of paragraph (d) of sub-section (1.) of section 152 of the Act, the prescribed other records are—

- (a) a list showing the name under which each branch is carried on; and
- (b) a list showing the situation of the registered office of each branch.

Changes in  
officers to  
be notified.

**131.** Within thirty-five days after a change has taken place in the identity of the holder of an office in an organization or branch of an organization, being an office specified in paragraph (a), (aa) or (b) of the definition of "Office" in section 4 of the Act, the organization shall forward to the Registrar a statement of the change, including the name, postal address and occupation of the new holder of the office, together with a statutory declaration by an officer of the organization verifying the statement.

Penalty: Ten pounds for each week of default.

Accounts to be  
filed.

**132.** The account of the receipts, payments, funds and effects of an organization or branch of an organization required by sub-section (4.) of section 152 of the Act to be filed with the Registrar shall be so filed within three months after the final audit in each year of the accounts of the organization or branch.

**133.** The copy of the records (other than the account referred to in the last preceding regulation) required by sub-section (4.) of section 152 of the Act to be filed with the Registrar shall be so filed before the thirty-first day of March in each year.

Time for filing lists.

**134.** A statutory declaration for the purposes of sub-section (4.) of section 152 of the Act may be made by the secretary of the organization or by an officer of the organization authorized by the rules of the organization or by the organization to file the copy of the records to which the declaration relates.

Statutory declaration required by section 152.

**135.** All documents lodged or filed with or furnished to the Registrar under Part VIII. or IX. of the Act (except section 152) or this Part shall be in duplicate.

Filing of documents.

**136.** Each Deputy Industrial Registrar shall forward to the Industrial Registrar at the Principal Registry all documents filed under section 152 of the Act and one copy of all returns, alterations of rules and notices of change in the registered office of an organization or branch received by him.

Copies of returns.

**137.**—(1.) Where, in pursuance of any rule of an organization containing any of the provisions specified in paragraph (e) or (f) of sub-regulation (1.) of regulation 115 of these Regulations, a person is declared to be ineligible for an office in the organization or a branch or to hold or continue to hold office in the organization or a branch, that person may appeal to the Registrar against that decision.

Appeal to Registrar.

(2.) If any appeal made in pursuance of the last preceding sub-regulation is allowed, the Registrar may extend, for such time as he thinks fit, the time prescribed by the rules of the organization for the holding of the election for which the appellant had nominated, and may make an order declaring that any person returned as elected has not been duly elected.

(3.) Upon the making of any such declaration, the person named in the order shall be deemed not to have been duly elected.

**138.**—(1.) A member of an organization who proposes to take proceedings under section 140 or 141 of the Act may apply to the Registrar for the grant of financial assistance under this regulation.

Financial assistance in proceedings under section 140 or 141.

(2.) If it appears to the Registrar that there are reasonable grounds for taking the proceedings and that the proceedings are proposed to be taken in good faith, the Registrar may direct that financial assistance shall be given by the Commonwealth to the member in respect of the cost of those proceedings and such amount or amounts as the Registrar from time to time determines shall be paid to or on behalf of the member accordingly.

(3.) Nothing in this regulation authorizes a payment in respect of fees to more than one counsel appearing for the applicant.

**139.**—(1.) For the purposes of section 170 of the Act, the number of members of an organization or branch by whom a request under sub-section (1.) of that section for the conduct of an election for an office specified in the request under that section may be made is—

Requests for conduct of elections under section 170.

(a) in the case of a request by an organization—one thousand, or one-tenth of the total number of the members of the organization, whichever is the less; and

- (b) in the case of a request by a branch—five hundred, or one-fifth of the total number of the members of the branch, whichever is the less.

(2.) Subject to this regulation, a request by an organization or branch of an organization under sub-section (1.) of section 170 of the Act for the conduct of an election under that section shall be made not less than one month, nor more than three months, before the last day on which persons may become candidates at the election.

(3.) The Industrial Registrar may, in his discretion, accept a request made less than one month before the date specified in the last preceding sub-regulation if he is satisfied that it is practicable for the election to be conducted under section 170 of the Act in pursuance of the request, and a request so accepted shall be deemed to have been made in due time.

(4.) Where the election in connexion with which a request is made under section 170 of the Act is an election to be conducted in a section or other division (howsoever called) within the organization, or branch of an organization, as the case may be, by which the request is made, the request shall be accompanied by a copy of the rules or provisions relating to the conduct of the election.

Where election  
officially  
conducted no  
unauthorized  
action to be  
taken.

**140.**—(1.) Where the Industrial Registrar has, in pursuance of sub-section (5.) of section 170 of the Act, informed an organization or branch of an organization that he has decided that a request in relation to an election has been duly made under that section, a person other than the person conducting the election in pursuance of that section shall not, except with the authority or at the direction of the person so conducting the election, do or purport to do any act in the conduct of the election.

Penalty: One hundred pounds.

(2.) The last preceding sub-regulation does not apply where the decision of the Industrial Registrar has been reversed on appeal to the Court.

General powers  
of Registrar.

**141.**—(1.) For the purpose of giving effect to the Act, the Registrar shall, in relation to any application or proceeding with which he is authorized to deal, have power—

- (a) to call witnesses before him and take evidence on oath;
- (b) to adjourn any matter or hearing;
- (c) to amend or give leave to amend any application, notice or other document;
- (d) to extend the time fixed by these Regulations for the lodging of any document or the doing of any act (whether that time has expired or not); and
- (e) to order any party to pay to any other party such reasonable sum for costs as he thinks just.

(2.) Where any such power is exercised on the application of a party, it may be exercised on such terms, as to payment of fees and costs and otherwise, as the Registrar thinks just.

**142.** An order by the Registrar for the payment of costs may be filed in the Court and shall thereupon have effect in all respects and be enforceable as if it were an order of the Court. Recovery of costs.

**143.** Service of a document under this Part may be effected by post and service shall be deemed to be effected by properly addressing, pre-paying and posting the document as a registered letter, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post. Service by post.

**144.** Where Part VIII. or IX. of the Act or this Part requires any document to be lodged or filed with the Registrar, the document may be lodged or filed by leaving it with the Registrar, or by sending it in a prepaid registered letter properly addressed to him. Lodging of documents with the Registrar.

**145.—(1.)** Subject to the next succeeding sub-regulation, all documents received by the Registrar under Part VIII. or IX. of the Act (other than documents filed under sub-section (2.) or (3.) of section 152 of the Act) or this Part may be inspected at the office of the Registrar, during office hours, on payment of the prescribed fee, and a person may, upon application and payment of the prescribed fee, obtain an office copy or a certified copy of any such document. Inspection of documents.

(2.) The right to inspect, or obtain a copy of, a document received by the Industrial Registrar under section 170 of the Act may be exercised only by persons approved by the Industrial Registrar.

**146.—(1.)** A person shall not wilfully make any false statement in any document lodged or filed with the Registrar under this Part. Offences.

Penalty: One hundred pounds or imprisonment for six months.

(2.) Nothing in this Part relieves any person from any punishment to which he is otherwise liable under any law of the Commonwealth or of a State or Territory of the Commonwealth.

#### PART VI.—INSPECTORS.

**147.** In this Part, “Inspector” means a person who held office as an Inspector under section 64 of the *Conciliation and Arbitration Act* 1904-1951 at the commencement of the *Conciliation and Arbitration Act* 1952 and has been re-appointed as an Inspector after the twentieth day of April, 1954, or is re-appointed as an Inspector in accordance with this Part. Definition.

**148.—(1.)** A re-appointment of an Inspector, by virtue of the provisions of section 64 of the *Conciliation and Arbitration Act* 1904-1951 as applicable by virtue of sub-section (2.) of section 20 of the *Conciliation and Arbitration Act* 1952, shall be made by the Minister of State for Labour and National Service. Appointment of Inspectors.

(2.) The re-appointment shall be for a term not exceeding three years, but may be terminated by the Minister of State for Labour and National Service on the ground of inefficiency, incompetence, misbehaviour or incapacity.

Terms and  
conditions of  
appointment.

**149.**—(1.) An Inspector shall be paid such salary as is determined by the Public Service Board as being applicable to the work to be performed by the Inspector, not being less than the salary which would be applicable if he were an officer of the Public Service of the Commonwealth employed on similar work.

(2.) Subject to these Regulations, an Inspector is subject to the same conditions with respect to attendance, duties, conduct, hours of duty, overtime, Sunday duty and offences as would be applicable under Divisions I. and III. of Part II. of the Public Service Regulations, and Division 6 of Part III. of the *Public Service Act* 1922-1955, if he were an officer in the Third Division of the Public Service of the Commonwealth employed in the Department of Labour and National Service.

Recreation  
leave.

**150.** The Secretary to the Department of Labour and National Service or a person authorized by him may grant to an Inspector in or for each year leave of absence for recreation for any period or periods not exceeding eighteen days (based on a working week of six days), exclusive of Sundays and holidays.

Sick leave.

**151.** The Secretary to the Department of Labour and National Service or a person authorized by him may grant to an Inspector, on production of such medical evidence (if any) as the person granting the leave requires, leave of absence on the same basis as sick leave is granted, at the date of commencement of these Regulations, to employees employed under section 82 of the *Public Service Act* 1922-1955.

Travelling  
allowances.

**152.** There shall be payable to an Inspector the same travelling allowances as would be payable to him if he were an officer of the Public Service of the Commonwealth receiving salary at the same rate as is received by the Inspector.

Motor car  
allowances.

**153.** An Inspector who is required to use his own motor car or cycle for the purpose of carrying out his duties under the Act shall be paid the same allowances in respect thereof as would be payable to him if he were an officer of the Public Service of the Commonwealth.

#### PART VII.—MISCELLANEOUS.

Interpretation.

**154.** In this Part, a reference to the Court shall be read as including a reference to the Commonwealth Court of Conciliation and Arbitration and a reference to a Judge shall be read as including a reference to a Judge of that Court.

Power to  
waive  
procedural  
requirements,  
and effect of  
non-  
compliance.

**155.**—(1.) Subject to the Act, the Commission or the Registrar may, in relation to any proceeding before it or him, and the Court or a Judge may, in relation to any proceeding before the Court, in special circumstances, and either absolutely or subject to conditions, exempt any person from compliance with any procedural requirement of these Regulations.

(2.) Subject to the Act, non-compliance with any of these Regulations shall not render void any proceedings before the Court, a Judge, the Commission or the Registrar, but the proceedings may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the Court, a Judge, the Commission or the Registrar, as the case may be, thinks fit.



**156.** Except where otherwise provided by these Regulations or directed by a Judge, a member of the Commission or the Registrar, if any document is required by the Act or these Regulations to be taken out, made or signed, or any step is required to be taken, by any person, organization, branch or company, that document may be taken out, made or signed, or that step taken, on behalf of that person, organization, branch or company—

Signing of documents, &c., on behalf of persons, organizations, &c.

- (a) in the case of a person—by that person or by any other person authorized by him in writing;
- (b) in the case of an organization or branch—by a person thereunto duly authorized by, or in accordance with the rules of, the organization or branch; and
- (c) in the case of a company not being an organization—by an officer or person duly authorized under the seal of the company to represent it under the Act, or in the proceedings.

**157.** Every document which is filed in connexion with any matter before the Court, the Commission or the Registrar shall be indorsed with the name and address of the party filing it, and that address shall be deemed to be filed by that party as the address for service of that party.

Indorsement of documents.

**158.** Service of a document upon a person other than a body corporate shall be effected by—

Service upon persons.

- (a) leaving it with that person;
- (b) tendering it to that person;
- (c) leaving it with any person apparently above the age of fourteen years at the residence or usual place of business of the person intended to be served or, where that person has filed an address for service, at that address; or
- (d) where that person has filed an address for service, by posting it in a prepaid registered letter addressed to that person at that address.

**159.**—(1.) Service of a document upon a body corporate (not being an organization) shall be effected by—

Service upon corporations.

- (a) leaving it with the secretary of the body corporate;
- (b) tendering it to the secretary of the body corporate;
- (c) leaving it with any person apparently above the age of fourteen years at the registered office of the body corporate or, where the body corporate has filed an address for service, at that address; or
- (d) posting it in a prepaid registered letter to the secretary of the body corporate at the registered office of the body corporate or, where the body corporate has filed an address for service, at that address.

(2.) For purposes of the last preceding sub-regulation—

“secretary”, in the case of a body corporate which is a body corporate established by a law of the Commonwealth or of a State or Territory of the Commonwealth, means the secretary, clerk or other proper officer of the body corporate;

“registered office”, in relation to such a body corporate, means the principal office of the body corporate.

Service upon  
organizations.

**160.** Service of a document upon an organization or branch of an organization shall be effected by—

- (a) leaving it with the secretary of the organization or branch;
- (b) tendering it to the secretary of the organization or branch;
- (c) leaving it with a person apparently above the age of fourteen years at the registered office of the organization or branch or, where the organization or branch has filed an address for service, at that address; or
- (d) posting it in a prepaid registered letter to the secretary of the organization or branch at the registered office of the organization or branch or, where the organization or branch has filed an address for service, at that address.

Office hours.

**161.**—(1.) The Principal Registry and each District Registry shall be open on ordinary working days from 9.30 o'clock in the morning to 4.30 o'clock in the afternoon.

(2.) When the time for doing any act or taking any proceeding in or at a Registry expires on a day on which the Registry is not open and by reason thereof the act or proceeding cannot be done or taken on that day, the act or proceeding shall, so far as regards the time of doing or taking it, be held to be duly done or taken if done or taken on the next day on which the Registry is open.

Inspection of  
industrial  
agreements.

**162.** The duplicate of an industrial agreement filed in the office of the Industrial Registrar or in the office of an organization shall be open to inspection, without payment of any fee, at any time at which that office is open for business.

Applications  
under section  
47 (3.).

**163.**—(1.) An application to the Registrar under sub-section (3.) of section 47 of the Act shall be in accordance with Form 40 and shall be verified by affidavit.

(2.) The application and the affidavit shall be lodged in duplicate with the Registrar.

Fees.

**164.**—(1.) The fees to be demanded and paid in respect of matters under the Act or these Regulations shall be those set out in the Third Schedule to these Regulations.

(2.) The fees payable under these Regulations shall be paid in advance, and the Registrar may refuse to receive or issue any document, to do any act or permit any inspection in respect of which a fee is payable until the fee is paid.

Use of previous  
evidence.

**165.**—(1.) Any evidence, whether given orally, by affidavit or declaration or otherwise, taken or used, whether before or after the commencement of this regulation, upon proceedings in the Court or before the Commission or the Registrar, may, in the discretion of the Registrar and subject to such terms and conditions as he determines, be used in any subsequent proceedings before the Registrar.

(2.) When evidence has been given orally, this regulation does not authorize its use before the Registrar in subsequent proceedings unless a written record of the evidence is available for the use of the Registrar, and he is satisfied that that record is a true record of the evidence.

**166.**—(1.) Except as provided in this regulation, the Chairman or Deputy Chairman of a Board of Reference appointed under an award or order shall be paid a fee of Three pounds three shillings for each sitting of the Board with a maximum of Six pounds six shillings for any one day, and shall be paid travelling expenses at the rate of Two pounds fifteen shillings per day and fares actually and properly paid by him.

Fees to  
Chairman of  
Board of  
Reference.

(2.) Where the Chairman or Deputy Chairman of a Board of Reference is a person employed in accordance with the *Public Service Act* 1922-1955, or employed by an authority of the Commonwealth, he shall, if his appointment has been approved by the Minister administering the Department in which he is employed, or by the authority by which he is employed, as the case may be, be entitled to receive a fee of Three pounds three shillings for every day on which he acts as Chairman or Deputy Chairman, together with travelling allowance at the rate applicable to him as such an employee.

(3.) Where the Chairman or Deputy Chairman of a Board of Reference is a person, or member of a class of persons, to whom the Governor-General, in pursuance of section 8A of the *Public Service Act* 1922-1955, has declared the provisions of that Act shall not apply, he shall be paid such fees and be entitled to travelling expenses at such rates as the Public Service Board determines.

(4.) Nothing in this regulation authorizes the payment of an amount to a Commissioner or a Conciliator.

**167.**—(1.) Where a matter has been referred to a Local Industrial Board for investigation and report, there shall, subject to the next succeeding sub-regulation, be payable—

Fees of  
Chairman and  
travelling  
allowances of  
members of  
Local  
Industrial  
Boards.

(a) to the Chairman of the Board, not being a Commissioner, a Conciliator or an officer of a Registry of the Court who is a person employed in accordance with the *Public Service Act* 1922-1955—a fee of Three pounds three shillings for each sitting of the Board with a maximum of Six pounds six shillings for any one day; and

(b) to each member of the Board, including the Chairman (not being a Commissioner, a Conciliator or an officer of a Registry of the Court who is a person employed in accordance with the *Public Service Act* 1922-1955), while engaged away from his home on the business of the Board—a travelling allowance at the rate of Two pounds fifteen shillings per day and fares actually and properly paid by him.

(2.) Where a matter referred to a Local Industrial Board necessitates continuous investigation over an extended period, there may be paid, in such cases as the Minister determines—

(a) to the Chairman of the Board—in lieu of the prescribed fee for each sitting of the Board, such remuneration as is considered reasonable by the Minister; and

(b) to each other member of the Board—such fee for each sitting of the Board as is considered reasonable by the Minister.

Expenses to persons summoned to compulsory conferences.

**168.** Representatives of parties summoned to compulsory conferences under section 29 of the Act shall be paid living expenses (if incurred) at the rate of Two pounds per day, the amount of salary, wages or earnings actually lost during the time occupied in travelling and attending any such conference, and fares actually and properly paid by them.

Industrial Registrar to certify payments.

**169.** All payments under the last three preceding regulations, including fares, shall be made only on the certificate of the Registrar.

Offences in connexion with secret ballots.

**170.**—(1.) Subject to sub-regulation (3.) of this regulation, a person voting at any ballot ordered by the Commission under section 45 of the Act shall not show the ballot-paper to any person, or permit any person to see the ballot-paper, while he is marking it or after he has marked it, and a person shall not, directly or indirectly, request, require or induce any other person to show such a ballot-paper to him, or to permit him to see it, while the ballot-paper is being marked or after it has been marked.

Penalty: Ten pounds.

(2.) A ballot-paper used in a secret ballot directed by the Commission shall not be disclosed to a person other than a person authorized by direction of the Commission to deal with or inspect such ballot-papers.

Penalty: Ten pounds.

(3.) Nothing in sub-regulation (1.) of this regulation applies to any act performed by an officer in the course of his duty in relation to a ballot.

Action under repealed Regulations deemed to be action under these Regulations.

**171.** Subject to Part III. of the *Conciliation and Arbitration Act 1956*, where, in a proceeding or matter commenced before the commencement of these Regulations, any action has been taken in accordance with the Regulations repealed by regulation 2 of these Regulations, being action of the kind prescribed by these Regulations for the same kind of proceeding or matter, that action shall be deemed to have been taken under these Regulations.

## THE SCHEDULES.

### FIRST SCHEDULE.

Regulation 5.

Regulation 16

FORM 1.

*Conciliation and Arbitration Act 1904-19* .

### NOTIFICATION TO A COMMISSIONER OR THE REGISTRAR OF INDUSTRIAL DISPUTE OR SITUATION.

In pursuance of section 28 of the *Conciliation and Arbitration Act 1904-19* [*state name of organization or employer or Minister giving notification*] hereby notifies you of the existence of an industrial dispute [*or industrial situation which is likely to give rise to an industrial dispute*] between [*set out the names and addresses of all*

To—Each of the persons and organizations above-mentioned [or name and address of person to whom notice is to be given].

## CONCILIATION AND ARBITRATION ACT

FIRST SCHEDULE—*continued*.

Regulation 21.

FORM 4.

*Conciliation and Arbitration Act 1904-19* .

THE COMMONWEALTH CONCILIATION AND ARBITRATION COMMISSION.

## SUMMONS TO WITNESS.

[*Title of Proceedings.*]To [*Names of witness*].

You are hereby summoned to attend before  
 at                      o'clock in the                      noon on                      the  
                          day of                      , 19                      and so on from day to day until the  
 hearing of the above-mentioned matter is completed or until you are excused from  
 further attendance, to give evidence on behalf of [*name of party*].

\* Strike out if  
inapplicable.

\* You are required to bring with you and produce the following books, documents  
 and things:—

[*Set out books, &c., required.*]

Dated this                      day of                      , 19                      .

Member of the Commission  
 [or Registrar].

Regulation 22.

FORM 5.

*Conciliation and Arbitration Act 1904-19* .

THE COMMONWEALTH CONCILIATION AND ARBITRATION COMMISSION.

## APPLICATION FOR CERTIFICATION OF AGREEMENT.

Application is hereby made by  
 to the Commission to certify the attached memorandum of agreement arrived at  
 in settlement or part settlement of Industrial Dispute No.                      .

Dated this                      day of                      , 19                      .

Applicant.

To the Registrar.

Regulation 27.

FORM 6.

*Conciliation and Arbitration Act 1904-19* .

## APPEAL UNDER SECTION 35.

THE COMMONWEALTH CONCILIATION AND ARBITRATION COMMISSION.

In the matter of an Industrial Dispute between

[*names of parties.*]

An appeal is hereby made by [*name of appellant*] against the award [*or decision*]  
 made by [*name of Commissioner*] at                      on the  
 day of                      , 19                      , in the above-mentioned industrial dispute.

The following are the grounds of this appeal:—

[*Set out in numbered paragraphs the grounds of appeal including particulars of the  
 grounds upon which it is claimed that the matter is of such importance that, in the public  
 interest, an appeal should lie.*]

Dated this                      day of                      , 19                      .

Appellant.

To the Registrar.

FIRST SCHEDULE—continued.

Regulation 31.

FORM 7.

*Conciliation and Arbitration Act 1904-19* .

APPLICATION TO THE COMMONWEALTH CONCILIATION AND  
ARBITRATION COMMISSION FOR THE SETTING ASIDE OF AN AWARD  
OR ORDER OR TERM OF AN AWARD OR ORDER.

In the matter of

[Set out the title of award or order which is sought to be set aside.]

And in the matter of an application for the setting aside of the above award or  
order [or part of the award or order] dated the  
day of , 19 .

Application is hereby made by for the setting aside of the  
above-mentioned award or order [or the following terms of the above-mentioned  
award or order].

[Set out, if necessary, the terms sought to be set aside.]

The grounds on which this application is made are as follows:—

[Set out in numbered paragraphs the grounds on which the application is made.]

Dated this day of , 19 .

Applicant.

To the persons and organizations bound by the above-mentioned award or order:

You are hereby notified that the above-mentioned application will be heard  
at in the State of at o'clock in the  
noon, on the day of , 19 , before  
and that you may appear and be heard at the time and place so fixed.

Dated this day of , 19 .

Registrar.

Regulation 31.

FORM 8.

*Conciliation and Arbitration Act 1904-19* .

APPLICATION TO THE COMMONWEALTH CONCILIATION AND  
ARBITRATION COMMISSION FOR THE VARIATION OF AN AWARD  
OR ORDER OR TERM OF AN AWARD OR ORDER.

In the matter of

[Set out the title of award or order which it is sought to vary.]

And in the matter of an application for the variation of the above award or  
order dated the day of , 19 .

Application is hereby made by for the variation of the  
above-mentioned award or order in the following respects:—

[Set out in numbered paragraphs the variation sought.]

The grounds upon which this application is made are as follows:—

[Set out in numbered paragraphs the grounds on which the application is made.]

Dated this day of , 19 .

Applicant.

To the persons and organizations bound by the above-mentioned award or order:

You are hereby notified that the above-mentioned application will be heard  
at in the State of at o'clock in the  
noon, on the day of , 19 , before and  
that you may appear and be heard at the time and place so fixed.

Dated this day of , 19 .

Registrar.

## CONCILIATION AND ARBITRATION ACT

## FIRST SCHEDULE—continued.

Regulation 33.

FORM 9.

*Conciliation and Arbitration Act 1904-19* .APPLICATION TO COMMONWEALTH CONCILIATION AND ARBITRATION  
COMMISSION FOR COMMON RULE.

In the matter of  
 [Set out title of award or order which is desired to be declared a common rule.]  
 And in the matter of the award or order in the above matter dated the

day of , 19 .

Application is hereby made by for a declaration that the terms  
 hereinafter mentioned [or the whole of the terms, as the case requires] determined by  
 the above-mentioned award or order shall be a common rule of the [state industry]  
 in the Territory.

## TERMS REFERRED TO.

| Clause No. | Subject. |
|------------|----------|
|            |          |

Dated this day of , 19 . Applicant.  
 To the Registrar.

Regulation 33.

FORM 10.

*Conciliation and Arbitration Act 1904-19* .NOTICE OF APPLICATION TO COMMONWEALTH CONCILIATION AND  
ARBITRATION COMMISSION FOR COMMON RULE.

In the matter of  
 [Set out title of award or order which is desired to be declared a common rule.]

Notice is hereby given that [name of applicant] has made application for a  
 declaration that the terms hereinafter mentioned [or the whole of the terms, as the  
 case requires] determined by the above-mentioned award or order shall be a common  
 rule of the [state industry] in the Territory.

A copy of the award or order may be inspected at the office of the Registrar,  
 Registry, at free of charge.

The application will be heard at on the day of  
 , 19 , before .

If you desire to be heard on the hearing of the application, notice to that effect  
 should be given to the Commission in accordance with Form 11 in the First Schedule  
 to the Conciliation and Arbitration Regulations.

Persons and organizations not so appearing or represented will be bound by  
 any award or order made by the Commission in the matter which is applicable to  
 them.

## TERMS REFERRED TO.

| Clause No. | Subject. |
|------------|----------|
|            |          |

Dated this day of , 19 . Registrar.



FIRST SCHEDULE—continued.

Regulation 35.

FORM 11.

Conciliation and Arbitration Act 1904-19 .

NOTICE OF APPEARANCE ON APPLICATION FOR COMMON RULE.

In the matter of

[Set out title of award or order which is sought to be declared a common rule.]

And in the matter of an application to declare the award or order in the above matter dated the                      day of                      , 19                      , [or part thereof] a common rule of the [state industry].

Take notice that [name] claims to be interested in, and desires to be heard on the hearing of, the application for a common rule in the above matter.

The nature of my interest is as follows:—

[State shortly.]

The matters upon which I desire to be heard are as follows:—

[State shortly.]

I intend to object to the application so far as it relates to the following matters:—

[State shortly.]

The nature of my objections is as follows:—

[State shortly.]

Dated this                      day of                      , 19                      .

Signature.

To the Registrar.

Regulation 40.

FORM 12.

APPLICATION UNDER SECTION 45B OF THE NAVIGATION ACT 1912-19  
FOR AN ORDER DIRECTING APPROVAL OF ENGAGEMENT.

I,                      of                      hereby apply to the Commonwealth Conciliation and Arbitration Commission for an Order directing approval of my engagement as a seaman.

I declare that—

1. On                      , 19                      , I was engaged for employment in the vessel                      .

2. On                      , 19                      , the Superintendent, Mercantile Marine, [Port] refused to approve of my engagement, and furnished me with a statement specifying the grounds on which he so refused. The statement is attached hereto.

3. The answers to the questions set out hereunder are true and correct in every particular:—

(a) When were you excluded from the Maritime industry?

(b) For what offences?

(c) Give full details of all employment since the date on which you were excluded, including name and address of employer, capacity in which you were employed, dates of commencement and termination of employment and reasons for termination of employment.

I request that, if practicable, this application be heard at                      .

I attach an affidavit verifying the facts stated in this application.

Dated this                      day of                      , 19                      .

Applicant.

To the Registrar.

## CONCILIATION AND ARBITRATION ACT

FIRST SCHEDULE—*continued*.

Regulations 48 and 75.

FORM 13.

*Conciliation and Arbitration Act 1904-19* .

## GENERAL FORM OF APPLICATION.

IN THE COMMONWEALTH INDUSTRIAL COURT.

In the matter of

[*Set out title of award or order or name of parties to matter.*]

And in the matter of

[*Set out nature of application.*]

Application is hereby made by

for

upon the grounds set forth in the affidavit of

sworn the day of

, 19 ,

and filed herein.

Dated this

day of

, 19 .

Applicant.

To

:

You are hereby notified that the above-mentioned application will be heard before the Commonwealth Industrial Court at in the State of on the day of 19 , at o'clock in the noon and that you may appear and be heard on the hearing of the application.

Dated this

day of

, 19 .

Registrar.

Regulation 58.

FORM 14.

*Conciliation and Arbitration Act 1904-19* .

## SUMMONS TO WITNESS. .

IN THE COMMONWEALTH INDUSTRIAL COURT.

[*Title of Proceedings.*]To [*Name of witness.*]

You are hereby summoned to attend before the Commonwealth Industrial Court at o'clock in the noon on the day of , 19 , and so from day to day until the hearing of the above-mentioned matter is completed or until you are excused from further attendance, to give evidence on behalf of [*name of party*].

\* Strike out if inapplicable.

\*You are required to bring with you and produce the following books, documents and things:—

[*Set out books, &c., required.*]

Dated this

day of

, 19 .

[*Judge or Registrar.*]

FIRST SCHEDULE—continued.

Regulation 70.

FORM 15.

RULE TO SHOW CAUSE.

IN THE COMMONWEALTH INDUSTRIAL COURT.

In the matter of the *Conciliation and Arbitration Act 1904-19* .

Between

Claimant

And

Respondent.

It is hereby ordered that [name of respondent] appear before the Commonwealth Industrial Court at \_\_\_\_\_ in the State of \_\_\_\_\_, on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, to show cause why [state nature of relief required], upon the grounds set forth in the affidavit of sworn the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and filed herein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By the Court,

Judge.

Regulation 72.

FORM 16.

*Conciliation and Arbitration Act 1904-19* .

APPLICATION FOR LEAVE TO ALTER RULES.

IN THE COMMONWEALTH INDUSTRIAL COURT.

In the matter of an application by [name of association]  
for leave to alter rules.

The [name of association] which has applied for registration as an organization, hereby applies to the Commonwealth Industrial Court for leave to alter its rules to enable it to comply with the prescribed conditions [or to remove a ground of objection taken by an objector in accordance with the Regulations or by the Registrar].

Particulars of the proposed alterations of the rules are as follows:—

[Set out text of proposed alterations.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

On behalf of [name of association].

Signature.

To the Registrar.

## CONCILIATION AND ARBITRATION ACT

FIRST SCHEDULE—*continued.*

Regulation 73.

FORM 17.

*Conciliation and Arbitration Act 1904-19 .*

## APPLICATION FOR AN ORDER UNDER SECTION 144.

## IN THE COMMONWEALTH INDUSTRIAL COURT.

In the matter of an application for admission of [name of person]  
as a member of [name of organization].

Application is hereby made by \_\_\_\_\_ for an order of the  
Court under section 144 of the *Conciliation and Arbitration Act 1904-19* that  
[name of person] be admitted as a member of [name of organization] on the grounds  
set out in the affidavit of \_\_\_\_\_ sworn on the  
day of \_\_\_\_\_, 19\_\_\_\_, and filed herein.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Applicant.

To the Registrar.

To [name of person to whom notice is to be given]:

You are hereby notified that the above-mentioned application will be heard  
before the Commonwealth Industrial Court at \_\_\_\_\_ in the  
State of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and that you  
may if you so desire appear and be heard on the hearing of the application at the  
time and place so fixed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Registrar.

Regulation 74.

FORM 18.

*Conciliation and Arbitration Act 1904-19 .*

## APPLICATION FOR INQUIRY CONCERNING AN ELECTION.

## IN THE COMMONWEALTH INDUSTRIAL COURT.

In the matter of an election for an office in [set out name of  
organization or branch].

I, [set out full name of applicant] of [set out address of applicant] being a member  
[or a person who, within the period of twelve months preceding the date of this  
application, has been a member] of the [set out name of organization] hereby apply  
for an inquiry by the Commonwealth Industrial Court into the matter of the alleged  
irregularities specified hereunder which I claim have occurred in or in connexion  
with the election specified hereunder. I rely on the facts stated hereunder.

## PARTICULARS OF ELECTION.

Organization or Branch [set out name].

Office or offices [set out title or titles of position or positions for which election held].

Is election complete? [Answer "yes" or "no".]

If election complete, date of completion [set out date].

## PARTICULARS OF ALLEGED IRREGULARITIES.

[Set out in numbered paragraphs particulars of the alleged irregularity or irregularities.]

## FACTS RELIED ON.

[Set out in numbered paragraphs the facts relied on in support of the application.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Applicant.

To the Industrial Registrar.

FIRST SCHEDULE—continued.

Regulation 76.

FORM 19.

SUMMONS TO ANSWER CLAIM FOR PENALTY.

IN THE COMMONWEALTH INDUSTRIAL COURT.

In the matter of the *Conciliation and Arbitration Act 1904-19*

Claimant

and

Respondent.

To the above-named [*name of respondent*]:

You are hereby summoned to appear before the Commonwealth Industrial Court at \_\_\_\_\_ in the State of \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon to answer a claim made by the above-named claimant as [*state qualification to sue for penalty*] that a penalty be imposed upon you under the above-named Act for that you on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ did commit a breach of [*or did fail to observe*] [*state shortly the award, order or direction alleged to be broken*] in that you [*state shortly breach alleged*].

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Registrar.

Regulation 76.

FORM 20.

*Conciliation and Arbitration Act 1904-19* .

INFORMATION FOR AN OFFENCE.

IN THE COMMONWEALTH INDUSTRIAL COURT.

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, [*name of informant*] of [*address of informant*] in the State of \_\_\_\_\_, appears before [*name of Registrar*] [*description of Registrar*] and informs the said [*name of Registrar*] that

Signed by the above-named informant before me—

Registrar.

Regulation 76.

FORM 21.

*Conciliation and Arbitration Act 1904-19* .

SUMMONS TO ANSWER CHARGE OF AN OFFENCE.

IN THE COMMONWEALTH INDUSTRIAL COURT.

Informant

and

Defendant.

To the above-named [*name of defendant*]:

You are hereby summoned to appear before the Commonwealth Industrial Court at \_\_\_\_\_ in the State of \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to answer a charge of \_\_\_\_\_ the above-named informant that you, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ did \_\_\_\_\_.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Registrar.

## CONCILIATION AND ARBITRATION ACT

## FIRST SCHEDULE—continued.

Regulation 77.

FORM 22.

APPLICATION TO COURT FOR LEAVE TO APPEAL FROM ACT OR  
DECISION OF REGISTRAR.

IN THE COMMONWEALTH INDUSTRIAL COURT.

In the matter of

[State brief particulars of matter in which leave to appeal is sought.]

Application is hereby made by \_\_\_\_\_ for leave to appeal against  
the following act [or decision] of [set out title of Registrar] at [set out Registry] done  
[or given] on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, namely [set  
out particulars of act or decision sought to be appealed against].

The grounds of this application are as follows:—

[Set out grounds in numbered paragraphs.]

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Applicant.

To the Commonwealth Industrial Court.

Regulation 78.

FORM 23.

NOTICE OF APPEAL UNDER SECTION 37 OF THE STEVEDORING  
INDUSTRY ACT 1956.

I, \_\_\_\_\_ of \_\_\_\_\_

hereby appeal to the Commonwealth Industrial Court against the suspension  
of my registration as a waterside worker at the port of \_\_\_\_\_ cancellation

The grounds upon which this appeal is lodged are as follows:—

I request that, if practicable, this appeal be heard at \_\_\_\_\_.

I attach an affidavit verifying the facts stated in this notice of appeal.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
Applicant.

To the Registrar.

Regulation 99.

FORM 24.

## WRIT OF EXECUTION.

No. \_\_\_\_\_.

BEFORE THE COMMONWEALTH INDUSTRIAL COURT.

ELIZABETH THE SECOND, ETC.

To the Marshall of the High Court of Australia [or to \_\_\_\_\_]:

Whereas by an order of the Commonwealth Industrial Court, dated the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_, it was directed that  
A.B. should pay to C.D. the sum of £ \_\_\_\_\_ together with costs (if any) on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

This is to command you to levy of the lands and goods of A.B. the sum of  
£ \_\_\_\_\_ to satisfy C.D. for the said amount so ordered to be paid to him by  
the said A.B., and after levy duly made thereof to have that money before us in  
in our said Court at \_\_\_\_\_ in the State of \_\_\_\_\_ immediately  
after the execution hereof, to be rendered to the said C.D.

Witness \_\_\_\_\_, Chief Judge of Our said Court,  
at \_\_\_\_\_ in the State of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

By the Court,  
Registrar.  
£ s. d.

|                   |    |    |    |    |    |    |
|-------------------|----|----|----|----|----|----|
| Debt              | .. | .. | .. | .. | .. | .. |
| Costs             | .. | .. | .. | .. | .. | .. |
| Writ of Execution | .. | .. | .. | .. | .. | .. |
| Levy              | .. | .. | .. | .. | .. | .. |

Besides fees, poundage and other expenses.

FIRST SCHEDULE—continued.

Regulation 107.

FORM 25.

WRIT OF ATTACHMENT.

BEFORE THE COMMONWEALTH INDUSTRIAL COURT.

ELIZABETH THE SECOND, ETC.

To the Marshall of the High Court of Australia [or to ]:

We direct you to attach *A.B.* of  
so that you may have him before us in the Commonwealth Industrial Court on  
the first day on which the Court shall sit next after the arrest of the said *A.B.*, or  
as soon thereafter as is practicable. And have you there this writ.

Witness , Chief Judge of Our said Court, at in  
the State of , this day of , 19 .

By the Court,

Registrar.

For [state ground on which writ issued.]

Regulation 111.

FORM 26.

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SPECIAL LEAVE  
TO APPEAL.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of a proposed appeal under section 29 of the *Re-establishment and  
Employment Act 1945-19* .

Between

[Name of proposed appellant]

And

[Name of proposed respondent]

I [set out full name, private address and occupation of the proposed appellant] being  
duly sworn make oath and say as follows:—

[Set out in numbered paragraphs the relevant facts including—

- (i) the name of the court from which the appeal is to be brought;
- (ii) the date of the decision in question;
- (iii) the effect of that decision;
- (iv) grounds intended to be relied upon in support of the appeal;
- (v) whether the applicant desires on the hearing of the appeal to adduce evidence  
not called in the court below.]

Regulation 112.

FORM 27.

NOTICE TO PROPOSED RESPONDENT IF THE APPLICATION  
FOR SPECIAL LEAVE IS TO BE MADE ON NOTICE.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of a proposed appeal under section 29 of the

*Re-establishment and Employment Act 1945-19* .

Between

[Name of proposed appellant]

And

[Name of proposed respondent]

To [set out name and address of proposed respondent]:

Take notice that an application will be made to the above-mentioned Court  
at [set out locality and address of Court at which application will be made] on the  
day of , 19 , at o'clock in the  
noon or so soon thereafter as this application may be heard for an order granting  
[name of applicant] special leave to appeal from an order of the [insert title of court  
which gave the decision from which special leave to appeal is sought] given or made on  
insert date] whereby [set out effect of latter order] upon the following grounds:—  
[Set out grounds as stated in affidavit.]

Dated this day of , 19 .

Signature of applicant or his legal representative.

This notice is given on behalf of the proposed appellant [insert name] whose  
address for service is [set out address for service].

## CONCILIATION AND ARBITRATION ACT

## FIRST SCHEDULE—continued.

Regulation 113.

FORM 28.

## NOTICE TO RESPONDENT AFTER SPECIAL LEAVE HAS BEEN GRANTED AND A DATE FOR HEARING FIXED BY THE COURT.

IN THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION.

In the matter of an appeal under section 29 of the  
*Re-establishment and Employment Act 1945-19* .

Between

[Name of appellant]

And

[Name of respondent]

To [set out name and address of respondent]:

Take notice that pursuant to special leave under section 29 above-mentioned granted to the appellant by this Court on the [insert date upon which special leave to appeal was granted] application will be made to the Commonwealth Court of Conciliation and Arbitration at [set out locality and address of the Court at which the appeal will be heard] on the [insert date fixed by the Court for the hearing] at [insert time on that date fixed for the hearing] by way of appeal against the order of the [insert title of court the decision of which is the subject of special leave to appeal] given or made on the [insert date of decision] for an order by the said Commonwealth Court of Conciliation and Arbitration reversing or modifying [omit whichever is irrelevant] the order appealed against on the following grounds:—

[Set out grounds as stated in affidavit in support of application for leave.]

Dated this                      day of                      , 19                      .

Signature of appellant or his legal representative.

This notice is given on behalf of the appellant [insert name] whose address for service is [set out address for service].

Regulation 116.

FORM 29.

*Conciliation and Arbitration Act 1904-19* .

## APPLICATION FOR THE REGISTRATION OF AN ASSOCIATION OF EMPLOYERS AS AN ORGANIZATION.

We [set out names, in full, addresses and occupations of applicants] hereby make application for the registration of an association called [set out the name of the association] the office of which is situated at [set out place which is to be registered office] as an organization of employers under the *Conciliation and Arbitration Act 1904-19* and we declare as follows:—

1. That the said association is an association of employers in or in connexion with the [set out name of industry].
2. That the members of the said association have in the aggregate throughout the six months next preceding the date of this application employed on an average taken per month not less than one hundred employees in that industry.
3. That the copies accompanying this application of the lists of—
  - (a) the members of the association;
  - (b) the officers of the association; and
  - (c) the branches of the association,

and the particulars set forth in regard thereto, are to the best of our knowledge and belief true and correct statements of the matters respectively stated therein.

4. That the copies of the rules of the association and of the branches thereof accompanying this application are true and correct copies of the rules of the association and of the branches thereof.



FIRST SCHEDULE—continued.

5. That on the                      day of                      , 19                      , a resolution was passed in accordance with the rules by a majority of the members present at a general meeting of the association in favour of registration of the association as an organization [or a resolution was passed by an absolute majority of the Committee of Management of the said association in favour of registration of the association as an organization] and that the copies of that resolution accompanying this application are true and correct copies thereof.

6. That we, the applicants, are officers of the association, and are authorized to make this application.

And we make this application conscientiously believing the statements therein to be true.

Signatures of Applicants.

Declared before me at                      the                      day of                      , 19                      .

Regulation 116.

FORM 30.

*Conciliation and Arbitration Act 1904-19* .

APPLICATION FOR THE REGISTRATION OF AN ASSOCIATION OF  
EMPLOYEES AS AN ORGANIZATION.

We, [set out names in full, addresses and occupations of applicants] hereby make application for the registration of an association called [set out the name of the association] the office of which is situated at [set out place which is to be registered office] as an organization of employees under the *Conciliation and Arbitration Act 1904-19* , and we declare as follows:—

1. That the said association is an association of employees in or in connexion with the [set out name of industry].

2. That the number of employees in or in connexion with the said industry who are members of the association is not less than one hundred.

3. That the copies accompanying this application of the lists of—

- (a) the members of the association;
- (b) the officers of the association; and
- (c) the branches of the association,

and the particulars set forth in regard thereto, are to the best of our knowledge and belief true and correct statements of the matters respectively contained therein.

4. That the copies of the rules of the association and of the branches thereof accompanying this application are true and correct copies of the rules of the association and of the branches thereof.

5. That on the                      day of                      , 19                      , a resolution was passed in accordance with the rules by a majority of the members present at a general meeting of the association in favour of registration of the association as an organization [or a resolution was passed by an absolute majority of the Committee of Management of the said association in favour of registration of the association as an organization] and that the copies of that resolution accompanying this application are true and correct copies thereof.

6. That we, the applicants, are officers of the association, and are authorized to make this application.

And we make this application conscientiously believing the statements therein to be true.

Signatures of Applicants.

Declared before me at                      the                      day of                      , 19                      .

## CONCILIATION AND ARBITRATION ACT

FIRST SCHEDULE—*continued*.

Regulation 119.

FORM 31.

COMMONWEALTH OF AUSTRALIA.

*Conciliation and Arbitration Act 1904-19* .NOTICE OF OBJECTION TO THE REGISTRATION OF AN ASSOCIATION  
AS AN ORGANIZATION.

Take notice that [*set out name of objecting organization or person and its or his address and his occupation*] objects to the registration of [*set out the name of the association applying for registration*] as an organization under the above Act on the following grounds, namely:—

[*Set out the grounds and particulars thereof in numbered paragraphs.*]

Dated at                      this                      day of                      , 19   .

Signature(s) (or Seal) of Objector(s).

To the Industrial Registrar [*or Deputy Industrial Registrar, as the case requires*].

Regulation 125.

FORM 32.

COMMONWEALTH OF AUSTRALIA.

*Conciliation and Arbitration Act 1904-19* .CERTIFICATE OF REGISTRATION OF AN ASSOCIATION AS AN  
ORGANIZATION OF EMPLOYERS [*or EMPLOYEES, as the case may be*].

I, [*set out the name and title of Registrar*] hereby certify that on the day of                      One thousand nine hundred and                      an association called [*set out the name of the association*] was, at the Principal Registry [*or at the District Registry in the State of*                      ], registered by that name under the *Conciliation and Arbitration Act 1904-19* as an organization of employers [*or employees, as the case requires*] in or in connexion with the industry.

I further certify that the conditions of eligibility for membership of the organization are as follows:—

Dated at                      this                      day of                      , 19   .

Industrial Registrar [*or Deputy Industrial Registrar, as the case requires*].

FIRST SCHEDULE—continued.

Regulation 126.

FORM 33.

COMMONWEALTH OF AUSTRALIA.

District Registry,  
19 .

Memorandum for—

The Industrial Registrar,  
Principal Registry,  
Melbourne.

I have registered an association called the [set out name of association] as an organization under the *Conciliation and Arbitration Act 1904-19* , according to the particulars set out below, and I forward herewith a copy of the list of members of the association, a list of officers of the association showing the postal addresses and occupations of the officers respectively, a list of the branches of the association showing the name under which each branch is carried on, the situation of the registered office thereof and the names, postal addresses and occupations of the officers of the branches respectively, one copy of the rules of the association and of its branches, and one copy of the resolution in favour of registration of the association as an organization.

PARTICULARS.

Registered number of organization—  
Date of registration—  
Name of organization—  
Employers or employees—  
Name of industry—  
Conditions of eligibility for membership—  
State—  
Situation of registered office—

Deputy Industrial Registrar.

Regulation 127.

FORM 34.

*Conciliation and Arbitration Act 1904-19* .

APPLICATION FOR CONSENT TO THE CHANGE OF NAME OF AN ORGANIZATION.

Application is hereby made by [set out name of organization] for consent to the change of the name of the said organization to [set out proposed new name].

The grounds upon which this application is founded are as follows:—  
[Set out grounds in numbered paragraphs.]

Dated at the day of , 19 .

Signatures  
[or Seal].

Regulation 127.

FORM 35.

*Conciliation and Arbitration Act 1904-19* .

APPLICATION FOR CONSENT TO THE CHANGE OF THE CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP OF AN ORGANIZATION.

Application is hereby made by [set out name of organization] for consent to the change of the conditions of eligibility for membership of the organization from the following:—[insert present conditions of eligibility for membership] to the following:—[insert proposed conditions of eligibility for membership].

The grounds upon which this application is founded are as follows:—  
[Set out grounds in numbered paragraphs.]

Dated at the day of , 19 .

Signatures  
[or Seal].

*Conciliation and Arbitration Act 1904-19* .

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signatures  
[or Seal].

*Conciliation and Arbitration Act 1904-19*

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signatures  
[or Seal].

To the Industrial Registrar [*or Deputy Industrial Registrar, as the case requires*].

*Conciliation and Arbitration Act 1904-19*

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signatures  
[or Seal].

To the Industrial Registrar [or Deputy Industrial Registrar, as the case requires].

*Conciliation and Arbitration Act 1904-19* .

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
[or Seal].

**To the Industrial Registrar** *[or Deputy Industrial Registrar, as the case requires]*.

FIRST SCHEDULE—continued.

Regulation 163.

FORM 40.

Conciliation and Arbitration Act 1904-19 .

APPLICATION FOR A CERTIFICATE UNDER SECTION 47.

I, \_\_\_\_\_ of \_\_\_\_\_, hereby apply, in pursuance of sub-section (3.) of section 47 of the *Conciliation and Arbitration Act 1904-19*, for a certificate that an employer bound by the award or order made by the Commission on \_\_\_\_\_ in the matter of \_\_\_\_\_ is not required, by reason of the award or order, to give preference to members of the organization referred to in the award or order over me.

I claim that my conscientious beliefs do not allow me to be a member of such an organization.

The following facts are submitted in support of my application:—

I attach an affidavit verifying the facts stated in this application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Applicant.

To the Registrar.

SECOND SCHEDULE.

Regulation 98.

COSTS.

|                                                                      | £ | s. | d. |
|----------------------------------------------------------------------|---|----|----|
| For preparing document (including bill of costs), per folio .. .. .  | 0 | 1  | 6  |
| Copies (per folio) .. .. .                                           | 0 | 0  | 3  |
| Attending filing document .. .. .                                    | 0 | 2  | 6  |
| Service of any document (in addition to mileage where chargeable) .. | 0 | 2  | 0  |
| Attendance of party at Court, per day, not exceeding .. .. .         | 1 | 1  | 0  |
| Attendance on taxation of bill of costs .. .. .                      | 0 | 10 | 6  |

WITNESSES' EXPENSES.

The allowances to witnesses shall be the same as in the Supreme Court of the State or Territory of the Commonwealth where the witnesses are in attendance unless, for special reasons, the Court or Commission directs that some other allowance be made.

THIRD SCHEDULE. Regulations 39, 63 and 164.  
FEES PAYABLE AT REGISTRAR'S OFFICE.

| Item No. | Matter.                                                                                                                                                                   | Amount of Fee. |    |    |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----|----|
|          |                                                                                                                                                                           | £              | s. | d. |
| 1.       | For search or inspection of documents (other than awards or orders) .. .. .                                                                                               | 0              | 2  | 0  |
| 2.       | On filing (and subsequent issue) of an application (other than an application under section 45B of the <i>Navigation Act 1912-1956</i> ) for hearing by the Commission .. | 0              | 5  | 0  |
| 3.       | On filing (and subsequent issue) of an application or summons for hearing by the Court .. .. .                                                                            | 0              | 5  | 0  |
| 4.       | On obtaining and filing a rule nisi or writ .. .. .                                                                                                                       | 0              | 5  | 0  |
| 5.       | On filing an appeal for hearing by the Court or the Commission, other than an appeal referred to in item 8 ..                                                             | 0              | 5  | 0  |
| 6.       | On filing an application under section 134 of the Act ..                                                                                                                  | 0              | 10 | 0  |
| 7.       | On filing (and subsequent issue) of an application under section 45B of the <i>Navigation Act 1912-1956</i> including the affidavit in support thereof .. .. .            | 0              | 2  | 0  |

## CONCILIATION AND ARBITRATION ACT

## THIRD SCHEDULE—continued.

| Item No. | Matter.                                                                                                                                                                                                                                                                                                | Amount of Fee. |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|          |                                                                                                                                                                                                                                                                                                        | £ s. d.        |
| 8.       | On filing an appeal under section 37 of the <i>Stevedoring Industry Act 1956</i> .. .. .                                                                                                                                                                                                               | 0 2 0          |
| 9.       | On filing (and subsequent issue) of a summons to witness                                                                                                                                                                                                                                               | 0 2 0          |
| 10.      | For obtaining and filing an order .. .. .                                                                                                                                                                                                                                                              | 0 2 0          |
| 11.      | On filing a notice to a person to appear as a party to an industrial dispute .. .. .                                                                                                                                                                                                                   | 0 5 0          |
| 12.      | On lodging or filing a declaration or affidavit (except an affidavit in support of an application under section 45B of the <i>Navigation Act 1912-1956</i> ) .. .. .                                                                                                                                   | 0 2 0          |
| 13.      | For obtaining a certificate of the Registrar (other than on office copies of documents) .. .. .                                                                                                                                                                                                        | 0 2 0          |
| 14.      | For publication of an advertisement .. .. .                                                                                                                                                                                                                                                            | Actual cost    |
|          |                                                                                                                                                                                                                                                                                                        | £ s. d.        |
| 15.      | On renewing a writ of execution .. .. .                                                                                                                                                                                                                                                                | 0 5 0          |
| 16.      | For taxing costs .. .. .                                                                                                                                                                                                                                                                               | 0 10 0         |
| 17.      | On filing a bill of costs .. .. .                                                                                                                                                                                                                                                                      | 0 5 0          |
| 18.      | For service of a document (plus mileage fee, for each mile after the first mile—2s. 0d.) .. .. .                                                                                                                                                                                                       | 0 12 6         |
| 19.      | On lodging an application, and filing the declaration in support of the application, for registration of an organization, for change of name or conditions of eligibility for membership of an organization, or for change of description of industry in connexion with which it is registered .. .. . | 1 0 0          |
| 20.      | On lodging a notice, and filing the declaration in support of the notice, of objection to an application for registration of an organization, for change of name or conditions of eligibility for membership or for change of description of industry in connexion with which it is registered .. .. . | 1 0 0          |
| 21.      | On filing an application under section 144 of the Act ..                                                                                                                                                                                                                                               | 0 5 0          |
| 22.      | For registering and issuing of a certificate of registration of an association as an organization .. .. .                                                                                                                                                                                              | 2 2 0          |
| 23.      | For issuing a duplicate or office copy of a certificate of                                                                                                                                                                                                                                             |                |
| 24.      | registration of an organization .. .. .                                                                                                                                                                                                                                                                | 0 10 0         |
| 24.      | On filing an industrial agreement .. .. .                                                                                                                                                                                                                                                              | 0 5 0          |
| 25.      | For office copies of documents (other than official printed copies of awards or orders) prepared by the applicant—per folio (including certificate of Registrar) .. .. .<br>but with a maximum fee of £1 0s. 0d. for one copy and a maximum fee of 5s. 0d. for each additional copy                    | 0 0 8          |
| 26.      | For office copies of documents prepared by the Registrar—per folio (including certificate of Registrar)—                                                                                                                                                                                               |                |
|          | For one copy .. .. .                                                                                                                                                                                                                                                                                   | 0 1 2          |
|          | For additional copies .. .. .                                                                                                                                                                                                                                                                          | 0 0 6          |
| 27.      | For office copies of awards or orders if official printed copy is provided by the applicant (including certificate of Registrar) .. .. .                                                                                                                                                               | 0 5 0          |
| 28.      | For the preparation by the Registrar of an award or order for settlement (including any necessary notices and typing) .. .. .                                                                                                                                                                          | 2 2 0          |
| 29.      | On filing a document (other than a notification under section 28 of the Act) for which no other fee is provided                                                                                                                                                                                        | 0 2 0          |

## CONSULAR FEES ACT 1955

## CONSULAR FEES REGULATIONS.\*

1. These Regulations may be cited as the Consular Fees Regulations.\* Citation.
2. An act specified in the first column of the Schedule to these Regulations is a consular act for the purposes of the *Consular Fees Act 1955*. Consular acts.
3. The fee specified in the second column of the Schedule to these Regulations opposite to a consular act specified in the first column of that Schedule is imposed for the performance, whether in Australia or elsewhere, of that consular act by—
  - (a) an Australian Diplomatic Officer or an Australian Consular Officer; or
  - (b) the person holding or acting in the office of Secretary to the Department of External Affairs or an officer of that Department acting with the authority of the Secretary.
4. A fee imposed under the last preceding regulation in respect of a consular act is not payable in a case where the consular act is performed at the request, and for the purposes, of the government of another country. Acts performed for the governments of other countries.
5. Where a consular act in respect of which a fee is imposed under regulation 3 of these Regulations is performed in a place outside Australia, payment of the fee may be made by the payment, in the currency of that place, of the equivalent of the amount of the fee. Payment in local currency.

## THE SCHEDULE.

## Regulations 2 and 3.

| First Column.<br>Consular Acts.                                                                                                                                                                                 | Second Column.<br>Fees.                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Administering an oath or receiving a declaration or affirmation, with or without attestation of signature                                                                                                    | Fifteen shillings and, in addition, if the oath is sworn, or the declaration or affirmation is made, by more than one person, Seven shillings and sixpence for each person after the first so taking the oath or so making the declaration or affirmation |
| 2. Marking an exhibit to an affidavit or declaration in writing                                                                                                                                                 | Two shillings and sixpence                                                                                                                                                                                                                                |
| 3. Attesting—<br>(a) the signature;<br>(b) the seal; or<br>(c) the signature and seal,<br>of an authority or person, other than a person specified in paragraph (a) or (b) of regulation 3 of these Regulations | One pound                                                                                                                                                                                                                                                 |
| 4. Signing a document, or affixing a seal to a document or other article, in a case not otherwise specified in this Schedule                                                                                    | Ten shillings                                                                                                                                                                                                                                             |
| 5. Signing and affixing a seal to a document in a case not otherwise specified in this Schedule                                                                                                                 | One pound                                                                                                                                                                                                                                                 |

\* Statutory Rules 1956, No. 38; in force under the *Consular Fees Act 1955*; notified in the *Gazette* and commenced on 10th May, 1956.

## CONSULAR FEES ACT

THE SCHEDULE—*continued.*

| First Column.<br>Consular Acts.                                                                                                                                                                                                                       | Second Column.<br>Fees.                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. Drawing a declaration or other document in a case not otherwise specified in this Schedule or taking down in writing an oral declaration or deposition made before a person specified in paragraph (a) or (b) of regulation 3 of these Regulations | Fifteen shillings and, in addition, Ten shillings for each fifty words, or part of fifty words, by which the document exceeds fifty words                      |
| 7. Making and certifying a copy of a document or part of a document                                                                                                                                                                                   | One pound five shillings and, in addition, Ten shillings for each one hundred words, or part of one hundred words, by which the copy exceeds one hundred words |
| 8. Verifying and certifying a copy of a document or part of a document                                                                                                                                                                                | One pound and, in addition, Five shillings for each one hundred words, or part of one hundred words, by which the copy exceeds one hundred words               |
| 9. Uniting documents and affixing a seal to the fastening                                                                                                                                                                                             | Ten shillings                                                                                                                                                  |
| 10. Initialling alterations to, or interlinations in, a document not prepared by a person specified in paragraph (a) or (b) of regulation 3 of these Regulations                                                                                      | Two shillings and sixpence for each three initiallings, or part of three initiallings                                                                          |
| 11. Taking evidence under a commission or order from a court                                                                                                                                                                                          | Two pounds for each hour, or part of an hour, spent in taking the evidence or Ten pounds, whichever is the greater                                             |
| 12. Effecting, or attempting to effect, service of a document and issuing a certificate or affidavit of service or attempted service                                                                                                                  | Two pounds five shillings and, in addition, if more than one visit is made for the purpose of serving the document, One pound for each visit after the first   |
| 13. Transmitting through official channels a document or other article in a case to which item 14 of this Schedule does not apply                                                                                                                     | The amount of the postal charges which would be payable if the document or article were transmitted by post                                                    |
| 14. Transmitting from Australia through official channels a document to which a Convention regarding Legal Proceedings in Civil and Commercial Matters, being a convention to which Australia is a party, applies                                     | One pound and, in addition, the amount of the postal charges which would be payable if the document were transmitted by post                                   |
| 15. Attesting the execution of a will . . .                                                                                                                                                                                                           | One pound                                                                                                                                                      |
| 16. Administering the whole of the estate of a deceased person                                                                                                                                                                                        | Two pounds ten shillings per centum of the gross value of the estate or Two pounds, whichever is the greater                                                   |
| 17. Administering part only of the estate of a deceased person                                                                                                                                                                                        | One pound ten shillings per centum of the gross value of the part of the estate administered or Two pounds, whichever is the greater                           |
| 18. Intervening to protect the interest of an Australian citizen in the estate of a deceased person                                                                                                                                                   | One pound per centum of the gross value of the interest of the Australian citizen or Two pounds, whichever is the greater                                      |
| 19. Taking interim measures to conserve assets—<br>(a) of the estate of a deceased Australian citizen; or<br>(b) of an estate in which an Australian citizen has an interest                                                                          | Ten shillings per centum of the gross value of the assets or Two pounds, whichever is the greater                                                              |



## CONTROL OF NAVAL WATERS ACT 1918

## CONTROL OF NAVAL WATERS REGULATIONS.\*

1. These Regulations may be cited as the Control of Naval Waters Citation. Regulations.\*

2. In these Regulations, unless the contrary intention appears—

Definitions.

“Naval Establishment” includes any Naval Dock, Dockyard, Steam-Factory Yard, Victualling Yard, Arsenal, Dolphin Berth, Pier, Jetty or Wharf mentioned in the First Schedule; **Amended by 1931, No. 7; and 1947, No. 117.**

“Naval Ships” means any ship belonging to the King’s Navy, or the Navy of the Commonwealth, or any British Possession, and includes any Auxiliary of any such Navy;

“Master” used in relation to a vessel, means the person having the command or charge of the vessel for the time being;

“Owner” includes the agent and charterer of a vessel;

“Vessel” includes any ship, boat, lighter, and craft, however propelled, other than a naval ship.

3. These Regulations shall not, unless the contrary intention appears, apply to any naval ships. **Do not apply to naval ships.**

4.—(1.) The Senior Naval Officer may delegate all or any of his powers under these Regulations (except this power of delegation) so that the delegated powers may be exercised as fully and effectually by the delegate as by the Senior Naval Officer. **Powers of Senior Naval Officer.**

(2.) Every delegation under this regulation shall be revocable at will, but any delegation shall not prevent the exercise of any power by the Senior Naval Officer.

\* The Control of Naval Waters Regulations in force under the *Control of Naval Waters Act 1918* comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification<br>in <i>Gazette</i> . | Date of Commencement. |
|---------------------|---------------------------------------------|-----------------------|
| 1922, No. 74 .. ..  | 8th June, 1922 .. ..                        | 31st May, 1922        |
| 1927, No. 147 .. .. | 15th December, 1927 .. ..                   | 14th December, 1927   |
| 1931, No. 7 .. ..   | 29th January, 1931 .. ..                    | 21st January, 1931    |
| 1935, No. 92 .. ..  | 19th September, 1935 .. ..                  | 19th September, 1935  |
| 1937, No. 12 .. ..  | 11th February, 1937 .. ..                   | 11th February, 1937   |
| 1938, No. 43 .. ..  | 19th May, 1938 .. ..                        | 19th May, 1938        |
| 1941, No. 145 .. .. | 26th June, 1941 .. ..                       | 26th June, 1941       |
| 1943, No. 71 .. ..  | 25th March, 1943 .. ..                      | 25th March, 1943      |
| 216 .. ..           | 2nd September, 1943 .. ..                   | 2nd September, 1943   |
| 310 .. ..           | 23rd December, 1943 .. ..                   | 23rd December, 1943   |
| 1947, No. 45 .. ..  | 27th March, 1947 .. ..                      | 27th March, 1947      |
| 117 .. ..           | 22nd August, 1947 .. ..                     | 22nd August, 1947     |
| 1948, No. 148 .. .. | 18th November, 1948 .. ..                   | 18th November, 1948   |
| 1953, No. 60 .. ..  | 25th June, 1953 .. ..                       | 25th June, 1953       |
| 1955, No. 22 .. ..  | 6th April, 1955 .. ..                       | 6th April, 1955       |

Limitation of application.  
Amended by 1931, No. 7.

**5.** These Regulations shall apply only to the naval waters and the Naval Establishments specified in the First Schedule of these Regulations.

Vessels not to impede approaches.

**6.** The master of a vessel shall not permit the vessel to lie, or be moored to impede the approach to any Commonwealth Naval Establishment.

Making fast to forts, &c.

Sub-reg. (1.) amended by 1953, No. 60.

**7.—(1.)** The master of a vessel shall not, without permission from the Senior Naval Officer, make the vessel fast to any fort, Government moorings, buoys, breakwaters, jetties, piles, vessels, or naval ships, in naval waters.

Added by 1931, No. 7.

**(2.)** The Senior Naval Officer may in his discretion grant or withhold permission under this regulation or may grant permission subject to such terms and conditions as he thinks fit.

Added by 1931, No. 7; amended by 1953, No. 60.

**(3.)** The terms and conditions upon which permission may be granted may, subject to the approval of the Minister, include the imposition of a charge for making a vessel fast to any fort, Government moorings, buoys, breakwater, jetties, piles, vessels, or naval ships, in naval waters.

Senior Naval Officer to place moorings in naval waters.

**8.** The Senior Naval Officer shall place in naval waters moorings for naval ships, mark buoys, and other aids to navigation, and such other buoys as are required for any purposes in connexion with naval or military operations from time to time as the requirements of His Majesty's Naval Service demand.

Vessels not to anchor near Government moorings.

**9.** The master of a vessel shall not anchor or permit the vessel to be anchored or moored within 600 feet, or such distance as the Senior Naval Officer specifies, from the centre of any Government moorings, nor in such a position as to be liable to foul any naval ships at these moorings.

Vessels not to anchor near navigable channels in naval waters.

**10.** The master of a vessel which is of greater length than 35 feet over all shall not cause or permit the vessel to be anchored in or near any of the navigable channels of any naval waters, or permit the vessel to be left at any time without a ship-keeper.

Vessels not to loiter near Naval Establishments in naval waters.

**11.** The master of a vessel shall not cause or permit the vessel to dredge, loiter, or anchor within 300 feet of a Commonwealth Naval Establishment in any naval waters without permission in writing from the Senior Naval Officer.

Vessels not to approach Naval Establishments.

**12.** The master of a vessel shall not, without permission in writing from the Senior Naval Officer, cause or permit the vessel to approach within 100 feet of any Commonwealth Naval Establishment unless proceeding to or from the establishment on duty.

Moorings not to be laid in naval waters without permission.

**13.—(1.)** No person shall lay moorings in any naval waters except with the permission in writing of the Senior Naval Officer, and in such positions as he directs.

(2.) Any moorings laid in pursuance of the foregoing sub-regulation shall, on notice in writing from the Senior Naval Officer, be removed by the person who is for the time being the owner of the moorings.

14. Where, in pursuance of these Regulations, a vessel or mooring is required by the Senior Naval Officer to be removed from any position in naval waters to some other position, and the vessel or mooring is not moved accordingly, the Senior Naval Officer may remove the vessel or mooring, and the Master or owner of the vessel or mooring shall pay to the Senior Naval Officer the cost of the removal.

Vessels or moorings may be moved in Naval Waters by Senior Naval Officer.  
Substituted by 1935, No. 92.

15. The master of a vessel shall not anchor within 600 feet of the line of any electric cable laid down in naval waters, and indicated by discernible marks erected on shore.

Vessels not to anchor near electric cables in naval waters.

16. Should at any time the anchor of any vessel hook any Government moorings, electric cables, or moorings of buoys in naval waters, the master of the vessel shall not unhook the anchor, but shall forthwith give notice of the occurrence to the Senior Naval Officer, and shall comply with the directions of the Senior Naval Officer as to the method of clearing the moorings or cables.

Anchors hooking moorings, &c., in naval waters to be cleared under orders of Senior Naval Officer.

17. If, owing to the crowded state of the channel in naval waters, it is necessary for two or more naval ships proceeding in company to claim the right of way, upon four blasts of the siren of one of the naval ships being sounded in quick succession, other vessels shall keep clear of the naval ships.

Vessels to make way for naval ships.

18.—(1.) The master of any vessel navigating in naval waters shall—  
(a) Keep as far as practicable to the side of the fairway or mid-channel which lies on the starboard side of his vessel; and  
(b) In meeting or passing another vessel, have due regard to the rules for preventing collision, and to the tide, and the respective positions of the vessels.

Vessels navigating in naval waters.

(2.) Sailing vessels navigating in naval waters shall be kept under control.

19. Except where otherwise provided or directed by, or under these Regulations, all vessels in naval waters shall comply with the rule laid down from time to time for the prevention of collisions at sea.

Vessels to comply with rules for preventing collisions.

20. When any fleet or squadron of naval ships is assembled in naval waters, no vessel shall pass through the lines of such fleet or squadron, except in such directions as are notified by the Senior Naval Officer by due notice issued, posted, or otherwise promulgated.

Vessels not to pass through lines of naval ships except as directed.

21. The master of every vessel in naval waters shall have both cables clear in readiness to pay out if required.

Cables of vessels to be clear in naval waters.

22.—(1.) The master of every vessel at anchor in naval waters shall at all times have a sufficient number of men available to perform any services required for the safety of his vessel.

Vessels anchored in naval waters to be properly manned.

(2.) The master of every vessel lying in naval waters shall have at least one man on watch on deck by day and by night.

Fire  
appliances.

**23.** Every vessel lying in naval waters shall have proper fire appliances fitted and ready at all times for use.

Combustible  
matter not to  
be heated in  
vessels in  
naval waters  
without  
permission.

**24.** The master of any vessel in naval waters shall not, without the permission of the Senior Naval Officer, cause or permit any pitch, tar, resin, turpentine, grease, tallow, oil, or other combustible matter to be boiled or heated on board the vessel, provided that this regulation shall not apply to the boiling or heating of oil for ship's machinery or ordinary lighting purposes.

Refuse, &c.,  
not to be  
deposited near  
naval waters.

**25.** The master of any vessel in naval waters or any other person shall not cause or permit any ballast, stones, sand, earth, clay, refuse, ashes, timber, carcasses, rubbish, dust, or filth of any description, or refuse from any quarry, mine or pit, or any other material, to be unladen, cast, or allowed to fall into, or placed in such a position as to be washed into any naval waters, except in such places as are directed by the Senior Naval Officer.

Vessels not to  
be cleaned in  
naval waters  
without  
permission.

**26.** The master of a vessel shall not cause or permit the vessel to be breamed, careened, or cleaned, in naval waters, except with the permission of, and in the place and manner directed by, the Senior Naval Officer.

Vessels sunk in  
naval waters  
to be removed.

**27.** The owner of any vessel which is sunk, stranded, or run on shore within the limits of any naval waters, shall, upon being so required by the Senior Naval Officer, remove such vessel within such time as is specified by the Senior Naval Officer.

Speed of  
vessels in  
naval waters  
may be  
prescribed.

**28.—(1.)** The Senior Naval Officer may from time to time issue such direction as he deems necessary respecting the speed of vessels navigating in naval waters or any specified part of such waters.

(2.) Any directions in pursuance of the foregoing sub-regulation shall be issued, posted, or otherwise promulgated by the Senior Naval Officer.

Guns not to  
be discharged  
over naval  
waters.

**29.—(1.)** No gun, firearm or air-gun shall be discharged over naval waters from any boat or vessel, or from the shore.

(2.) The foregoing sub-regulation shall not apply to Naval or Military Forces, or to the Police Force of the Commonwealth or of any State engaged within the limits of naval waters.

Vessels with  
dangerous  
cargoes not to  
enter naval  
waters without  
permission.

**30.—(1.)** The master of any vessel carrying explosives, oil of vitriol, petroleum, or any other goods of a dangerous nature, shall not bring the vessel into naval waters without first obtaining permission in writing from the Senior Naval Officer.

(2.) Any permission granted under this regulation may be granted for such period, and be accompanied by such conditions as to berthing, and the discharge of cargo or otherwise, as the Senior Naval Officer thinks fit, and the failure of the master to comply with any such conditions shall be deemed to be a breach of this regulation.

(3.) The Senior Naval Officer may at any time cancel any permission granted under this regulation.

(4.) In any proceedings against a master of a vessel in respect of a breach of this regulation, it shall not be a defence that the goods in respect of which the offence was committed were marked with a false description or were loaded or carried without the knowledge of the master.

**31.** The master of any vessel carrying, loading, or unloading any explosives or other goods of a dangerous nature shall, while in naval waters, exhibit at the mast-head a large red flag or burgee between sunrise and sunset, and a red light, visible in clear weather for at least two miles, between sunset and sunrise.

Vessels carrying dangerous cargoes in naval waters to fly appropriate signal.

**32.** No person shall, without permission in writing from the Minister for Defence, construct any factory or store for explosives, oil, or other inflammable material within five miles of the limits of a dockyard, or within two miles of the limits of any defined naval waters.

Factories or stores for explosives not to be erected near Naval Establishments without Minister's permission.

**33.—(1.)** Whenever it is necessary for mining or gunnery operations or experiments, or other naval purposes to reserve any area in naval waters for such operations or purposes, due notice shall be issued, posted, or otherwise promulgated by the Senior Naval Officer.

Areas in naval waters may be reserved for mining and gunnery.

(2.) No vessel shall anchor within or pass through any area in respect of which notice has been given in pursuance of the foregoing sub-regulation, unless compelled to do so by stress of weather, or to avoid accident.

(3.) No person shall pass through or remain in any area in respect of which notice has been given in pursuance of sub-regulation (1.) hereof, except by permission of, and under such conditions as are from time to time specified by the officer in charge of the operations.

**33A.** The Minister may authorize the erection of any jetty, wharf, building or structure in or on the foreshore of any Naval Waters.

Inserted by 1927, No. 147.

**34.—(1.)** The Minister may, by notice in writing, prohibit the erection of any jetty, wharf, building, or structure, in or on the foreshore of any naval waters.

Construction of jetties, &c., may be prohibited.

(2.) Any person to whom notice has been given under the foregoing sub-regulation who erects in or near the foreshore of any naval waters any structure prohibited by the notice, shall be guilty of an offence against these Regulations, and shall remove any such structure, or should he fail to do so, it may be removed by the Senior Naval Officer and the person who constructed it, or caused it to be constructed, shall pay to the Senior Naval Officer the cost of such removal.

Amended by 1927, No. 147.

**35.** The master of any vessel in naval waters shall do the utmost in his power to facilitate the search or examination of the vessel by the Senior Naval Officer or by a person or persons acting on his behalf.

Examination of vessels in naval waters.

**36.** The master of any vessel or any other person who contravenes these Regulations, or refuses, or fails to comply with any provision of these Regulations, or any notice or direction given by the Senior Naval Officer or other competent authority, shall be guilty of an offence against these Regulations.

Penalties.

Penalty: £100, or imprisonment for six months.

Heading  
amended by  
1931, No. 7.  
First Schedule  
amended by  
1927, No. 147;  
1931, No. 7;  
1935, No. 92;  
1937, No. 12;  
1938, No. 43;  
1941, No. 145;  
1943, Nos. 71,  
216 and 310;  
1947, Nos. 45  
and 117;  
1948, No. 148;  
1953, No. 60;  
1955, No. 22.

## FIRST SCHEDULE.

The waters more particularly described in the following Schedule are **naval water** within the meaning of the *Control of Naval Waters Act 1918*, by the reason of the existence thereof of a Naval Establishment or other naval property.

## PORT PHILLIP.

Victoria.

NAVAL ESTABLISHMENTS.

*Naval Depot, Swan Island.*

## LIMITS OF NAVAL WATERS—SWAN ISLAND.

(As shown in Plan G in the Second Schedule.)

All waters enclosed by a line joining the following positions:—

From a position "A" (the most northerly point of Point Norgate, Swan Island) a line drawn in a direction 096°, 1.58 miles to a position "B"; thence 193°, 1.22 miles to a position "C"; thence 276°, 1.87 miles to a position "D"; thence 310° to the high water mark Swan Island; thence along high water mark to position "A".

In addition an area six feet on each side of the tramway bridge "F" connecting Queenscliff with the small island immediately to the south-westward of Swan Island.

(Chart No. 2747, Entrance to Port Phillip.)

## PORT WESTERN.

Victoria.

NAVAL ESTABLISHMENT.

*Flinders Naval Depot.*

Limits of Naval Port—

*On the North.*—By a line drawn 90° (true) from Stony Point.

*On the South.*—By a line joining Sandy Point and Tortoise Head.

*On the East.*—The meridian of 145° 16' east.

*On the West.*—By the high water line of Port Western, in the State of Victoria.  
(Chart No. 1707, Port Western.)

## PORT JACKSON.

New South Wales.

NAVAL ESTABLISHMENTS.

*Naval Reserve (Lyne Park), Rose Bay.*

*Garden Island.*

*Spectacle Island.*

*Royal Edward Victualling Yard (Darling Harbour) and the Naval Storehouse Wharf adjoining.* (As shown in Plan A. in the Second Schedule.)

*Naval Reserve Depot, Rushcutter Bay.*

*Naval Armament Depot, Newington.*

*Dolphin Berth No. 1c—Neutral Bay.*

*Dolphin Berth No. 1B—Kirribilli.*

*Dolphin Berths Nos. 2B and 5C—Athol Bay.*

*Balmoral Naval Depot.*

*H.M.A. Boom Defence Depot, Waverton.*

*R.A.N. Torpedo Factory, North Sydney.*

*Fuelling Jetty, Kurraba Point, Neutral Bay.*

Limits of Man-o-War Anchorage. (As shown in Plans B. and C. in the Second Schedule.)

*Farm Cove.*

From position A. (015°, 400 feet from Benelong Point Flagstaff), a line drawn in a direction 083°, 1150 feet to position B.—thence 104°, 500 feet to position C.—thence 139°, 420 feet to position D.—thence 156°, 620 feet to position E.—thence 168°, 400 feet to meet Lady Macquarie Point in a position 268°, 1940 feet from Garden Island Flagstaff.

(Chart No. 1206.)

*Garden Island.*

West Limit—From a position (a) (the northern extremity of No. 2 berth, Woolloomooloo Bay) 219° distant 2,310 feet from position "A" (Garden Island flagstaff Lat. 33° 51' 40" S. Long. 151° 13' 50" E. approx.) in a 292° direction for 100 feet to position (b) 221° distant 2,350 feet from position "A", thence in a 022° direction for 920 feet to position (c) 232½° distant 1,510 feet from position "A" thence in a 031° direction for 1,260 feet to a position (d) 285° distant 575 feet from position "A", thence in a 043° direction for 450 feet to position (e) 334° distant 530 feet from position "A".

North Limit—From position (e) in a 090° direction for 6,545 feet to position (f) 057½° distant 3,120 feet from position "B" (Clark Island flagstaff Lat. 33° 51' 50" S. Long. 151° 14' 35" E. approx.).

East Limit—From position (f) in a 180° direction to the shore at Point Piper.

South Limit—From position (g) 112½° distant 2,740 feet from position "B" in a 274° direction for 5,810 feet to position (h) 174½° distant 2,275 feet from position "A", thence in a 180° direction for 400 feet to position (j) 175½° distant 2,675 feet from position "A" thence in a 226° direction to the South-eastern extremity of the Dock Wall.

Limits of Anchorage off Spectacle Island. (As shown in Plan D. in the Second Schedule.)

All waters enclosed by a line joining the following positions:—

From position A. (156° 1190 feet from Spectacle Island Flagstaff) a line drawn in a direction 002°, 2370 feet to position B.—thence 256°, 1060 feet to position C.—thence 229°, 1290 feet to position D.—thence 157°, 1400 feet to position E.—thence 090° to position A.

Limits of Royal Edward Victualling Yard (Darling Harbour)—

Space of water the length of the Royal Edward Victualling Yard and a width of 100 feet to this frontage.

Limits of Naval waters, Chowder Bay, (as shown in Plan F in the Second Schedule).

All waters enclosed by a line joining the following positions:—

From a position A (059°, 750 feet from the southern extremity of the jetty at the Military Depot in Chowder Bay) a line drawn in a direction 145°, 600 feet to a position B; thence 235°, 1,130 feet to a position C; thence 325°, 600 feet to a position D; thence 055° to high water mark; thence along the high water mark to position A.

LIMITS OF NAVAL WATERS, RUSHCUTTER'S BAY (AS SHOWN IN PLAN I. IN THE SECOND SCHEDULE).

All waters enclosed by a line joining the following positions:—

From a position A on the high water mark (318°, 820 feet from St. Mark's Church, latitude 33° 52' 36" S., longitude 151° 14' 12" E., approximately) a line drawn in a direction 297½°, 350 feet to a position B; thence 027½°, 85 feet to a position C; thence 314°, 675 feet to a position D; thence 044°, 400 feet to a position E; thence 134°, to the high water mark; thence Southward along the high water mark to the point of commencement.

LIMITS OF NAVAL WATERS, ROSE BAY (AS SHOWN IN PLAN J IN THE SECOND SCHEDULE).

All waters within an area bounded by the following lines:—

A line drawn in a 360° direction, 750 feet from a position A (012°, 2200 feet from the flagstaff on Shark Island) to a position B; a line drawn in a 090° direction, 1700 feet from position B to a position C; a line drawn in a 180° direction from position C to the high water mark of Port Jackson; a line drawn in a 090° direction, 1700 feet from position A to position D; a line drawn in a 360° direction from position D to the high water mark of Port Jackson; and a line drawn along the high water mark of Port Jackson joining the points where the lines from positions C and D meet that high water mark.

## CONTROL OF NAVAL WATERS ACT

## LIMITS OF NAVAL WATERS, HUNTER BAY (AS SHOWN IN PLAN K IN THE SECOND SCHEDULE).

All waters within an area bounded by the following lines:—

A line drawn in a 000° direction, 330 feet from a position A on the high water mark of Port Jackson (233°, 760 feet, or about 760 feet, from the north-eastern extremity of the jetty known as Balmoral Naval Jetty) to a position B; a line drawn in a 043° direction, 490 feet from position B to a position C; a line drawn in a 066° direction, 600 feet from position C to a position D; a line drawn in a 157° direction from position D to a position E on the high water mark of Port Jackson; and a line drawn along the high water mark of Port Jackson from position E to position A.

## BROKEN BAY.

## NEW SOUTH WALES.

*Limits of Naval Waters* (as shown in Plan H in the Second Schedule).

All that area below high water mark within Broken Bay bounded by the following limits:—

Reference—Admiralty Chart No. 2166.

From a position on the high water line on Barranjoey Head 000° distant about 1 cable from Barranjoey Light (Lat. 33° 35' S., Long. 151° 20' E. (approx.)) in a 022° direction to Hawk Head, thence in a northerly, westerly and southerly direction along the high water line of Broken Bay to the eastern extremity of Middle Head but excluding Brisbane Water, thence in a 183° direction about 1.3 miles to Lambert Peninsula, thence along the high water line of Pittwater in a general southerly and then northerly direction to include the whole of Pittwater to the point of commencement on Barranjoey Head.

## JERVIS BAY.

## New South Wales.

## NAVAL ESTABLISHMENT.

Limits of Naval Port—

*On the East.*—By a line drawn from Longnose Point, passing through Bowen Island to Governor Head.

*On the South, West, and North.*—By the high waterline of Jervis Bay, in the State of New South Wales.

The following areas to be reserved for merchant shipping:—

*Southern Portion of Bay.*—That part of Darling-road enclosed by meridian 150° 46' E., and parallel 35° 6' 50" S.

*Western Portion of Bay.*—Waters enclosed by meridian 150° 43' 30" E.  
(Chart No. 567, Jervis Bay.)

## DARWIN.

## NORTHERN TERRITORY OF AUSTRALIA.

*Limits of Naval Port*—(as shown in Plan "E").

*On the North.*—By a line drawn from the northern extremity of Talc Head in a direction 092½° to a position 4 cables 180° from Fort Point Light—thence 041½° to a position 075°, 4.8 cables from Fort Point Light—thence 309° to the shore—thence eastward along the high water mark to a position 036°, 5.1 cables from Fort Point Light—thence 090° for a distance of 21.3 cables.

*On the East.*—By a line 180°/360° through the triangulation station  $\Delta$  on North Shell Island.

*On the South and West.*—By the high water mark on the shore of Port Darwin in the Northern Territory of Australia.

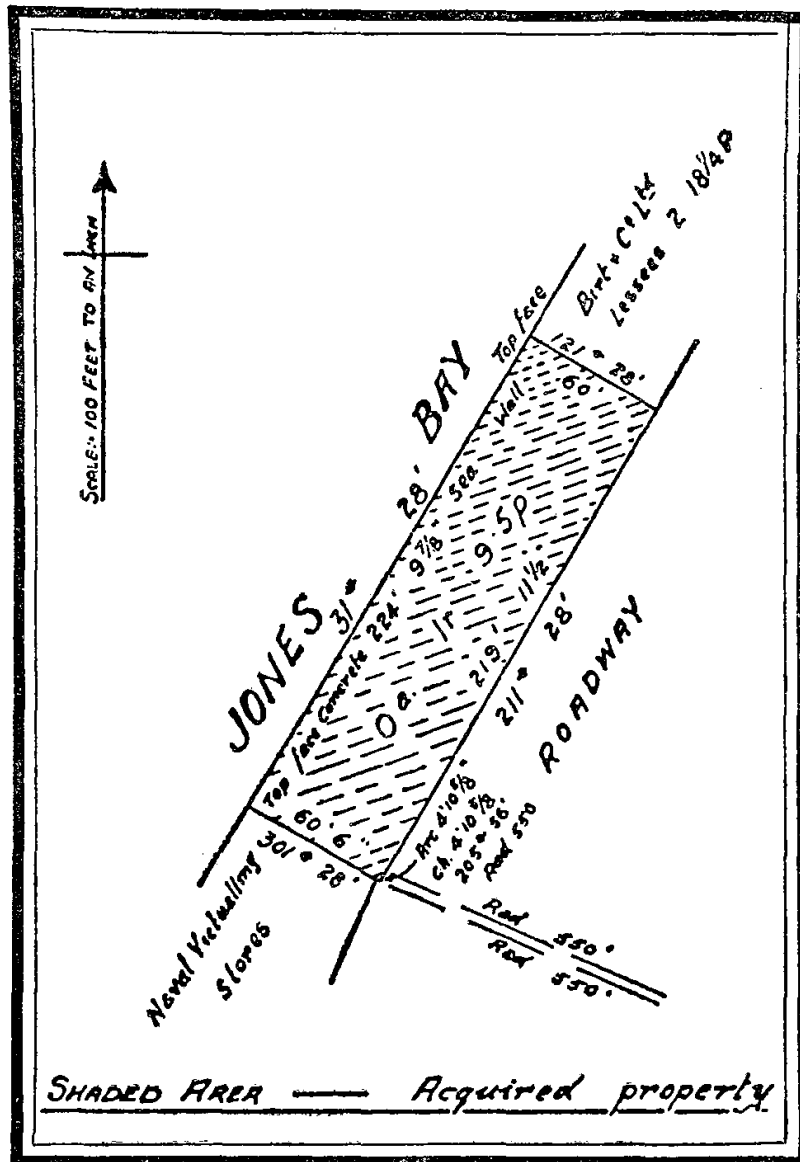
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Heading  
inserted by  
1931, No. 7.

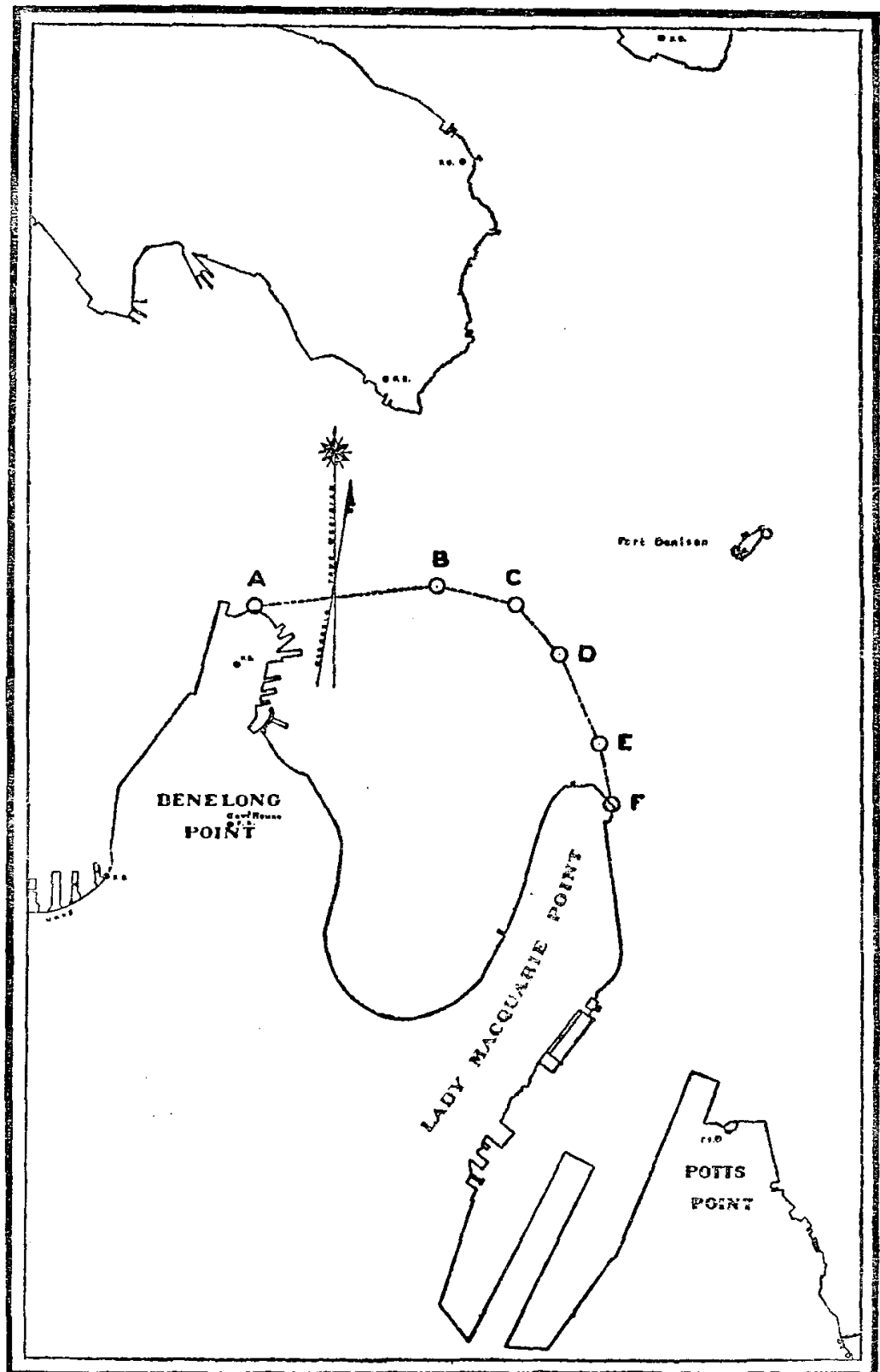
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## PLAN A.

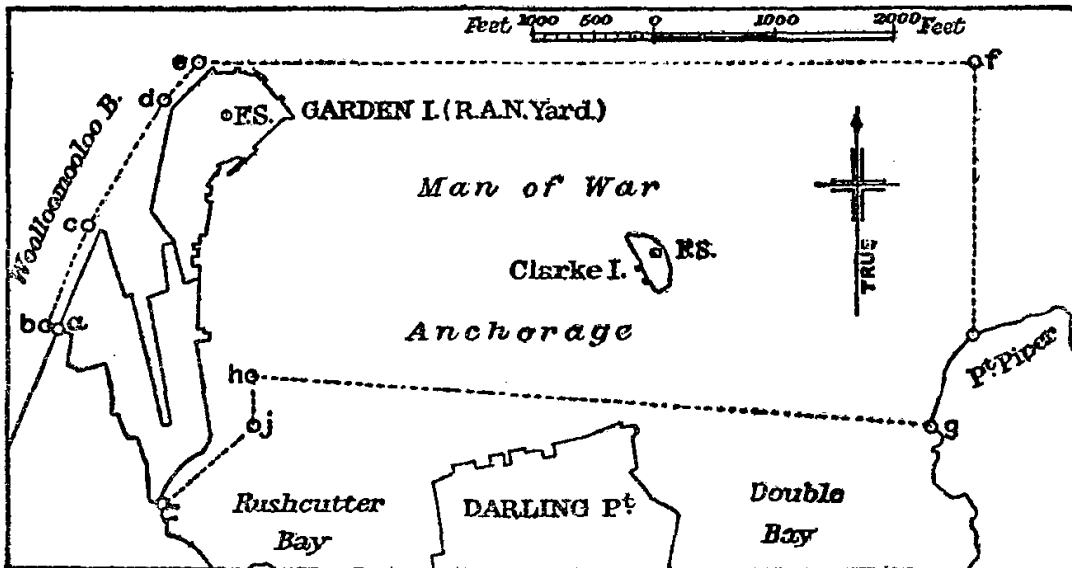


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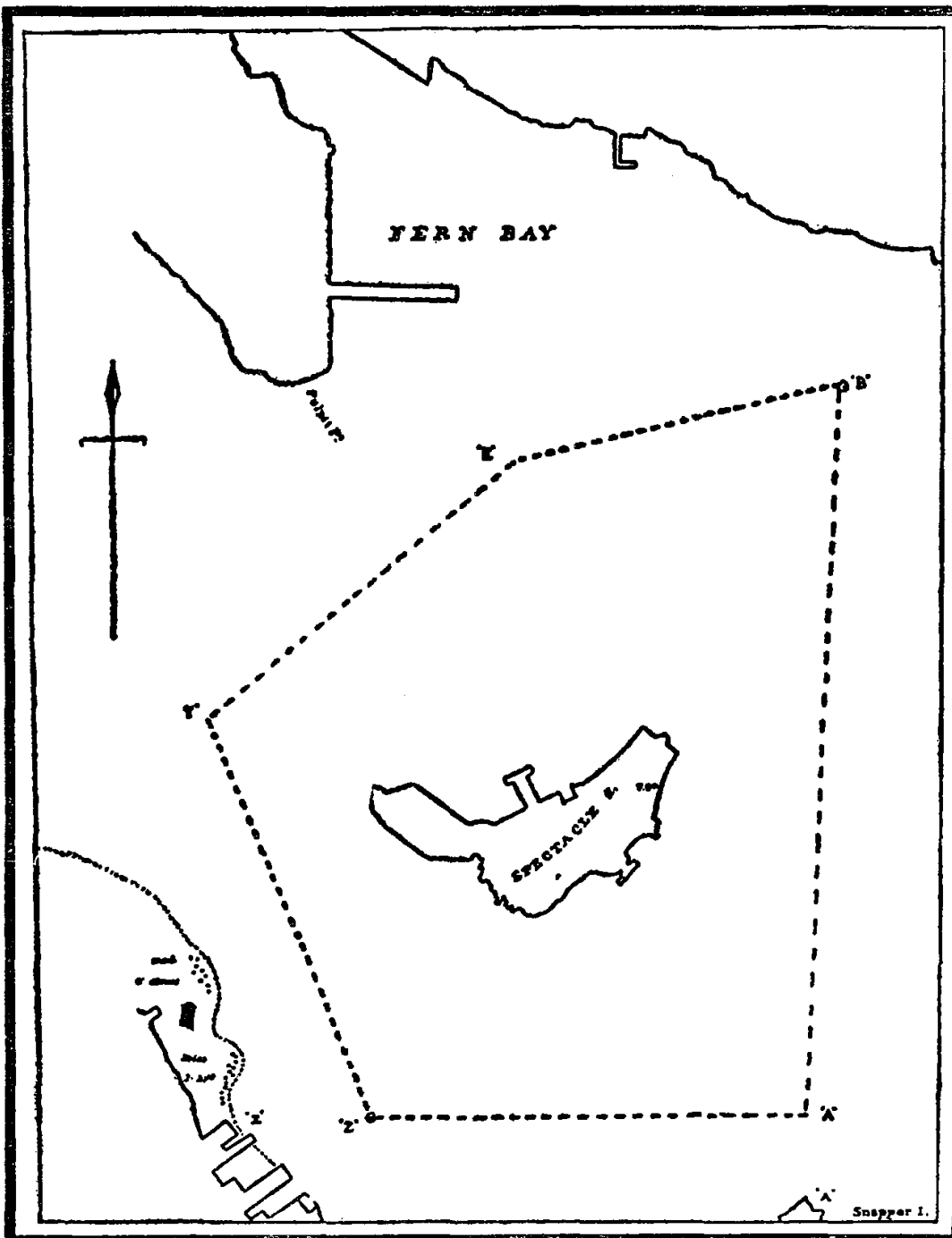


PLAN C



Substituted by  
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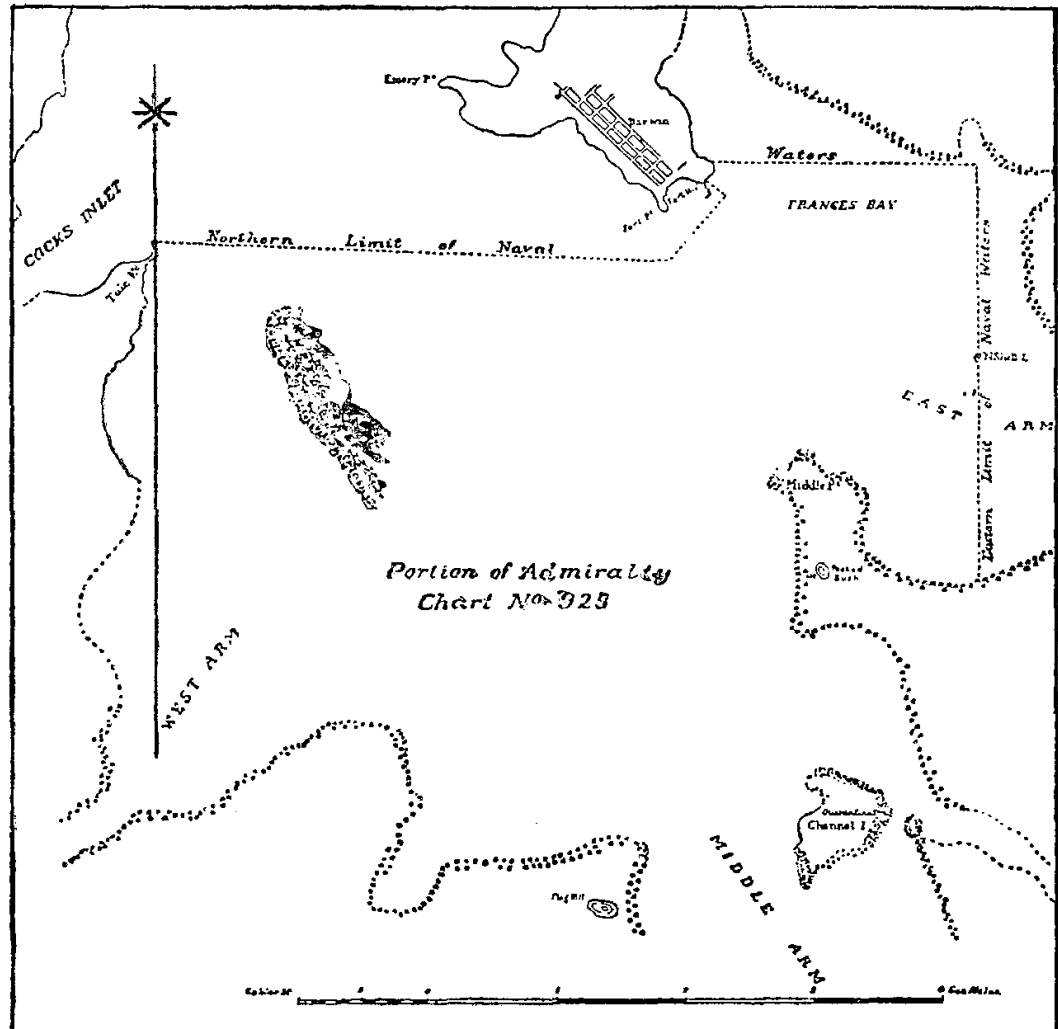
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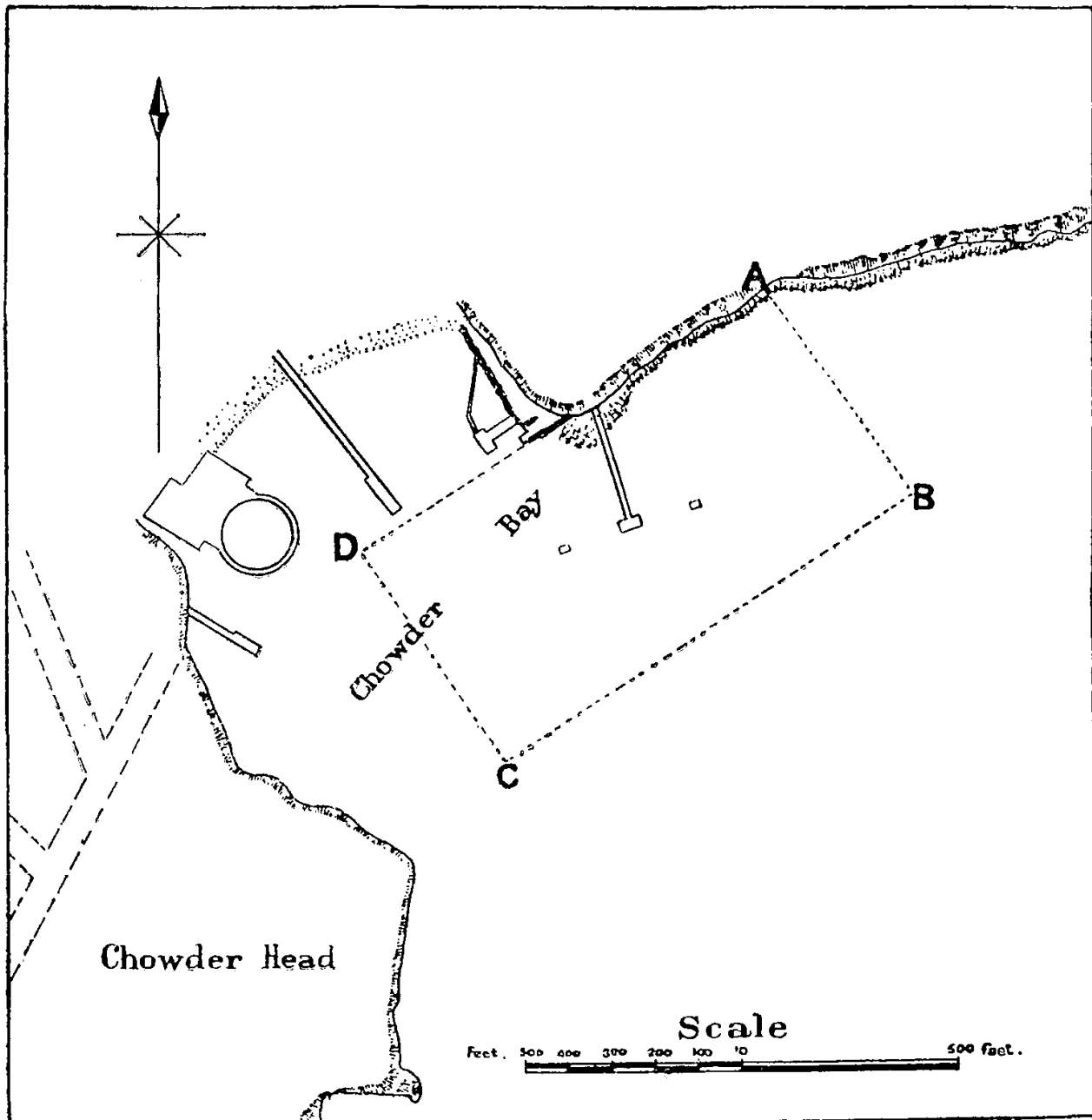
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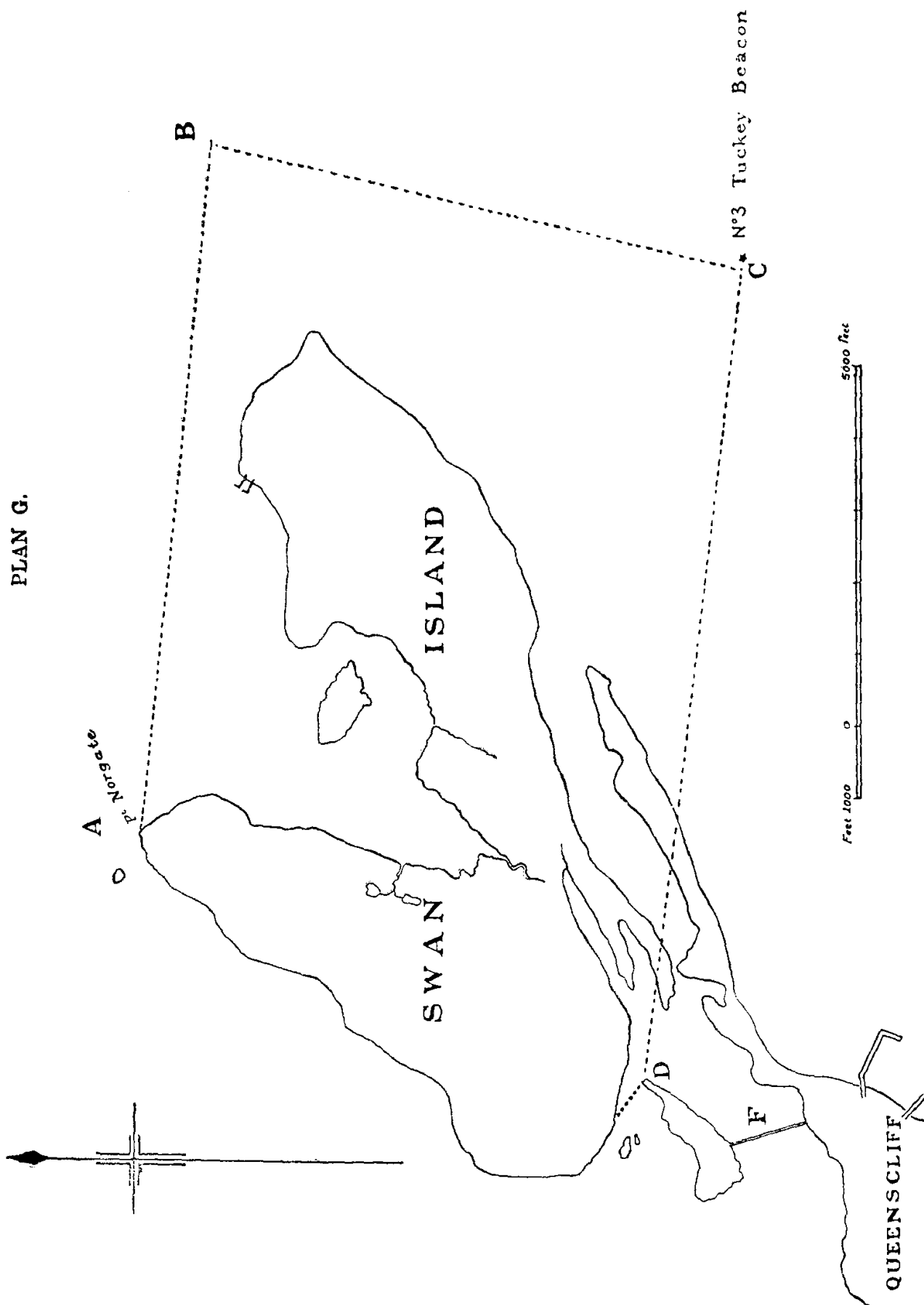


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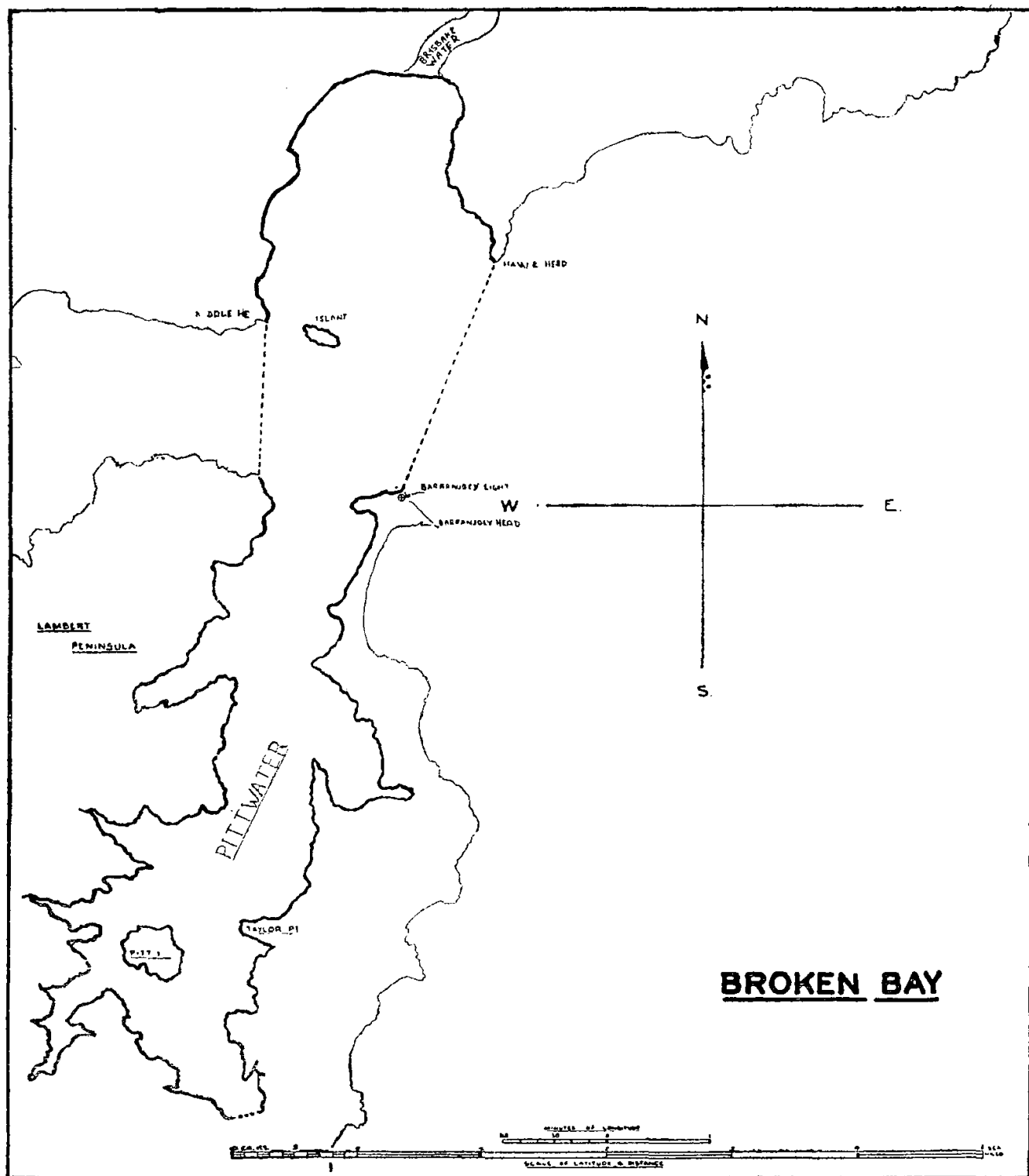


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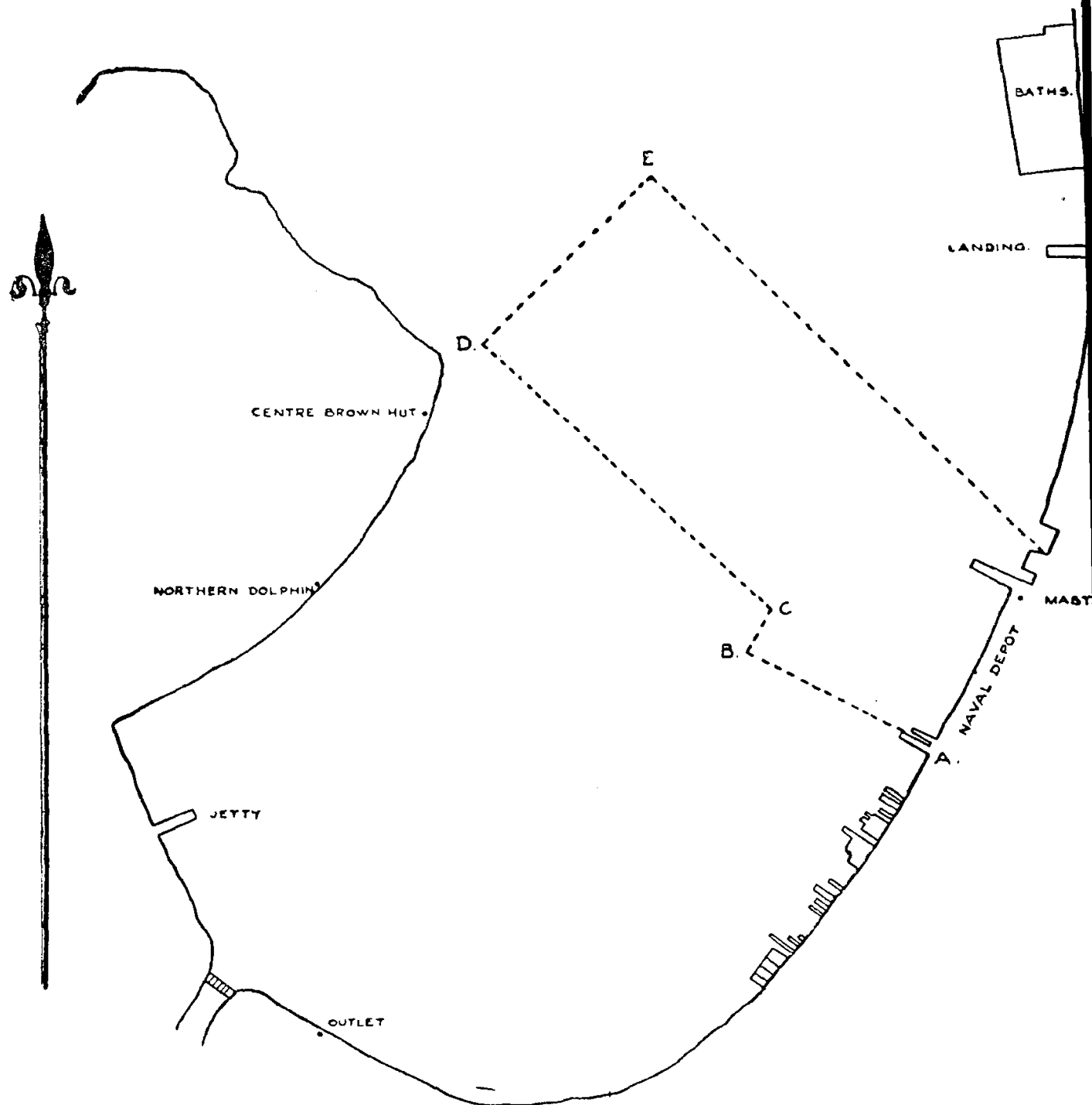
Inserted by  
1941, No. 145;  
omitted by  
1943, No. 216;  
re-inserted by  
1943, No. 310.

## PLAN H.



Inserted by  
1947, No. 45.

PLAN I.



DECLARATION OF NAVAL WATERS IN RUSHCUTTER BAY, SYDNEY.

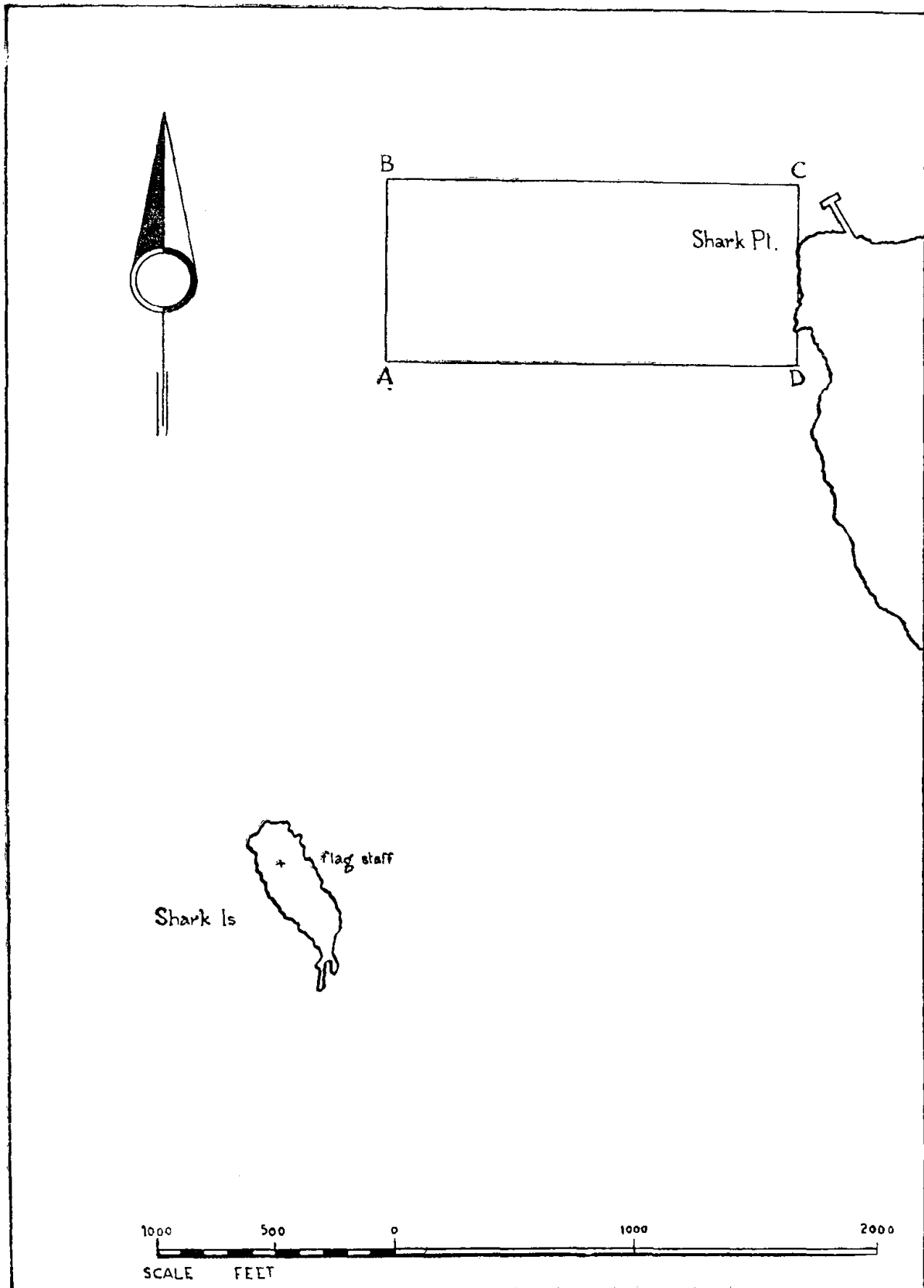
PLAN I



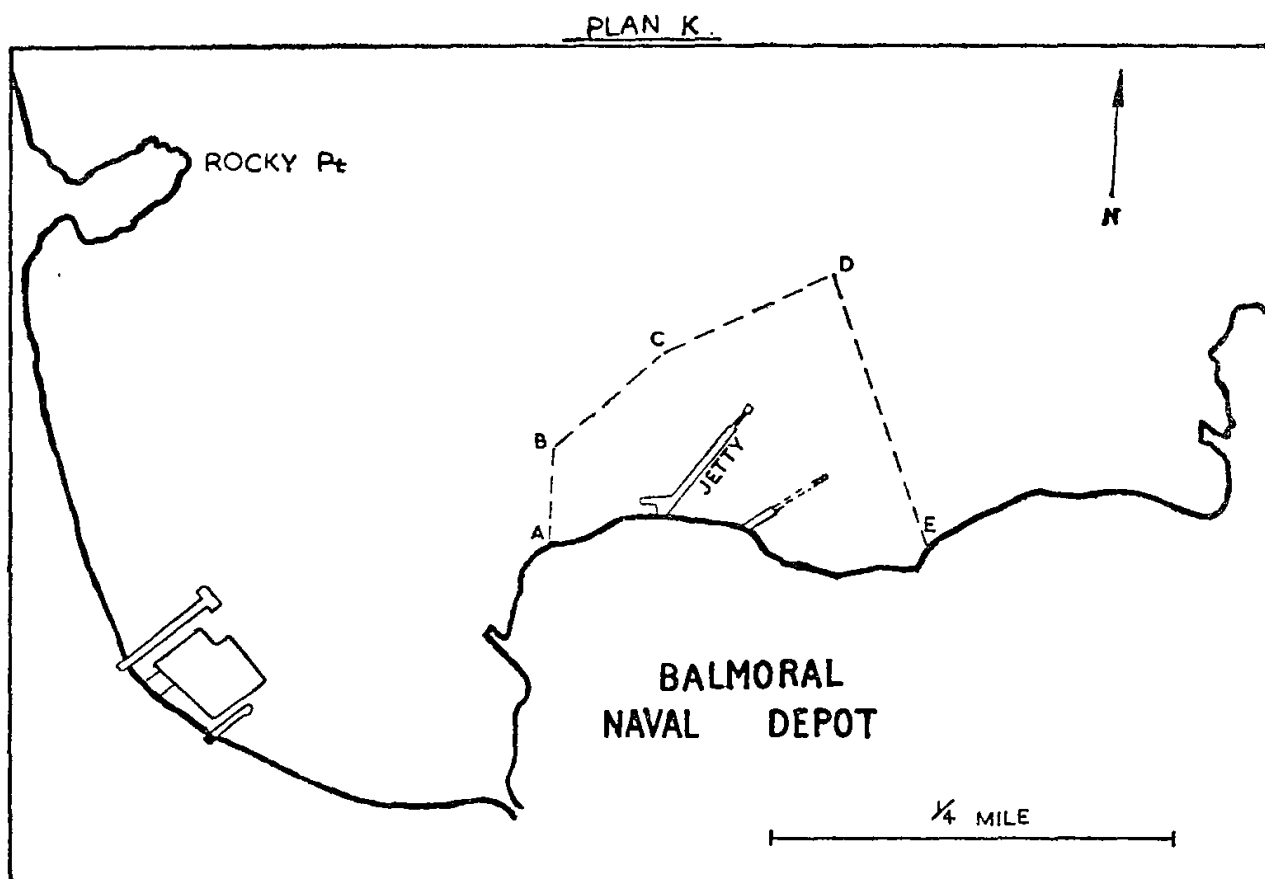


Inserted by  
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PLAN J.



Inserted by  
1955, No. 22.



## COPYRIGHT ACT 1912-1950

## COPYRIGHT REGULATIONS.\*

## PART I.—GENERAL.

1. These Regulations may be cited as the Copyright Regulations.\*

Short title.  
Amended by  
1954, No. 130.

2. These Regulations are divided into Parts, as follows†:—

Parts.  
Amended by  
1936, No. 123.

Part I.—General.

Part IA.—Detention and Forfeiture of Copies infringing Copyright.

Part II.—Royalty System (General).

Part III.—Royalty System (Mechanical Musical Contrivances).

Part IV.—Repeal.

- 3.—(1.) In these Regulations—

Interpretation.

“The Act” means the *Copyright Act* 1912;

“Mechanical musical contrivances” means records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced;

“Published work” means work which is printed and issued to the public;

“Unpublished work” means work which has not been printed and issued to the public.

4. All letters should be addressed to “The Registrar of Copyrights, Copyright Office, Canberra, Australian Capital Territory”.

Address.  
Amended by  
1954, No. 130.

- 5.—(1.) Fees specified in the First Schedule to these Regulations are payable in respect of the respective matters specified in that Schedule opposite to those fees.

Fees.  
Substituted by  
1954, No. 81.

- (2.) Payment of fees shall be made at the Copyright Office by such means, and in such manner, as the Registrar directs.

\* The Copyright Regulations, in force under the *Copyright Act* 1912-1950, comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification<br>in <i>Gazette</i> . | Date of Commencement. |
|---------------------|---------------------------------------------|-----------------------|
| 1913, No. 338 .. .. | 24th December, 1913 .. ..                   | 24th December, 1913   |
| 1934, No. 78 .. ..  | 12th July, 1934 .. ..                       | 12th July, 1934       |
| 1936, No. 123 .. .. | 10th September, 1936 .. ..                  | 10th September, 1936  |
| 1945, No. 198 .. .. | 20th December, 1945 .. ..                   | 20th December, 1945   |
| 1952, No. 63 .. ..  | 14th August, 1952 .. ..                     | 13th October, 1952    |
| 1954, No. 81 .. ..  | 1st July, 1954 .. ..                        | 1st July, 1954        |
| 130 .. ..           | 23rd December, 1954 .. ..                   | 23rd December, 1954   |

NOTE.—Regulation 2 of Statutory Rules 1952, No. 63, was repealed and a new regulation inserted in its stead by Statutory Rules 1952, No. 76.

† The regulations contained in the various Parts of these Regulations are as follows:—

Part I., rr. 1-35;  
Part IA., rr. 36A-36E;  
Part II., rr. 37-42;  
Part III., rr. 43-52;  
Part IV., r. 53

Registrar may  
refuse to act  
until fee paid.

**6.** Where any fee is payable in respect of any act or document, the Registrar may refuse to permit or perform the act, or to receive or issue the document, as the case requires, until the fee payable is paid.

Forms.

**7.**—(1.) Where in these Regulations any Form is referred to, the reference is to the Form in the Second Schedule.

(2.) The forms contained in the Second Schedule may, as far as they are applicable, be used in any proceeding under the Act or these Regulations to which they are appropriate.

Where no  
forms provided.

**8.** As regards proceedings not specifically provided for in the Forms in the Second Schedule, any appropriate Form will be accepted.

Hours of  
business.

Substituted by  
1954, No. 130.

**9.** The Copyright Office shall be open to the public from ten o'clock in the morning to four o'clock in the afternoon on each day of the week other than—

(a) a Saturday or a Sunday; or

(b) a day observed in the Australian Capital Territory as a holiday under section 76 of the *Public Service Act* 1922-1953.

Applications.

**10.** Every application for the registration of copyright or performing right must be left at, or sent to, the Copyright Office, and may be sent by prepaid letter through the post, and must, in every case, be accompanied by the prescribed fee.

Signature of  
applicants.

**11.** Every application for the registration of copyright or performing right must be signed by all applicants.

Published work.

**12.** An application for the registration of copyright in a published literary, dramatic, musical, or artistic work may be in accordance with Form A, A1, A2, or A3 as the case requires.

Photographs.

**13.** An application for the registration of copyright in a photograph may be in accordance with Form C or C1 as the case requires.

Unpublished  
work.

Amended by  
1954, No. 130.

**14.** An application for the registration of copyright in an unpublished literary, dramatic, musical, or artistic work may be in accordance with Form B.

Published  
mechanical  
musical  
contrivance.

Amended by  
1954, No. 130.

**15.** An application for the registration of copyright in a published mechanical musical contrivance may be in accordance with Form D.

Unpublished  
mechanical  
musical  
contrivance.

Amended by  
1954, No. 130.

**16.** An application for the registration of copyright in an unpublished mechanical musical contrivance may be in accordance with Form E.

Performing  
right in musical  
or dramatic  
work.

Amended by  
1954, No. 130

**17.** An application for the registration of the sole right to perform or authorize the performance of a musical or dramatic work may be in accordance with Form F and shall be accompanied by a copy of the work.

**17A.**—(1.) Where a dispute has been submitted to arbitration in pursuance of section 13A of the *Copyright Act 1912-1933*, the arbitration proceedings shall, subject to that section and to this regulation, be conducted according to the laws relating to arbitration in force in the State or part of the Commonwealth in which the arbitration takes place.

Arbitration  
proceedings.  
Inserted by  
1934, No. 78.

(2.) The provisions of the laws referred to in the last preceding sub-regulation shall apply in relation to the arbitration as if it were an arbitration within the meaning of those laws.

**18.** An application for the registration of copyright in an unpublished dramatic work, consisting of a choreographic work or entertainment in dumb show, must be accompanied by a description thereof, either type-written or written in a fair legible hand on one side only of the paper, and without interlineations or erasures.

Choreographic  
works.

**19.** Any variation in the arrangement or acting form of a choreographic work or entertainment in dumb show must be made the subject of a separate application for copyright registration.

Variations.

**20.** An application for the registration of copyright in an unpublished dramatic work, consisting of a cinematograph production, must be accompanied by a description of the work, preferably typewritten, and by a photograph taken from each scene represented. If after registration the work is printed or reproduced for sale, a complete copy of the work must be filed, and, if the Registrar so desires, an amended description thereof.

Cinematograph  
productions.

**21.** An application for the registration of copyright in an unpublished work other than a work specified in regulation 19 or regulation 20 of these Regulations, must be accompanied by a copy of the work.

Copy of  
unpublished  
work to be  
forwarded.  
Amended by  
1954, No. 130.

**22.** The title of a literary work should be given exactly as on the title page of the book, or on the work, and the other particulars required to be specified should be exactly as indicated in the work itself.

Title of  
literary work.

**23.** An application for the registration of copyright in a published book must be accompanied by a copy of the book, with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the books are published, and bound, sewed, or stitched together and on the best paper on which the book is printed.

Published  
books.

**24.** An application for the registration of copyright in an artistic work must be accompanied by a copy thereof, or a representation of it.

Artistic works.

**25.** An application for the registration of copyright in an interchangeable part of a mechanical instrument for mechanically reproducing musical works must be accompanied by the disc, cylinder, or music roll, by means of which the music is reproduced.

Inter-  
changeable  
parts.

Title.

**26.** Where an application for registration of copyright is made by a person, other than the author of the work, he shall in his application trace his title from the author, and shall attach to his application each assignment or instrument by virtue of which he derives his title, with an attested copy thereof.

New editions.

**27.** In the case of new editions of works containing material additions or alterations either in the letterpress or in the maps, prints, or other engravings belonging thereto, applications for registration of copyright may be made in respect of the new edition as if it were an independent work.

Registration of song.

**28.** If it is desired to register the words only of a song, the application should be made as for a literary work; if it is desired to register both words and music, application should be made as for a musical work.

Music published for different instruments.

**29.** In the case of music published in different editions arranged for different instruments, application for registration of copyright may be made for each arrangement.

Engravings, photographs, &c.

**30.** In the case of engravings, photographs, or other artistic works published with variations, application for registration of copyright may be made for each variety, and should be so worded as to closely differentiate the different uses.

Statement of address.

Sub-section (1.) amended by 1954, No. 130.

**31.—(1.)** Every application for the registration of a copyright, or performing right, shall be accompanied by a statement of address in accordance with Form G, or appointment of agent in accordance with Form H; and all notices, requisitions, and communications of every kind in connexion with an application may be sent by the Registrar to such address or agent.

Substituted by 1954, No. 130.

**(2.)** The address for service shall be an address which is within the Commonwealth.

Notice to be binding.

**32.** Any statement of address for service, or appointment of agent, left at, or sent to, the Copyright Office shall be binding on the person giving the notice until notice of revocation, or of the appointment of some other address for service, or of some other agent, has been furnished by him to the Registrar.

Entry of interest on register.

**33.—(1.)** When any person becomes entitled to any registered copyright or performing right, by virtue of an assignment or transmission, or to any interest therein, a request for the entry of his name in the Register may be left at, or sent by post to, the Copyright Office.

**(2.)** The request may be in accordance with Form I or Form J, as the case requires, and shall be made and signed by the person claiming to be registered as owner or licensee, or by his agent, and shall be accompanied by the deed or document upon which he bases his request for registration.

**(3.)** An attested copy of every deed and document affecting the ownership of the copyright, or performing right, or of any licence thereunder, shall accompany the request.

(4.) The Registrar, if satisfied with the request, shall register the assignment, transmission, or licence by entering particulars thereof in the proper Register.

**34.—(1.)** A declaration required for any purpose under these Regulations may be made—

Declarations.  
Substituted by  
1954, No. 130.

- (a) in Australia—before a Notary Public, a Justice of the Peace, a Commissioner for Affidavits, a Commissioner for Declarations or a person authorized to administer oaths or to take declarations under the law of the State or Territory of the Commonwealth where the declaration is made;
- (b) in a part of Her Majesty's dominions other than Australia—before a Judge, Magistrate, Justice of the Peace, Notary Public, a Commissioner for Oaths, a Commissioner for Affidavits, an Australian Consular Officer or a person authorized by the law of that part to administer oaths or take declarations; and
- (c) in any other place—before a Judge of a court the jurisdiction of which is unlimited, one of Her Majesty's Consuls or Vice-Consuls, a Notary Public, or an Australian Consular Officer.

(2.) The title of the person before whom the declaration is made and the date when and the place where it was made shall be stated on the declaration.

(3.) The Registrar may take notice of the signature to a declaration and of the signature of the person before whom it is made without proof of the signatures or of the fact that the person before whom the declaration is made holds the office stated on the declaration.

(4.) In this regulation, "Australian Consular Officer" means a person appointed to hold or act in any of the following offices (being an office of the Commonwealth) in a country or place outside Australia:—

- (a) ambassador;
- (b) high commissioner;
- (c) minister;
- (d) head of mission;
- (e) commissioner;
- (f) chargé d'affaires;
- (g) counsellor or secretary at an embassy, high commissioner's office, legation or other post;
- (h) consul general;
- (i) consul;
- (j) vice-consul;
- (k) trade commissioner; and
- (l) consular agent.

**35.** The Registers of Copyrights may be altered or amended by the Registrar in the following cases:—

Alteration of  
registers.  
Amended by  
1954, No. 130.

- (a) Where the error in entry has been made purely through the fault of the office; or

- (b) Where the error in entry has been made through accident on the part of an applicant or his agent.

In the latter case, however, no amendment shall be made unless the owner of the copyright or performing right lodges at the Copyright Office a request to amend in accordance with Form K, accompanied by the prescribed fee.

**Reg. 36**  
repealed by  
1954, No. 130.

\* \* \* \* \*

**Part 1A**  
inserted by  
1936, No. 123.

**PART 1A.—DETENTION AND FORFEITURE OF COPIES INFRINGING  
COPYRIGHT.**

Form of  
notice to be  
given.

**Inserted by**  
1936, No. 123.

**36A.** The notice in writing to be given to the Comptroller-General of Customs under sub-section (1.) of section ten of the Act by the owner or the agent of the owner of the copyright in any work in which copyright subsists shall be in accordance with such one of the Forms O and P in the Second Schedule, as the Comptroller-General of Customs requires, or as near to that Form as circumstances permit.

Comptroller-  
General may  
require fuller  
information.

**Inserted by**  
1936, No. 123;  
**amended by**  
1954, No. 130.

**36B.** The person giving a notice under this Part whether as owner or agent, shall, if required in writing by the Comptroller-General of Customs so to do, give to the Comptroller-General in writing such further and fuller information and evidence relating to the work (*or* works) specified in the notice, verified if so required by declaration, as the Comptroller-General specifies.

Deposit in case  
of a particular  
importation.

**Inserted by**  
1936, No. 123.

**36c.** Any person who has given notice, in accordance with Form O or Form P in the Second Schedule, whether as owner or as agent, shall, if so required by the Collector of Customs, deposit with the Collector a sum of money sufficient, in the opinion of the Collector, to cover any expense which may be incurred in the examination of the goods to which the notice refers.

Collector may  
direct that  
goods be  
delivered.

**Inserted by**  
1936, No. 123.

**36d.** If, upon the examination of any goods referred to in a notice in accordance with Form P in the Second Schedule, the Collector is satisfied that there is no ground for detention, he may direct that the goods be delivered.

Undertaking  
and bond to  
be given.

**Inserted by**  
1936, No. 123.

**36E.—(1.)** The Comptroller-General of Customs may require any person who has given notice in pursuance of section ten of the Act to give an undertaking to reimburse the Comptroller-General all expenses and damages incurred in respect of the detention and of any proceedings for forfeiture subsequently taken, and may also require him to enter into a bond with two approved sureties in such form and for such amount as the Comptroller-General requires.

(2.) If any person fails to furnish an undertaking and bond when required by the Comptroller-General under the last preceding sub-section so to do, the Comptroller-General may refuse to detain the goods referred to in the notice and they may be delivered.



## PART II.—ROYALTY SYSTEM (GENERAL).

**37.**—(1.) The notice required by section three of the British Copyright Act shall contain the following particulars:—

- (a) The name and address of the person intending to reproduce the work;
- (b) the name of the work which it is intended to reproduce, and (if necessary) a description sufficient to identify it;
- (c) the manner in which it is intended to reproduce the work (*e.g.*), whether by printing, lithography, photography, &c.;
- (d) the price or prices at which it is intended to publish the work;
- (e) the earliest date at which any of the copies will be delivered to the purchaser.

(2.) The notice shall, not less than one month before any copies of the work are delivered to the purchaser, be sent by registered post or published by advertisement as follows:—

- (a) If the name and address within the Commonwealth of the owner of the copyright, or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, the notice shall be sent to the owner or agent at that address;
- (b) If such name and address are not known and cannot, with reasonable diligence, be ascertained, the notice shall be advertised in the *Gazette*; the advertisement in the *Gazette* shall give the particulars required by paragraphs (a) and (b) of sub-regulation (1.) of this Regulation, and shall also state an address from which a copy of the notice described in sub-regulation (1.) of this Regulation may be obtained.

**38.**—(1.) Unless otherwise agreed, royalties shall be payable by means of adhesive labels purchased from the owner of the copyright, and affixed to the copies of the work.

Payment of royalties.

(2.) After the person reproducing the work has given the prescribed notice of his intention to reproduce the work, the owner of the copyright shall, by writing sent by registered post, intimate to him some reasonably convenient place within the Commonwealth from which adhesive labels can be obtained, and, on demand in writing and tender of the price, shall supply from such place adhesive labels of the required denominations at a price equal to the amount of royalty represented thereby.

**39.** Subject to these Regulations, no copy of the work shall be delivered to a purchaser until the label or labels denoting amount of royalty have been affixed thereto.

Copies not to be delivered until labels affixed.

**40.**—(1.) In cases where royalties are payable by means of adhesive labels, if at any time labels of the required denomination are not available either because—

Adhesive labels not available.

- (a) after the expiration of fourteen days from the date of the prescribed notice the owner of the copyright has not duly sent to the person reproducing the work an intimation of some reasonably convenient place within the Commonwealth from which such labels can be obtained; or

(b) the owner of the copyright refuses or neglects to supply such labels within fourteen days after demand duly made, copies of the work may be delivered to purchasers without having labels affixed thereto, and the amount of royalties shall be a debt due by the person reproducing the work to the owner of the copyright, and the person reproducing the work shall keep an account of all such copies sold by him.

(2.) For the purpose of this Regulation "the date of the prescribed notice" means—

- (a) in cases when the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;
- (b) in cases when the notice is required to be advertised in the *Gazette*, the date of such advertisement.

Royalties payable otherwise than by adhesive labels.

41. Where royalties are by agreement payable in any other mode than by means of adhesive labels the time and frequency of the payment shall be such as are specified in the agreement.

Form of adhesive label.

42. The adhesive label supplied as aforesaid shall be an adhesive paper label, square in shape, the design to be entirely enclosed within a circle, and the side of the label not to be greater than  $\frac{3}{4}$  inch in length. The label shall not be in a form which resembles any postage stamp nor bear the effigy of the Sovereign or any other person, nor any word, mark, or design such as to suggest that the label is issued by or under the authority of the Government or any State Government for the purpose of denoting any duty payable to such Government.

### PART III.—ROYALTY SYSTEM (MECHANICAL MUSICAL CONTRIVANCES).

Notice.

43.\*—(1.) The notice required by sub-section (2.) of section nineteen of the British Copyright Act shall contain the following particulars:—

- (a) The name and address of the person intending to make the contrivances;
- (b) the name of the musical work which it is intended to reproduce and of the author (if known); and (if necessary) a description sufficient to identify the musical work;
- (c) the class of contrivance on which it is intended to reproduce the musical work (*e.g.*) whether discs, cylinders or music rolls;
- (d) the ordinary retail selling prices of the contrivances, and the amount of the royalty payable on each contrivance in respect of the musical work;
- (e) the earliest date at which any of the contrivances will be delivered to the purchaser;
- (f) whether any other work is to be reproduced on the same contrivance with the musical work specified in accordance with paragraph (b).

\* For a discussion of this regulation by the Supreme Court of New South Wales (*Harvey, C.J.* in *Eq.*) see *Albert v. Gramophone Company Ltd.* (1927) 28 S.R. (N.S.W.) 70; 44 W.N. (N.S.W.) 169. The validity and effect of the regulation were considered by the High Court in *Gramophone Co. Ltd. v. Leo Feist Inc.*: 41 C.L.R. 1; 34 A.L.R. 257; (1928) V.L.R. 420.

(2.) The notice shall, not less than ten days before any contrivances on which the musical work is reproduced are delivered to a purchaser, be sent by registered post or published by advertisement as follows:—

- (a) If the name and an address within the Commonwealth of the owner of the copyright, or his agent for the receipt of notice, are known or can with reasonable diligence be ascertained, the notice shall be sent to the owner or agent at that address;
- (b) if such name and address are not known and cannot with reasonable diligence be ascertained, the notice shall be advertised in the *Gazette*; the advertisement in the *Gazette* shall give the particulars required by paragraphs (a) and (b) of sub-regulation (1.) of this Regulation, and shall also state an address from which a copy of the notice described in sub-regulation (1.) of this Regulation may be obtained. Any number of musical works may be included in the same advertisement.

44.\*—(1.) Unless otherwise agreed, royalties shall be payable by means of adhesive labels purchased from the owner of the copyright and affixed in the manner provided by this part of these Regulations. Payment of royalties.

(2.) After the person making the contrivances has given the prescribed notice of his intention to make or sell the contrivances, the owner of the copyright shall by writing, sent by registered post, intimate to him some reasonably convenient place within the Commonwealth of Australia from which adhesive labels can be obtained, and on demand in writing and tender of the price shall supply from such place adhesive labels of the required denominations at a price equal to the amount of royalty represented thereby.

45.\* Subject to these Regulations no contrivances shall be delivered to a purchaser until such label or labels denoting the amount of royalty have been affixed thereto, or, in the case of cylinders to which it is not reasonably practicable to affix the labels, until such label or labels have been affixed to a carton or box enclosing the cylinder. Contrivance not to be delivered without adhesive labels.

46.†—(1.) In cases where royalties are payable by means of adhesive labels, if at any time labels of the required denominations are not available either because— Adhesive labels not available.

- (a) after the expiration of five days from the date of the prescribed notice of the intention of the persons making the contrivances to make or sell such contrivances the owner of the copyright has not duly sent to the person making the contrivances an intimation of some reasonably convenient place within the Commonwealth of Australia from which such labels can be obtained; or

\* The validity and effect of this regulation were considered by the High Court in *Gramophone Co. Ltd. v. Leo Feist Inc.*: 41 C.L.R. 1; 34 A.L.R. 257; (1928) V.L.R. 420.

† Per the Supreme Court of New South Wales (*Harvey, C.J. in Eq.*): This regulation provides, in effect, that the time for payment of royalties in the cases specified is postponed until a demand is made by the owner of the copyright: *Albert v. Gramophone Co. Ltd.* (1927) 28 S.R. (N.S.W.) 70; 44 W.N. (N.S.W.) 169. The validity and effect of this regulation were considered by the High Court in *Gramophone Co. Ltd. v. Leo Feist Inc.*: 41 C.L.R. 1; 34 A.L.R. 257; (1928) V.L.R. 420.

- (b) the owner of the copyright refuses or neglects to supply such labels within three days after demand duly made,

contrivances may be delivered to purchasers without having labels affixed thereto or to the carton or box enclosing the same; and the amount of royalties shall be a debt due by the person making the contrivances to the owner of the copyright, and the person making the contrivances shall keep an account of all such contrivances sold by him.

(2.) For the purpose of this Regulation “the date of the prescribed notice” means—

- (a) in cases where the notice is required to be sent by registered post, the date when the notice would in ordinary course of post be delivered;
- (b) in cases where the notice is required to be advertised in the *Gazette*, the date of such advertisement.

Royalties on contrivances made before commencement of Act.

47. In cases where royalties are payable on contrivances made before the commencement of the Act, the person making such contrivances may give notice of his intention to sell them, containing *mutatis mutandis* the same particulars and given in the same manner as is prescribed by these Regulations in the case of the notice required by sub-section (2.) of section nineteen of the British Copyright Act.

Royalties payable otherwise than by adhesive labels.

48. Where royalties are by agreement payable in any other mode than by means of adhesive labels, the time and frequency of the payment shall be such as are specified in the agreement.

Form of adhesive label.

49. The adhesive label supplied as aforesaid shall be an adhesive paper label, square in shape, the design to be entirely enclosed within a circle, and the side of the label not to be greater than  $\frac{3}{4}$ -inch in length. The label shall not be in a form which resembles any postage stamp nor bear the effigy of the Sovereign or any other person, nor any word, mark, or design such as to suggest that the label is issued by or under the authority of the Government or any State Government for the purpose of denoting any duty payable to such Government.

Ordinary retail selling price.

50. The ordinary retail selling price of any contrivance shall be calculated at the marked or catalogued selling price of single copies to the public, or, if there is no such marked or catalogued selling price, at the highest price at which single copies are ordinarily sold to the public.

Inquiries.

51.—(1.) The inquiries referred to in sub-section (5.) of section nineteen of the British Copyright Act shall be directed to the owner of the copyright by name, or (if his name is not known and cannot with reasonable diligence be ascertained) in general terms to “the owner of the copyright” of the musical work in respect of which the inquiries are made, and shall contain—

- (a) a statement of the name of the musical work in respect of which the inquiries are made and of the author (if known), and (if necessary) a description sufficient to identify it;
- (b) a statement of the name, address and occupation of the person making the inquiries;

- (c) an allegation that a contrivance has previously been made by means of which the musical work may be mechanically performed, with the trade name (if known) and a description of such contrivance;
- (d) an inquiry whether the contrivance so described was made with the consent or acquiescence of the owner of the copyright.

(2.) The inquiries shall be sent by registered post or published by advertisement as follows:—

- (a) If an address within the Commonwealth of the owner of the copyright is known, or can with reasonable diligence be ascertained, the inquiries shall be sent to such address; or
- (b) if such address is not known and cannot with reasonable diligence be ascertained, the inquiries shall be advertised in the *Gazette*.

52. The prescribed time for reply to such inquiries shall be:—

Time for reply.

- (a) in cases where the inquiries are required to be sent by registered post, seven days after the date when the inquiries would in ordinary course of post be delivered; and
- (b) in cases where the inquiries are required to be advertised in the *Gazette*, seven days after the date of such advertisement.

#### PART IV.—REPEAL.

53. All Regulations, whether provisional or otherwise, heretofore made under the Act, and in force at the commencement of these Regulations are hereby repealed, save as to any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder.

#### FIRST SCHEDULE.

Substituted by  
1952, No. 63.

Regulation 5.

#### FEEs.

|                                                                                                                                                      | £ | s. | d. |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 1. On filing application for registration of a copyright in a literary or musical work .. .. .                                                       | 1 | 0  | 0  |
| 2. On filing application for registration of a copyright in an artistic work (including a copyright in a photograph) .. .. .                         | 1 | 0  | 0  |
| 3. On filing application for registration of a copyright in a dramatic work (other than a copyright in an original cinematograph production) .. .. . | 1 | 0  | 0  |
| 4. On filing application for registration of a performing right in a musical or dramatic work .. .. .                                                | 1 | 0  | 0  |
| 5. On filing application for registration of a copyright in an original cinematograph production .. .. .                                             | 2 | 0  | 0  |

## COPYRIGHT ACT

|                                                                                                                                              | £ | s. | d. |
|----------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| 6. On filing application for registration of a copyright in a mechanical contrivance for reproducing musical work .. .. .                    | 2 | 0  | 0  |
| 7. On request to the Registrar to register an assignment, transmission, or licence in connexion with a copyright on performing right .. .. . | 2 | 0  | 0  |
| 8. For inspection of the Register .. .. .                                                                                                    | 0 | 2  | 0  |
| 9. For certified copy of an entry in the Register .. .. .                                                                                    | 1 | 0  | 0  |
| 10. On application to the Registrar for amendment of the Register under section 36 of the Act .. .. .                                        | 1 | 0  | 0  |

## SECOND SCHEDULE.

Index to forms  
omitted by  
1954, No. 130.

\* \* \* \* \*

## FORM A.

Copyrights.

Commonwealth of Australia.

Copyright Act 1912.

*Application for Registration of Copyright in a published original Literary, Dramatic, Musical, or Artistic Work.*

(By the author or authors, or his or their assignee, agent, or attorney.)

I  
We (1) of (2)  
(3) hereby make application for the registration  
of the copyright in a (4) work being a (5)  
entitled (6)

I  
We do hereby declare that the said (4) was first  
published in (\*a part of His Majesty's Dominions to which the Act extends or a  
foreign country to which an Order in Council under the Act relates) by  
at on the  
and that such date was not later than fourteen days (or such further time as is  
fixed by law) after the date of its first publication elsewhere.

I  
We do further declare that (7) the author of the said (4)  
work, and that I am  
we are the owner of the copyright therein.

And I  
we make this declaration conscientiously believing the statements contained  
therein to be true in every particular.

Declared at this day of 19 (8)

Before me (9)

To the Registrar of Copyrights, Commonwealth of Australia.

- 
- (1) Name of Applicant (in full).  
(2) Address.  
(3) Occupation.  
(4) State whether "Literary," "Dramatic," or "Musical," or "Artistic" Work, as the case may be.  
(5) State whether "Book," "Drama," "Song," "Painting," "Work of Sculpture," "Lecture," &c. as the case may be.  
(6) Title of Work (in full) or description sufficient to identify it.  
(7) State the Name of the Author of the Work.  
(8) Signature of Applicant.  
(9) Signature of Person before whom the Declaration is made.  
NOTE.—Where the applicant is the assignee from the author the applicant must forward with his application each assignment or instrument by virtue of which he derives his title, with an attested copy thereof.

\* Strike out whichever is not needed.

Copyrights.

FORM A1.

Commonwealth of Australia.

*Copyright Act 1912.*

*Application for Registration of Copyright in a published original Literary, Dramatic, Musical, or Artistic Work.*

(By a Firm.)

(1)  
doing business at (2)  
and composed of the following members (3)  
hereby applies for the registration of the copyright in a (4)  
work, being a (5) entitled  
(6)  
and I (7) a member  
of the firm of (1)  
the applicant named herein, declare that the said (4)  
work was first published in (\*a part of His Majesty's Dominions to which the Act  
extends or a foreign country to which an Order in Council under the Act relates)  
by  
at  
on the and that such date was not later than four-  
teen days (or such further time as is fixed by law) after the date of its first publica-  
tion elsewhere.

I, the said (7) do further  
declare that (8)  
the author of the said (4) work, and  
that said firm of (1)  
is the owner of the copyright therein.

And I, the said (7)  
make this declaration conscientiously believing the statements contained therein  
to be true in every particular.

(9)

Declared at this day 19

Before me—(10)

To the Registrar of Copyrights, Commonwealth of Australia.

- 
- (1) Name of Firm (in full).  
(2) Place of Business.  
(3) Name of individual Members of Firm (in full).  
(4) State whether "Literary," "Dramatic," "Musical," or "Artistic" work, as the case may be.  
(5) State whether "Book," "Drama," "Song," "Painting," "Work of Sculpture," &c., as the case may be.  
(6) Title of Work (in full) or description sufficient to identify it.  
(7) Name (in full) of Member of Firm who makes the Declaration.  
(8) State the Name of the Author of the Work.  
(9) Signature of person authorized to sign the application.  
(10) Signature of person before whom the Declaration is made.

NOTE.—Where the Applicant is the Assignee from the Author, the Applicant must forward with his application each assignment or instrument by virtue of which he derives his title, with an attested copy thereof.

\* Strike out whichever is not needed.

## COPYRIGHT ACT

FORM A2.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.*

*Application for Registration of Copyright in a published original Literary, Dramatic, Musical, or Artistic Work.*

(By a body corporate.)

The (1)

a corporation duly organized under the laws of (2)

located at (3)

and having an established place of business at (4)

hereby applies for the registration of the copyright in a (5)

work, being a (6)

entitled

(7)

and I (8)

declare that the said (5)

work was first

published in (\*a part of His Majesty's Dominions to which the Act extends *or* a foreign country to which an Order in Council under the Act relates) by

at

on

and that such date was not later

than fourteen days (or such further time as is fixed by law) after the date of its first publication elsewhere.

I, the said (8)

do further

declare that (9)

the author of the said (5)

work, and that

(1)

is the owner of the copyright therein

And I, the said (8)

make this declaration conscientiously believing the statements contained therein to be true in every particular.

Seal of Company—

The Common Seal of (1)

was hereto affixed in the presence of (10)

Witness to signature of declarant—

Signature of Declarant—

To the Registrar of Copyrights, Commonwealth of Australia.

(1) Name of Company (in full).

(2) Name of State of Country under whose laws Company is organized.

(3) State where Company is located.

(4) State where place of business is established.

(5) State whether "Literary," "Dramatic," "Musical," or "Artistic" Work, as the case may be.

(6) State whether "Book," "Drama," "Song," "Painting," "Work of Sculpture," &amp;c., as the case may be.

(7) Title of Work (in full), or description sufficient to identify it.

(8) Name and Address of Secretary (or other officer) authorized to make Declaration.

(9) State the Name of the Author of the Work.

(10) Seal must be affixed with Signatures of Officers as prescribed by the Articles of Association of Company.

NOTE.—Where the Applicant is the Assignee from the Author, the Applicant must forward with the application each assignment or instrument by virtue of which it derives title, with an attested Copy thereof.

\* Strike out whichever is not needed.



FORM A3.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.*

*Application for the Registration of Copyright in a Collective Work.*

(By the owner or owners or his or their assignee, agent, or attorney.)

(1)

hereby make application for the registration of (2) copyright  
in a collective work being a (3) entitled (4)

I do hereby declare that the said (3)  
was first published in (\*a part of His Majesty's Dominions to which the Act extends  
or a foreign country to which an Order in Council under the Act relates) by

at

on the and that such date was not later than fourteen  
days (or such further time as is fixed by law) after the date of its first publication  
elsewhere.

I do further declare that (5)  
is the owner of the copyright in the said (3)

And I make this declaration conscientiously believing the statements contained  
therein to be true in every particular.

(6)

Declared at this day of 19

Before me—(7)

To the Registrar of Copyrights, Commonwealth of Australia.

---

(1) Name (in full), Address, and Occupation of Applicant. If application is made by an Agent or Attorney, evidence of authority to make the application must be furnished.

(2) "My," "our," "their," or "its."

(3) State whether "Encyclopaedia," "Dictionary," "Year Book," or similar work.

(4) Title of Work (in full), or description sufficient to identify it.

(5) Name of Owner of Collective Work.

(6) Signature of Applicant.

(7) Signature of person before whom the Declaration is made.

NOTE.—Where the Applicant is the Assignee from the Owner, the Applicant must forward with his application each assignment or instrument by virtue of which he derives his title, with an Attested Copy thereof.

\* Strike out whichever is not needed.

## COPYRIGHT ACT

## FORM B.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.*

*Application for Registration of Copyright in an unpublished original Literary, Dramatic,  
Musical, or Artistic Work.*

(By the author or authors, or his or their assignee, agent, or attorney.)

I  
We (1)

of (2)

(3)

hereby make application for the regis-

tration of the copyright in a (4)

work, being a (5)

entitled (6)

I  
We declare that (7)

the author of the said (4)

work, and at the time of the making thereof, viz., (8)

was (9)

I  
We do further declare that I am  
we are the owner of the copyright in the said (4)  
work.

And I  
we make this declaration conscientiously believing the statements contained  
therein to be true in every particular.

Declared at this day of 19  
(10)

Before me (11)

To the Registrar of Copyrights, Commonwealth of Australia.

(1) Name of Applicant (in full).

(2) Address.

(3) Occupation.

(4) State whether "Literary," "Dramatic," "Musical," or "Artistic" Work, as the cas may be.

(5) State whether "Book," "Song," "Drama," "Painting," &c., as the case may be.

(6) State Title of Work in full, or description sufficient to identify it.

(7) Name of the Author of the Work.

(8) Fill in date of making of the negative in the case of a photograph.

(9) "A British Subject" "Resident within a part of His Majesty's Dominions to which the Act extends," "a subject or citizen of a foreign country to which an Order-in-Council under the Act relates," or "Resident in a foreign country to which an Order-in-Council under the Act relates," as the case may be.

(10) Signature of Applicant.

(11) Signature of Person before whom the Declaration is made.

NOTE.—Where the applicant is the assignee from the author, the applicant must forward with his application each assignment or instrument by virtue of which he derives his title, with an attested copy thereof.

## FORM C.

Copyrights.

Commonwealth of Australia.

Copyright Act 1912.

*Application for Registration of Copyright in a Photograph.*

(By the author or authors, or his or their assignee, agent, or attorney.)

I  
We (1) of (2)

(3) hereby make application for the registration of the copyright in a photograph entitled (4)

I  
We declare that (5) of (6)

the author of the said photograph, and at the time of the making of the original negative (viz. (7) ) from which it was directly or indirectly derived \*I or he was (8) we or they were

I  
We do further declare that I am  
we are the owner of the copyright in the said photograph.

And I  
we make this declaration conscientiously believing the statements contained therein to be true in every particular.

(9)

Declared at this day of 19

Before me—(10)

To the Registrar of Copyrights, Commonwealth of Australia.

- 
- (1) Name of Applicant (in full).
  - (2) Address.
  - (3) Occupation.
  - (4) Title of Photograph (in full), or description sufficient to identify it.
  - (5) State the name of the Author of the Work, or the words "I am," or "we are," as the case requires.
  - (6) Here insert Address of Author if a person other than the Applicant.
  - (7) Fill in date of the making of the negative.
  - (8) "A British Subject," "Resident within a part of His Majesty's Dominions to which the Act extends," "a Subject or Citizen of a foreign country to which an Order in Council under the Act relates," or "Resident in a foreign country to which an Order in Council under the Act relates," as the case may be.
  - (9) Signature of Applicant.
  - (10) Signature of person before whom the declaration is made.

NOTE.—Where the Applicant is the Assignee from the Author, the Applicant must forward with his application each assignment or instrument by virtue of which he derives his title, with an attested copy thereof.

\* Strike out whichever is not needed.

## COPYRIGHT ACT

FORM C1.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.**Application for Registration of Copyright in a Photograph.*

(By a Firm.)

(1)  
 doing business at (2)  
 and composed of the following members (3)  
 hereby applies for the registration of the copyright in a photograph entitled (4)  
 and I (5) a member  
 of the firm of (1)  
 the applicant named herein, declare that (6)  
 of (7)  
 the author of the said photograph, and at the time of the making of the original  
 negative (viz. (8) )  
 from which it was directly or indirectly derived  
 he was (9)  
 they were

I, the said (5) do further  
 declare that the said firm of (1)  
 is the owner of the copyright in the said photograph.

And I, the said (5) make this  
 declaration conscientiously believing the statements contained therein to be true  
 in every particular.

(10)

Declared at this day of 19

Before me—(11)

To the Registrar of Copyrights, Commonwealth of Australia.

- 
- (1) Name of Firm (in full).  
 (2) Place of Business.  
 (3) Names of individual Members of Firm (in full).  
 (4) Title of Photograph (in full), or description sufficient to identify it.  
 (5) Name (in full) of Member of Firm who makes the Declaration.  
 (6) Here insert (in full) Name of Author of Photograph.  
 (7) Address of Author.  
 (8) Fill in Date of making of the negative.  
 (9) "A British Subject," "Resident within a part of His Majesty's Dominions to which the Act extends," "a subject or citizen of a foreign country to which an Order in Council under the Act relates," or "Resident in a foreign country to which an Order in Council under the Act relates," as the case may be.  
 (10) Signature of person authorized to sign the application.  
 (11) Signature of person before whom the Declaration is made.

NOTE.—Where the Applicant is the Assignee from the Author, the Applicant must forward with his application each assignment or instrument by virtue of which he derives his title, with an attested Copy thereof.

## FORM D.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.**Application for Registration of Copyright in a published Mechanical Musical Contrivance.*

(By the author or authors, or his or their assignee, agent, or attorney.)

I  
We (1) of (2)  
(3) hereby make application for the registration of the copyright in a mechanical musical contrivance, being a (4)  
for mechanically reproducing a musical work entitled (5)  
by (6)

The original plate from which the said contrivance was directly or indirectly  
derived was made by (7) at (8)  
on (9)

I declare that the said contrivance was first published in (\*a part of His Majesty's  
Dominions to which this Act extends or a foreign country to which an Order in  
Council under the Act relates) by  
at on  
and that such date was not later than fourteen days (or such further period as  
is fixed by law) after the date of its first publication elsewhere.

I  
We do further declare that (10) the author of the said mechanical  
contrivance, and that I am  
we are the owner of the copyright therein.

And I  
we make this declaration conscientiously believing the statements contained  
therein to be true in every particular.

Declared at this day of 19 .

Before me (12) (11)

To the Registrar of Copyrights, Commonwealth of Australia.

- 
- (1) Name of Applicant (in full).
  - (2) Address.
  - (3) Occupation.
  - (4) State whether "Disc," "Cylinder," "Roll," &c., as the case may be.
  - (5) Title of Musical Work, and (if necessary) a description sufficient to identify it.
  - (6) State the Name of the Author of the Musical Work.
  - (7) State the Name of Maker of the Plate.
  - (8) State the Place where the original Plate was made.
  - (9) State date on which the original Plate was made.
  - (10) State the Name of the Author of the Contrivance.
  - (11) Signature of Applicant.
  - (12) Signature of Person before whom the Declaration is made.

NOTE.—Where the applicant is the assignee from the author, the applicant must forward with his application each assignment or instrument by virtue of which he derives his title, with an attested copy thereof.

\* Strike out whichever is not needed.

## COPYRIGHT ACT

## FORM E.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.**Application for Registration of Copyright in an unpublished Mechanical Musical Contrivance.*

(By the author or authors, or his or their assignee, agent, or attorney.)

I  
We (1)

of (2)

(3) hereby make application for the registration  
of the copyright in a mechanical contrivance, being a (4)  
for mechanically reproducing a musical work entitled (5)  
by (6)

The original plate from which the said contrivance was directly or indirectly  
derived was made by (7) at (8)  
on (9)

I  
We declare that (10) the author of the said contrivance,  
and at the time of the making thereof was (11)

I  
We do further declare that I am  
we are the owner of the copyright in the said contriv-  
ance.

And I  
we make this declaration conscientiously believing the statements contained  
therein to be true in every particular.

Declared at this day of 19 .  
(12)  
Before me (13)

To the Registrar of Copyrights, Commonwealth of Australia.

- 
- (1) Name of Applicant (in full).  
(2) Address.  
(3) Occupation.  
(4) State whether "Disc," "Cylinder," "Roll," &c., as the case may be.  
(5) Title of Musical Work, and (if necessary) a description sufficient to identify it.  
(6) State the Name of the Author of the Musical Work.  
(7) State the Name of the Maker of the Plate.  
(8) State the Place where the original Plate was made.  
(9) State the Date on which the original Plate was made.  
(10) State the Name of the author of the contrivance.  
(11) "A British Subject" "Resident within a part of His Majesty's Dominions to which the Act extends," "a subject or citizen of a foreign country to which an Order-in-Council under the Act relates," or "Resident in a foreign country to which an Order-in-Council under the Act relates," as the case may be.  
(12) Signature of Applicant.  
(13) Signature of Person before whom the Declaration is made.

NOTE.—Where the applicant is the assignee from the author, the applicant must forward with his application each assignment or instrument by virtue of which he derives his title, with an attested copy thereof.

## FORM F.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.**Application for Registration of the Sole Right to Perform or Authorize the Performance of a Musical or Dramatic Work.*I  
We (1)

of (2)

(3) hereby make application for the registration of the sole right to perform or authorize the performance in the Commonwealth of a (4) work entitled (5)

I  
We do hereby declare that (6)

the author

of the said work, and that (7) the owner of the sole right to perform or authorize the performance of the said work.

And I  
we make this declaration conscientiously believing the statements contained therein to be true in every particular.

Declared at this day of 19 .  
(8)

Before me (9)

To the Registrar of Copyrights, Commonwealth of Australia.

(1) Name of Applicant (in full).

(2) Address.

(3) Occupation.

(4) State whether "Musical" or "Dramatic" Work.

(5) Title of Work (in full).

(6) State the Name of the Author of the Work.

(7) If the Applicant is not the Author of the work, his title to apply for registration must be traced here.

(8) Signature of Applicant.

(9) Signature of Person before whom the Declaration is made.

NOTE.—The applicant must forward with his application each assignment or instrument through which he derives his title, with an attested copy thereof.

## COPYRIGHT ACT

## FORM G.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.**Statement of Address.*

Sir—

I hereby authorize and request you to send all notices, requisitions, and communications in connexion with my application for the registration of the copyright in my (1) \_\_\_\_\_ entitled (2) \_\_\_\_\_  
to (3) \_\_\_\_\_

Dated this

day of

A.D. 19

(4)

To the Registrar of Copyrights, Commonwealth of Australia.

NOTE.—A particular address must be given. An address such as "General Post-office, Melbourne," will not be accepted.

(1) Here insert "Literary," "Dramatic," "Musical," "Artistic" Work, or "Mechanical Musical Contrivance," as the case requires.

(2) Title of work.

(3) Here insert Name and Full Address.

(4) Signature of Applicant in full.

## FORM H.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.**Appointment of Agent.*

Sir—

I (1) \_\_\_\_\_  
hereby nominate, constitute, and appoint (2) \_\_\_\_\_  
of (3) \_\_\_\_\_ in the Commonwealth of Australia  
(4) \_\_\_\_\_ my agent (5) \_\_\_\_\_  
for me in my name (6) \_\_\_\_\_ registration of my  
copyright in my (7) \_\_\_\_\_ entitled (8) \_\_\_\_\_  
and for that purpose to sign on my behalf all documents that my said agent may think necessary or desirable; and I further empower my said agent to alter and amend any documents, whether originally executed by me or on my behalf, in any manner which may be necessary.

Dated this

day of

A.D. 19

(9)

Witness—

To the Registrar of Copyrights, Commonwealth of Australia.

(1) Here insert (in full) Name, Address, and Occupation of Principal.

(2) Here insert (in full) Name of Agent.

(3) Here insert Full Address of Agent.

(4) Here insert Occupation of Agent.

(5) Principal may here insert the words "with full powers of substitution and revocation."

(6) Here insert purpose for which Agent was appointed, such as "to apply for and obtain."

(7) "Literary," "Dramatic," "Musical," "Artistic" Work, or "Mechanical Musical Contrivance," as the case requires.

(8) Title of Work.

(9) Signature of Applicant (in full).



Copyright Regulations

1633

FORM I.

Copyrights.

Commonwealth of Australia.

Copyright Act 1912.

*Request to enter name of subsequent owner of Copyright upon the Register of Copyrights.*

Place

Date

I (1)

hereby request that you will enter my name in the Register of Copyrights as owner of the copyright in the (2) entitled

(3) which was entered in the Register of  
(4) copyrights on the day of 19 .

I am entitled to the said copyright by virtue of (5)

And in proof whereof I transmit the accompanying (6)  
with an attested copy thereof.

Dated this day of A.D. 19 .

(7)

To the Registrar of Copyrights, Commonwealth of Australia.

- 
- (1) Here insert (in full) Name, Address, and Occupation of Applicant.  
(2) "Literary," "Dramatic," "Musical," "Artistic" Work, or "Mechanical Musical Contrivance," as the case requires.  
(3) Title of Work.  
(4) "Literary," "Dramatic," "Musical," or "Artistic," as the case requires.  
(5) Here insert particulars showing how Transferee derives his Title.  
(6) Here insert the Nature of the Document.  
(7) To be signed by the Person applying for Registration of the Transfer.

FORM J.

Copyrights.

Commonwealth of Australia.

Copyright Act 1912.

*Request to enter notification of Licence or other Document in the Register of Copyrights.*

Place

Date

I (1)

hereby transmit an attested copy of (2) under  
Copyright No. (3) which was entered in the Register of (4)  
copyrights on the day of 19 .

I also enclose the original document for verification, and I have to request  
that a notification thereof may be entered in the Register

Dated this day of A.D. 19 .

(Signature.)

To the Registrar of Copyrights, Commonwealth of Australia.

- 
- (1) Here insert (in full) Name and Address.  
(2) Here insert a description of the Nature of the Document.  
(3) Here insert the Number of the Entry.  
(4) "Literary," "Dramatic," "Musical," or "Artistic," as the case may be.

## COPYRIGHT ACT

## FORM K.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.**Application for Amendment or Alteration of the Register under Section 36 of the Act.*

I (1) of (2)  
 (3) the owner of Copyright No. (4) which  
 was entered in the Register of (5) copyrights on the  
 day of A.D. 19 , request that you will amend or alter the  
 Register in the following manner:—(6)

And I do hereby declare that the error arose through the following circumstances:—(7)

And I make this solemn declaration conscientiously believing the statements contained therein to be true in every particular.

Dated this day of A.D. 19 .  
 (8)

Declared before me at this  
 day of A.D. 19 .  
 (9)

To the Registrar of Copyrights, Commonwealth of Australia.

- 
- (1) Name (in full) of Registered Owner of Copyright or Performing Right.
  - (2) Address.
  - (3) Occupation.
  - (4) Here insert the Number of the Entry.
  - (5) "Literary," "Dramatic," "Musical," or "Artistic," as the case may be.
  - (6) Here set out desired Amendment or Alteration of the Register.
  - (7) Here furnish particulars of the circumstances under which the error arose.
  - (8) To be signed by the Registered Owner.
  - (9) To be signed by the Person before whom the Declaration is made.

## FORM L.

Copyrights.

Commonwealth of Australia.

*Copyright Act 1912.**Search Warrant under Section 16 (1.) (a) of the Act.*

To a constable of police in the State  
 of and to all constables of police in the said State.

Whereas I am satisfied by evidence that there is reasonable ground for believing that infringing copies of (1) work, bearing the following title or description, viz: (2)

are being sold or offered for sale at (3)  
 in the State of (4)

. These are therefore to authorize and command you, in the King's name, to seize the said alleged infringing copies of said work, and to bring them before (5)

Given under my hand and seal, at in the State of the  
 day of A.D. 19 .  
 (L.S.)

A Justice of the Peace in the State of

- 
- (1) Here insert "Literary," "Dramatic," "Musical," or "Artistic" Work, as the case requires.
  - (2) Here insert, sufficient for identification purposes, the Title, or a Description of the Literary Dramatic, Musical, or Artistic Work.
  - (3) Here insert Name of Town or Place.
  - (4) Here insert Name of State.
  - (5) Here specify the Court of Summary Jurisdiction before which the said alleged infringing copies are to be brought.

## FORM M.

Copyrights.

Commonwealth of Australia.

Copyright Act 1912.

*Search Warrant under Section 16 (1.) (b) of the Act.*

To \_\_\_\_\_ a constable of police in the  
State of \_\_\_\_\_ and to all constables of police in the said  
State.

Whereas I am satisfied by evidence that there is reasonable ground for believing  
that infringing copies of a (1) \_\_\_\_\_ work, bearing the  
following title or description, viz: (2) \_\_\_\_\_  
are to be found in (3) \_\_\_\_\_  
in the State of (4) \_\_\_\_\_

These are therefore to authorize and command you, in the King's name, to  
search, between sunrise and sunset, the said (5) \_\_\_\_\_  
and to seize the said alleged infringing copies of the said (1) \_\_\_\_\_  
work, or any copies reasonably suspected to be infringing copies of said work found  
by you therein, and to bring them before (6) \_\_\_\_\_

Given under my hand and seal, \_\_\_\_\_ in the State of \_\_\_\_\_ the  
day of \_\_\_\_\_ A.D. 19 \_\_\_\_.

(L.S.)

A Justice of the Peace in the State of \_\_\_\_\_

- 
- (1) Here insert "Literary," "Dramatic," "Musical," or "Artistic" Work, as the case requires.  
(2) Here insert, sufficient for identification purposes, the Title or a description of the Literary,  
Dramatic, Musical, or Artistic Work.  
(3) Here describe the House, Shop, or other Place where the alleged infringing copies are believed  
to be, and the Town or Place in which it is situated.  
(4) Here insert Name of State.  
(5) Here insert House, Shop, or Place, as the case requires.  
(6) Here insert the Court of Summary Jurisdiction before which the said alleged infringing copies are  
to be brought.

## FORM N.

Copyrights.

Commonwealth of Australia.

Copyright Act 1912.

*Notice under Section 17 of the Act forbidding the performance of a Musical or Dramatic Work.*

To (1)

I hereby give you notice that (2)

am \_\_\_\_\_ the registered owner of the sole right to perform a (3)  
is \_\_\_\_\_  
work entitled (4)

which right was registered in the Copyright Office on the \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_, and that I have reasonable ground to believe that  
you are about to perform or take part in the performance of the said work at (5)  
\_\_\_\_\_ in infringement of the said sole  
right to perform.

I now give you notice, in accordance with section 17 of the *Copyright Act 1912*  
(a copy of which section is indorsed on this notice), that I forbid the performance  
in public of the said work in infringement of the said sole right to perform, and that  
I require you to refrain from performing or taking part in the performance in public  
of the said work in infringement of the said sole right to perform at (5)

or at any other place.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19 \_\_\_\_.  
(6)

- 
- (1) Here set out the Name, Description, and Address of the Person to whom notice is given.  
(2) Here set out the Name, Description, and Address of the Owner of the sole right to perform.  
(3) Here insert "Musical" or "Dramatic," as the case requires.  
(4) Here set out the title of the Musical or Dramatic Work.  
(5) Here set out place where performance is believed to be about to take place.  
(6) To be signed by the Owner of the sole right to perform or his Agent. If signed by the Agent,  
the words "Agent of the Owner of the sole right to perform appointed in writing" are to be added.  
NOTE.—A copy of section 17 must be indorsed on this notice.

## COPYRIGHT ACT

Added by  
1936, No. 123;  
substituted by  
1954, No. 130.

COPYRIGHTS.

FORM O.

COMMONWEALTH OF AUSTRALIA.

*Copyright Act 1912.*

GENERAL NOTICE UNDER SECTION 10 OF THE ACT.

I, \_\_\_\_\_, of \_\_\_\_\_,  
being the owner [or agent of the owner] of the copyright in the work [or works]  
specified in the Schedule hereto, hereby give you notice that copyright in the said  
work [or works] now subsists and that I am [or where notice is given by the agent  
that \_\_\_\_\_ is] the owner of the copyright  
in the said work [or works] and that I am \_\_\_\_\_  
he is \_\_\_\_\_ desirous that copies of the said work [or  
works] made printed or reprinted out of the Commonwealth shall not be imported  
into the Commonwealth.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Signature)

[If an agent insert "agent of owner".]

SCHEDULE.

Title of work (if any)—  
Full description of work—  
Full name of author or authors—  
Whether author or authors alive—  
If not, date of death—  
When and where work first published—

To the Comptroller-General of Customs.

FORM P.

COMMONWEALTH OF AUSTRALIA.

COPYRIGHTS.

Added by  
1936, No. 123;  
amended by  
1954, No. 130.

*Copyright Act 1912-1935.*

NOTICE UNDER SECTION 10 OF THE ACT RELATING TO A PARTICULAR  
IMPORTATION.

To the Comptroller-General of Customs.

I, \_\_\_\_\_, of \_\_\_\_\_,  
hereby give you notice—

That I am the owner [or agent of the owner] of the copyright in a certain  
work as to which copyright now subsists under the *Copyright Act 1912-1935*;

That the undermentioned goods, that is to say [here describe the goods, number  
of packages, marks used, and any other particulars necessary for their  
identification] are about to be imported into the Port of \_\_\_\_\_  
on or about the \_\_\_\_\_ day of \_\_\_\_\_  
next in the [here insert name of ship]; and

That the said goods are liable to detention and forfeiture as being [state  
here if the goods are copies of the original work made out of the Common-  
wealth or how otherwise the goods are liable to detention and forfeiture]:

And I request that the said goods may be detained and dealt with accordingly,  
and I hereby undertake to reimburse the Comptroller-General of Customs all  
expenses and damages to be incurred in respect of the detention and of any pro-  
ceedings for forfeiture which may subsequently be taken.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Signature.)

[If an agent insert "agent of owner"]

## COTTON BOUNTY ACT 1951-1955

## COTTON BOUNTY REGULATIONS.

1. These Regulations may be cited as the Cotton Bounty Regulations. Citation.

2.—(1.) In these Regulations, unless the contrary intention appears— Definitions

“authorized agent” means a person authorized by a processor in pursuance of regulation 3 of these Regulations;

“the Act” means the *Cotton Bounty Act 1951-1952*.

(2.) In these Regulations, a reference to a Form by number shall be read as a reference to the Form so numbered in the Schedule to these Regulations.

3.—(1.) A processor may appoint a person to be his authorized agent for the purposes of executing on his behalf a notice, declaration, certificate or document which the processor is required to execute by, or for the purposes of, the Act or these Regulations. Authorized agents.

(2.) An authorized agent may execute on behalf of the processor such a notice, declaration, certificate or document.

(3.) Where a notice, declaration, certificate or document has been executed by an authorized agent, the processor is subject to the same liabilities and penalties as if he had executed the notice, declaration, certificate or document.

(4.) The appointment of an authorized agent shall be in accordance with Form 1 and—

(a) shall be signed by the processor in the presence of a witness; and

(b) shall be lodged by the processor with the Collector for the State in which the ginnery of the processor is situated.

4.—(1.) A processor who intends to claim bounty shall furnish to the Collector for the State in which the processor's ginnery is situated a notice of intention to claim bounty— Intention to claim bounty.

(a) within one month of the date of commencement of these Regulations where the premises at which he produces raw cotton are registered as a ginnery at that date; or

\* Statutory Rules 1953, No. 5; in force under the *Cotton Bounty Act 1951-1955*; notified in the *Gazette* and commenced on 29th January, 1953.

- (b) within one month of the date on which the premises at which he produces or proposes to produce raw cotton were registered as a ginnery where those premises were not registered as a ginnery at the date of commencement of these Regulations.

(2.) A notice of intention to claim bounty shall be in accordance with Form 2.

Application for bounty.

5.—(1.) An application for bounty shall be lodged with the Collector for the State in which the ginnery of the processor is situated within ninety days after the end of the year in which the seed cotton in respect of which the bounty is claimed was delivered to the ginnery.

(2.) An application for bounty shall be accompanied by a declaration signed in the presence of a witness.

(3.) An application for bounty and the accompanying declaration shall be in accordance with Form 3.

Distribution bounty by processor.

6.—(1.) A processor to whom bounty has been paid shall distribute the bounty to the growers of the seed cotton in respect of which the bounty has been paid within fourteen days after its receipt.

(2.) Where—

(a) a processor has been paid bounty in respect of seed cotton delivered by a grower in a year; and

(b) all the seed cotton so delivered was harvested in that year,

the amount of the bounty to be distributed by the processor to that grower is an amount ascertained by multiplying the number of pounds of the seed cotton so delivered by the rate of bounty applicable in respect of seed cotton delivered in that year.

(3.) Where—

(a) a processor has been paid bounty in respect of seed cotton delivered by a grower in a year; and

(b) the seed cotton so delivered was harvested partly in that year and partly in an earlier year,

the amount of the bounty to be distributed by the processor to that grower is the sum of the respective amounts ascertained by multiplying the number of pounds of seed cotton harvested in each of those years by the rate of bounty applicable in respect of seed cotton delivered to the processor in the year in which the seed cotton was harvested.

Records to be kept.

7. For the purposes of the Act and these Regulations a processor shall keep records, in a manner approved by the Collector for the State in which the processor's ginnery is situated, showing—

(a) the number of pounds of seed cotton of each grade delivered to the ginnery of the processor by each grower during each year;

- (b) the year or years in which the cotton so delivered was harvested;
  - (c) the manner of disposal of seed cotton on which bounty is, or, is to be, claimed;
  - (d) the number of pounds of raw cotton of each grade produced from each of the grades used in the production of that raw cotton;
  - (e) the staple lengths of each of the grades of the cotton so produced;
  - (f) the respective quantities of cotton seed, linters and waste arising from the production of raw cotton from seed cotton; and
  - (g) the amount of bounty paid to each grower during each year.
- Penalty: Fifty pounds.

## THE SCHEDULE.

FORM 1.

Regulation 3.

COMMONWEALTH OF AUSTRALIA.

*Cotton Bounty Act 1951-1952.*

### APPOINTMENT OF AUTHORIZED AGENT.

To the Collector of Customs for the State of

I, (a) \_\_\_\_\_, here appoint (b) \_\_\_\_\_  
a specimen of whose signature appears hereunder to be an authorized agent of the abovementioned processor for the purposes of the *Cotton Bounty Act 1951-1952* and the regulations made thereunder.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(d)  
(e)

(c)

(a) Insert name and address of processor.  
(b) Insert name, address and description of authorized agent.  
(c) Signature of processor.  
(d) Signature and address of witness.  
(e) Signature of agent.

FORM 2.

Regulation 4.

COMMONWEALTH OF AUSTRALIA.

*Cotton Bounty Act 1951-1952.*

### NOTICE BY PROCESSOR OF INTENTION TO CLAIM BOUNTY.

To the Collector of Customs for the State of

I, (a) \_\_\_\_\_, hereby give notice that I intend to claim bounty in respect of seed cotton delivered to the ginnery situated at \_\_\_\_\_.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(b)

(a) Insert name and address of processor.  
(b) Signature of processor or authorized agent.

FORM 3.

Regulation 5.

COMMONWEALTH OF AUSTRALIA.

*Cotton Bounty Act 1951-1952.*

### APPLICATION FOR BOUNTY.

To the Collector of Customs for the State of

I, (a) \_\_\_\_\_, hereby make a claim for bounty under the *Cotton Bounty Act 1951-1952* in respect of the seed cotton processed in the ginnery situated at (b) \_\_\_\_\_ during the year 195 \_\_\_\_.

(a) Insert name and address of processor.  
(b) Insert address of ginnery.

## COTTON BOUNTY ACT

## DESCRIPTION AND PARTICULARS OF SEED COTTON.

1. Total quantity of seed cotton of a grade higher than "strict good ordinary" delivered to the ginnery during the year 195 , and processed at the ginnery into raw cotton which has been sold for use in Australia .. .. .lb.
  2. Total quantity of raw cotton produced from that seed cotton .. .. .lb.
  3. Statement showing the various years in which that seed cotton was harvested—
 

| Year.       | Quantity. |
|-------------|-----------|
| 195 .. .. . | lb.       |
| 195 .. .. . | lb.       |
| 195 .. .. . | lb.       |
  4. Net proceeds from the sale of the raw cotton and cotton by-products from that seed cotton .. .. . £
  5. Amount paid to growers for that seed cotton .. .. . £
  6. Calculation of Bounty—
 

|             |         |    |    |    |   |
|-------------|---------|----|----|----|---|
| .....lb. at | per lb. | .. | .. | .. | £ |
| .....lb. at | per lb. | .. | .. | .. | £ |
| .....lb. at | per lb. | .. | .. | .. | £ |
- Amount of Bounty claimed—
- |          |        |    |           |
|----------|--------|----|-----------|
| pence (£ | pounds | .) | shillings |
|----------|--------|----|-----------|

## DECLARATION.

(c) Insert full name, address and occupation of person declaring.  
 (d) Insert "processor" or "authorized agent of the processor".

I, (c)

hereby declare—

- (1) I am the (d) of the seed cotton specified in the foregoing application for bounty.
- (2) All the particulars set out in the foregoing application for bounty are true and correct in every particular.
- (3) The seed cotton specified in this application was of a grade higher than the grade known as "strict good ordinary" and was of good and marketable quality.
- (4) The seed cotton specified in the foregoing application has been processed into raw cotton which has been sold for use in Australia.
- (5) The required records have been kept to enable the bounty specified in the foregoing application to be distributed to growers in accordance with the *Cotton Bounty Act 1951-1952* and the regulations made thereunder.
- (6) Nothing on my part has been done or omitted to be done, and to the best of my knowledge and belief, nothing on the part of any other person has been done or omitted to be done whereby the right of the processor to bounty has been forfeited or taken away.
- (7) To the best of my knowledge and belief no other application for the bounty on the seed cotton referred to in this application has been made, nor has bounty been paid in respect of the seed cotton specified above.

Declared at

this

day of

19 .

(f)

Before me

(g)

(f) Signature of person declaring.  
 (g) Signature and address of witness.



## CUSTOMS ACT 1901-1954

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## CUSTOMS REGULATIONS.\*

## CITATION.

## 1. These Regulations may be cited as the Customs Regulations.\*

\* The Customs Regulations in force under the *Customs Act* 1901-1954 comprise the following Statutory Rules:—

| Year and Number.      | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|-----------------------|------------------------------------------|-----------------------|
| 1926, No. 203 .. .. . | 23rd December, 1926 .. .. .              | 22nd December, 1926   |
| 1927, No. 17 .. .. .  | 15th February, 1927 .. .. .              | 10th February, 1927   |
| 95 .. .. .            | 25th August, 1927 .. .. .                | 1st January, 1928     |
| 121 .. .. .           | 20th October, 1927 .. .. .               | 19th October, 1927    |
| 1928, No. 47 .. .. .  | 9th June, 1928 .. .. .                   | 1st January, 1928     |
| 57 .. .. .            | 28th June, 1928 .. .. .                  | 21st June, 1928       |
| 74 .. .. .            | 2nd August, 1928 .. .. .                 | 26th July, 1928       |
| 95 .. .. .            | 13th September, 1928 .. .. .             | 6th September, 1928   |
| 1929, No. 25 .. .. .  | 14th March, 1929 .. .. .                 | 8th March, 1929       |
| 56 .. .. .            | 30th May, 1929 .. .. .                   | 23rd May, 1929        |
| 127 .. .. .           | 28th November, 1929 .. .. .              | 1st January, 1930     |
| 1930, No. 91 .. .. .  | 14th August, 1930 .. .. .                | 8th August, 1930      |
| 138 .. .. .           | 27th November, 1930 .. .. .              | 30th October, 1930    |
| 140 .. .. .           | 4th December, 1930 .. .. .               | 1st January, 1931     |
| 1931, No. 16 .. .. .  | 26th February, 1931 .. .. .              | 18th December, 1930   |
| 42 .. .. .            | 30th April, 1931 .. .. .                 | 24th April, 1931      |
| 90 .. .. .            | 23rd July, 1931 .. .. .                  | 17th July, 1931       |
| 1932, No. 90 .. .. .  | 1st September, 1932 .. .. .              | 31st August, 1932     |
| 1933, No. 21 .. .. .  | 23rd February, 1933 .. .. .              | 9th February, 1933    |
| 105 .. .. .           | 21st September, 1933 .. .. .             | 21st September, 1933  |
| 106 .. .. .           | 21st September, 1933 .. .. .             | 21st September, 1933  |
| 129 .. .. .           | 30th November, 1933 .. .. .              | 30th November, 1933   |
| 1934, No. 109 .. .. . | 30th August, 1934 .. .. .                | 30th August, 1934     |
| 127 .. .. .           | 11th October, 1934 .. .. .               | 11th October, 1934    |
| 1935, No. 1 .. .. .   | 17th January, 1935 .. .. .               | 2nd May, 1935         |
| 41 .. .. .            | 2nd May, 1935 .. .. .                    | 25th January, 1935    |
| 69 .. .. .            | 18th July, 1935 .. .. .                  | 18th July, 1935       |
| 113 .. .. .           | 14th November, 1935 .. .. .              | 14th November, 1935   |
| 1936, No. 49 .. .. .  | 16th April, 1936 .. .. .                 | 16th April, 1936      |
| 163 .. .. .           | 23rd December, 1936 .. .. .              | 23rd December, 1936   |
| 1938, No. 111 .. .. . | 1st December, 1938 .. .. .               | 1st December, 1938    |
| 1939, No. 157 .. .. . | 23rd November, 1939 .. .. .              | 23rd November, 1939   |
| 1940, No. 203 .. .. . | 19th September, 1940 .. .. .             | 19th September, 1940  |
| 256 .. .. .           | 21st November, 1940 .. .. .              | 21st November, 1940   |
| 1946, No. 127 .. .. . | 1st August, 1946 .. .. .                 | 1st August, 1946      |
| 161 .. .. .           | 8th November, 1946 .. .. .               | 8th November, 1946    |
| 1947, No. 29 .. .. .  | 28th February, 1947 .. .. .              | 28th February, 1947   |
| 83 .. .. .            | 26th June, 1947 .. .. .                  | 1st July, 1947        |
| 94 .. .. .            | 29th July, 1947 .. .. .                  | 29th July, 1947       |
| 152 .. .. .           | 24th October, 1947 .. .. .               | 24th October, 1947    |
| 1948, No. 156 .. .. . | 9th December, 1948 .. .. .               | 9th December, 1948    |
| 1949, No. 34 .. .. .  | 16th June, 1949 .. .. .                  | 16th June, 1949       |
| 78 .. .. .            | 13th October, 1949 .. .. .               | 13th October, 1949    |
| 95 .. .. .            | 25th November, 1949 .. .. .              | 25th November, 1949   |
| 111 .. .. .           | 1st December, 1949 .. .. .               | 1st December, 1949    |
| 1950, No. 17 .. .. .  | 30th March, 1950 .. .. .                 | 30th March, 1950      |
| 1951, No. 34 .. .. .  | 30th April, 1951 .. .. .                 | 30th April, 1951      |
| 38 .. .. .            | 30th April, 1951 .. .. .                 | 30th April, 1951      |
| 71 .. .. .            | 6th July, 1951 .. .. .                   | 6th July, 1951        |
| 99 .. .. .            | 10th September, 1951 .. .. .             | 5th September, 1951   |
| 106 .. .. .           | 18th September, 1951 .. .. .             | 5th September, 1951   |
| 109 .. .. .           | 26th September, 1951 .. .. .             | 27th September, 1951  |
| 159 .. .. .           | 12th December, 1951 .. .. .              | 1st January, 1952     |
| 1952, No. 96 .. .. .  | 6th November, 1952 .. .. .               | 6th November, 1952    |
| 1953, No. 102 .. .. . | 27th November, 1953 .. .. .              | 27th November, 1953   |
| 1954, No. 21 .. .. .  | 18th March, 1954 .. .. .                 | 18th March, 1954      |
| 1955, No. 15 .. .. .  | 15th February, 1955 .. .. .              | 15th February, 1955   |
| 32 .. .. .            | 19th May, 1955 .. .. .                   | 19th May, 1955        |
| 66 .. .. .            | 29th September, 1955 .. .. .             | 29th September, 1955  |
| 1956, No. 71 .. .. .  | 4th October, 1956 .. .. .                | 4th October, 1956     |
| 83 .. .. .            | 20th November, 1956 .. .. .              | 30th October, 1956    |
| 91 .. .. .            | 14th December, 1956 .. .. .              | 14th December, 1956   |
| 127 .. .. .           | 24th December, 1956 .. .. .              | 24th December, 1956   |

Statutory Rules 1927, No. 95 were cancelled by Statutory Rules 1928, No. 47, as from 1st January, 1928.

**Rr. 1A-5****DEFINITION.****Inserted by  
1955, No. 15.**1A. In these Regulations, "the Act" means the *Customs Act* 1901-1954.**Sec. 14.****THE CUSTOMS FLAG.****Amended by  
1955, No. 15.**

2. The Customs flag shall be the Australian National Flag, with the addition in the fly of the letters "H.M.C." in white in bold character.

**Sec. 15.****WHARFS.—SECURITY.**

3.—(1.) The owner of any wharf, or any person having the control of a wharf, in respect of which security has not been furnished at the commencement of this regulation shall, when required by the Collector, furnish security, for the protection of the revenue, in accordance with Form 67 or 68 as the case requires.

(2.) The security to be given in respect of a wharf shall be for such amount as the Collector of Customs for the State in which the wharf is situate deems necessary.

(3.) In respect of wharfs in actual use at the commencement of this regulation, such security shall be furnished to the Customs within sixty days from the commencement of this regulation.

(4.) Any wharf-owner, or person having the control of a wharf, who fails to comply with the provisions of this regulation shall be liable to a penalty not exceeding £50, and such failure shall be good ground for the cancellation of the appointment of the wharf as a wharf within the meaning of the *Customs Act* 1901-1925.

**Sec. 17.****SUFFERANCE WHARFS.—SECURITY.**

4. Proprietors or lessees of sufferance wharfs shall, when required by the Collector, furnish security for the protection of the revenue, in accordance with Form 67 or 68 as the case requires.

**Heading and  
Reg. 4A inserted  
by 1947, No. 94.****AIRCRAFT.—SECURITY.**

4A. The owner or operator of an aircraft shall, when required by the Collector, furnish security for the protection of the revenue in accordance with Form 68A.

**Sec. 20.****LICENSING OF CARRIAGES, BOATS AND  
LIGHTERS.****Substituted by  
1955, No. 15.**

5.\*—(1.) The owner or hirer of a carriage, boat or lighter may make application to a Collector for the grant of a licence in respect of the carriage, boat or lighter.

(2.) The application shall be in writing and shall be accompanied by the prescribed fee.

(3.) An applicant shall, if the Collector so requires, produce evidence to the satisfaction of the Collector that the applicant is the owner or hirer of the carriage, boat or lighter.

(4.) The Collector may, in his discretion, grant or refuse the application.

\* This regulation was substituted by sub-regulation (1.) of regulation 3 of Statutory Rules 1955, No. 15. Sub-reg. (2.) of that regulation reads as follows:—

"(2.) A licence granted under the provisions of the Customs Regulations repealed by the provisions of the last preceding sub-regulation and in force immediately before the commencement of this regulation shall be deemed to be a licence granted under the Customs Regulations as amended by the last preceding sub-regulation."

**Rr. 6-11**

**6.\*** If the application is granted and the applicant furnishes security in such form and in such amount as the Collector approves, the Collector shall issue a licence to the applicant. Substituted by  
1955, No. 15.

**7.\*** A Collector may grant one licence in respect of all carriages, boats or lighters owned or hired by one person. Substituted by  
1955, No. 15.

**8.\*** The licence shall—

Substituted by  
1955, No. 15.

- (a) in the case of a licence for a carriage—be in accordance with Form 58; and
- (b) in the case of a licence for a boat or lighter—be in accordance with Form 59.

**9.\*—(1.)** There shall be payable in respect of each licence granted— Substituted by  
1955, No. 15.

- (a) on or before the thirtieth day of June in any year—a fee of Five shillings; and
- (b) on or after the first day of July in any year—a fee of Two shillings and sixpence,

for each carriage, boat or lighter in respect of which the licence is granted.

(2.) There shall be payable in respect of each licence in force on the first day of January in any year a fee of Five shillings for each carriage, boat or lighter in respect of which the licence is in force.

(3.) The fee referred to in the last preceding sub-regulation is payable on the first working day in January, and, if it is not paid on or before that date, the Collector may, by order in writing, cancel the licence.

**10.\*** Where any goods subject to the control of the Customs are being conveyed in a licensed carriage, boat or lighter, the person in charge of the carriage, boat or lighter shall proceed with it as quickly and directly as possible to the place appointed for the landing or discharge of the goods and shall deliver them intact to the proper officer, together with any Customs documents delivered to him in connexion with the goods. Substituted by  
1955, No. 15.

Penalty: Twenty pounds.

**11.\*—(1.)** The Collector shall—

Substituted by  
1955, No. 15.

- (a) assign to each licensed carriage, boat or lighter a separate licence number; and
- (b) issue to the licensee of each licensed carriage a number-plate bearing a reproduction of a Crown, the letters "H.M.C." and the number so assigned.

(2.) The licensee of a carriage shall—

- (a) cause his name to be prominently, legibly and indelibly painted on the carriage; and
- (b) cause the number-plate issued in respect of the carriage to be securely affixed to the carriage.

Penalty: Fifty pounds.

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\* See footnote \* on previous page.

**Rr. 12-19**

(3.) The licensee of a boat or lighter shall cause the name of the boat or lighter, the letters "H.M.C." and the licence number to be prominently, legibly and indelibly painted on the boat or lighter.

Penalty: Fifty pounds.

(4.) A licensed carriage number-plate remains the property of the Commonwealth.

**Substituted by  
1955, No. 15.**

**12.\*—**(1.) If a licensed carriage ceases to be licensed, the person to whom the licence in respect of the carriage was granted shall forthwith return the licensed carriage number-plate to the Collector.

Penalty: Fifty pounds.

(2.) If a licensed boat or lighter ceases to be licensed, the person to whom the licence in respect of the boat or lighter was granted shall forthwith obliterate, or cause to be obliterated, the licence number and the letters "H.M.C." painted on the boat or lighter.

Penalty: Fifty pounds.

(3.) A person shall not, without the permission in writing of the Collector, affix to a carriage a licensed carriage number-plate not issued in respect of a licence granted for the carriage.

Penalty: Fifty pounds.

**Substituted by  
1955, No. 71.**

**13.—**(1.) If a licensed carriage, boat or lighter is sold or rendered unfit for the carriage of goods subject to the control of the Customs, the licensee of the carriage, boat or lighter shall not convey in the carriage, boat or lighter any goods subject to the control of the Customs.

Penalty: Twenty pounds.

(2.) If a licensed carriage, boat or lighter is sold, rendered unfit for the carriage of goods subject to the control of the Customs or lost, the licensee of the carriage, boat or lighter shall forthwith return the licence to the Collector for cancellation or correction, as the case may be.

Penalty: Twenty pounds.

**Substituted by  
1955, No. 15.**

**14.\*** Where a licensed carriage number-plate has been lost, the licensee of the carriage shall immediately notify the Collector in writing of the loss of the plate.

Penalty: Fifty pounds.

**Regs. 15 to 18  
(inclusive)  
repealed by  
1955, No. 15.**

|   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * | * | * |
| * | * | * | * | * | * | * | * | * |
| * | * | * | * | * | * | * | * | * |

**Sec. 28. WORKING DAYS AND HOURS.**

**19.—**(1.) The working days and hours of the Customs shall be as follows:—

**DAYS.**

All days except Sundays and Public Holidays.

**HOURS.**

*Outdoor.*—For the loading on or discharge of goods from ships or aircraft, and delivery and receipt according to entry of goods subject to the control of the Customs—8 a.m. to 5 p.m. Provided that in regard to any State or Territory or part of a State or Territory the Minister may by order vary the working hours.

*Indoor.*—9 a.m. to 4.45 p.m.

On Saturday, work shall cease at noon.

**Sub-reg. (1.)  
amended by  
1928, No. 57;  
1949, No. 111;  
and 1955,  
No. 15.**

\* See footnote \* on p. 1642 *supra*.

## Rr. 20-23

(2.) Notwithstanding anything contained in the last preceding sub-regulation— Added by 1947, No. 29.

- (a) the working days of the Customs shall, if the Collector so directs, be Monday to Friday (not including Public Holidays); and
- (b) the working hours shall be such hours as the Collector directs, but shall not commence before 7 a.m. on any day.

20. The Comptroller may by order require, in regard to any particular port, that the discharge of cargo entered for warehousing shall cease at any time during the working hours, in order to enable the goods discharged to be received before the conclusion of working hours into the warehouses for which they are entered.

21. The Collector may grant permits to load, discharge, deliver, or receive goods before or after working hours on any working day, and permits so granted may be in accordance with Form 35.

## Sec. 29.

## OVERTIME RATES.

22.—(1.) Notwithstanding anything contained in these Regulations, when work is permitted before or after working hours, or on any Sunday or holiday, the rate to be charged for the services of an officer is Fifteen shillings per hour or part of an hour. Sub-reg. (1.) substituted by 1951, No. 71; amended by 1952, No. 96; 1954, No. 21; 1955, No. 66; and 1956, No. 127.

(2.) There shall be included in the time worked by an officer before or after working hours, or on any Sunday or holiday, the time reasonably occupied by him in proceeding to and from the place of work. Sub-reg. (2.) substituted by 1951, No. 71.

22A. For the purposes of the last four preceding regulations “public holiday” or “holiday” means any day observed as a holiday in the Public Service of the Commonwealth in pursuance of section seventy-six of the *Commonwealth Public Service Act* 1922-1947. Inserted by 1948, No. 156.

## Sec. 30 (d).

PRESCRIBED PLACES FOR THE RECEPTION OR  
MANUFACTURE OF GOODS FOR EXPORT.

23. The following places shall be prescribed places for the purposes of paragraph (d) of section thirty of the *Customs Act* 1901-1947:— Substituted by 1948, No. 156.

- (a) Wharfs and aerodromes appointed in pursuance of section fifteen of the *Customs Act* 1901-1947; and
- (b) Places appointed, in pursuance of any regulations under the *Customs Act* 1901-1947 and the *Commerce (Trade Descriptions) Act* 1905-1933, to be places where goods intended for export may be inspected and examined.

**R. 24****Sec. 41.****IMPORTATION OF PERSONAL BAGGAGE OF PASSENGERS  
WITHOUT ENTRY.**

Substituted by  
1955, No. 32.

**24.**—(1.) The conditions subject to which the personal baggage of a passenger in any ship or aircraft, not being dutiable goods, may be imported without entry are as follows:—

- (a) the passengers shall make a declaration in accordance with the appropriate form setting out—
  - (i) the number and description of the packages comprised in the personal baggage;
  - (ii) the description of all goods contained in the personal baggage—
    - (A) which are intended for gift, sale, exchange or trade;
    - (B) which are landed for some other person; or
    - (C) which are not his personal effects;
  - (iii) the particulars specified in the form in relation to those goods; and
  - (iv) in the case of a passenger in a ship—the particulars specified in the form in relation to all other goods, being goods of a kind specified in the form, which he is importing in the ship, whether or not the goods are contained in the personal baggage;
- (b) the baggage shall be unshipped only by authority, shall be landed only at a landing place and shall not be removed from the place of examination except by authority; and
- (c) the baggage of each passenger shall be unshipped as soon as practicable after the arrival of the ship or aircraft at the port or airport, as the case may be, of destination of the passenger and shall not be permitted to remain on board during the convenience of the passenger.

(2.) The last preceding sub-regulation does not require a married woman who is travelling with her husband and is disembarking at the same port or airport, or a child under the age of eighteen years, to make a declaration relating to her or his personal baggage or, in the case of a passenger in a ship, other specified goods which she or he is importing in the ship, but the personal baggage of the married woman or child, not being dutiable goods, may be imported without entry if—

- (a) in the case of the married woman, the husband; or
- (b) in the case of a child travelling with his parent or guardian, the parent or guardian,

includes in the declaration made by him the particulars relating to the personal baggage and, in the case of a passenger in a ship, the specified goods, of the married woman or child.

(3.) Where the Collector is satisfied that, by reason of illiteracy or any other sufficient reason, a passenger is unable to make the declaration referred to in sub-regulation (1.) of this regulation, the personal baggage of the passenger, not being dutiable goods, may be imported without entry and without the passenger making the declaration.

R. 25

(4.) In this regulation—

“personal effects” means personal effects as prescribed by departmental by-laws for the purpose of sub-item (A) of Item 409 of the *Customs Tariff* 1933-1954 or that sub-item as proposed to be altered by a Customs Tariff alteration proposed in Parliament;

“the appropriate form” means—

- (a) in the case of a passenger in a ship—Form 5A; and
- (b) in the case of a passenger in an aircraft—Form 5B.

**Secs. 42 to 48.**

**DEPOSITS BY SUBSCRIBERS TO CUSTOMS SECURITIES.**

**25.—(1.)** Any subscriber to a Customs Security may deposit with the Collector— Sub-reg. (1.)  
amended by  
1933, No. 105.

Cash; and/or

Commonwealth Bonds; and/or

Negotiable instruments approved by the Collector—

of a value equal to the full amount of the liability stated in the security.

(1AA.) A requirement made under section 216 of the Act may be in accordance with Form 45AA. Inserted by  
1951, No. 106.

(1A.) Where, in pursuance of section 216 of the Act, the Collector has required from the owner of any goods proof that the goods are owned as claimed and are properly described valued or rated for duty, the Collector may, before delivering the goods or passing any entry in relation thereto, require and take security for compliance with the Act and generally for the protection of the revenue of the Customs by a cash deposit in accordance with this regulation of such amount as he considers necessary, accompanied by a memorandum in accordance with Form 45A. Inserted by  
1935, No. 113.

(2.) If the Collector obtains judgment against the subscriber in a suit upon the Customs Security the Collector may appropriate so much of the deposit as is sufficient to satisfy the judgment and costs. If the deposit is not sufficient to satisfy fully the judgment and costs the Collector may exercise all powers of enforcing the judgment by execution or otherwise to obtain payment of the balance remaining due under the judgment.

(3.) Whenever the right to appropriate a deposit arises under this regulation, the Collector may (if the deposit or any part thereof is not cash) dispose of the deposited Bonds or negotiable instruments or any of them by auction or private sale or otherwise in such manner as in his opinion is most favorable to the subscriber, and the net proceeds of such disposition shall for all the purposes of this regulation be deemed to have been a deposit of cash by the subscriber, and may be appropriated wholly or partly accordingly. Amended by  
1933, No. 105.

(4.) A certificate signed by the Collector stating the Bonds or negotiable instruments disposed of and the net proceeds of such disposition shall be proof of the matter stated. Amended by  
1933, No. 105.

**Rr. 31-32**

(5.) Any portion of the deposit appropriated as aforesaid shall become the property of the Commonwealth absolutely.

(6.) When the Customs Security expires or is cancelled, discharged, released or satisfied, the subscriber shall be entitled to a return of so much (if any) of the deposit as shall not have been appropriated under this regulation.

Amended by  
1933, No. 105.

(7.) When Bonds or negotiable instruments bearing interest are deposited under this regulation the subscriber shall be entitled to collect as it falls due and retain any interest payable thereon before the bonds or instruments are disposed of by the Collector under this regulation.

Amended by  
1933, No. 105.

(8.) If any deposited Bonds or negotiable instruments are not payable to bearer the subscriber shall at the time of the deposit lodge with the Collector duly executed transfers or assignments thereof in such form as will enable the Collector to effectually dispose thereof, and shall at the request of the Collector execute any transfers or assignments the Collector may from time to time deem necessary or convenient to enable him to effectually dispose thereof.

Regs. 26-30  
repealed by  
1956, No. 91.

\* \* \* \* \*

### SIGNAL WHEN REQUIRING SERVICES OF A CUSTOMS OFFICER.

**31.** The Master of a ship, who requires the services of a Customs officer on board his ship, shall hoist the British Union Jack at the peak; but if that flag is not on board he shall hoist in lieu thereof the code flag D, in the International Code of Signals (formerly Marryat, No. 2).

Notification  
of arrival.

Inserted by  
1947, No. 152.

**31A.** The master of every ship and the pilot of every aircraft arriving from overseas shall give to the Customs officer in charge of the port or aerodrome three hours' notice of his expected time of arrival at the first stopping place in the Commonwealth.

### IMPORTATION.

Sub-heading  
substituted by  
1951, No. 71.

Inwards reports  
of ships and  
aircraft.

Substituted by  
1947, No. 152.

Sub-reg. (1.)  
amended by  
1949, No. 78.

**Sec. 64.****INWARD REPORT OF SHIP OR AIRCRAFT.**

**32.—**(1.) The report required by section 64 of the Act shall be in accordance with Form 1 (Ships) or Form 1A (Aircraft). Application to amend the inward manifest report of a vessel shall be in accordance with Form 2. A list of stores shall be furnished with Form 1 and shall be in accordance with Form 3. A list of aircraft stores, where required, shall be shown on Form 1A. A list of customable articles and opium owned by, or in the possession of, the master, officers and crew of the ship or aircraft shall also accompany Form 1 and 1A and shall be in accordance with Form 5.

(2.) Where stores are consumed in Australian ports or in Australian waters or between Australian aerodromes, particulars of all stores so consumed shall, where required, be furnished by the Master of the ship or the Pilot of the aircraft on Form 3 or in such form as the Collector directs.



**Rr. 33-39**

**ENTRY OF GOODS.**

**33.** When any person makes an entry of imported goods, he shall, on demand by an officer, produce the genuine invoice for the goods, which invoice shall be stamped with the Customs stamp and initialed by the officer.

**DECLARATIONS AS TO VALUE OF GOODS FOR HOME CONSUMPTION.**

**34.—(1.)** Invoices for goods imported from all countries whether the goods are free of duty or subject to duty shall be in accordance with Form 7. Form of invoice.  
Sub-reg. (1.)  
substituted by  
1936, No. 49.

(2.) In the case of goods for which the benefit of rates of duty lower than the Intermediate Tariff is claimed, the invoice shall have a declaration in accordance with Form 9 and, subject to the provisions of sub-regulation (3.) of this regulation, in the case of all other goods, a declaration in accordance with Form 8 written, typewritten or printed thereon and duly completed, signed and witnessed. Amended by  
1936, No. 163.

(3.) In the case of goods for which the benefit of the Intermediate Tariff is claimed, the invoice shall have in addition to the declaration in Form 8 prescribed by sub-regulation (2.) of this regulation, a declaration written, typewritten or printed thereon, and duly signed and witnessed, that each article on the invoice is bona fide the produce or manufacture of the country specified on the invoice as its country of origin, provided, however, at the discretion of the Collector, this requirement may be waived in respect of— Inserted by  
1936, No. 163.

- (a) goods which are accompanied by a certificate of origin required for the purposes of any other Commonwealth Act or Regulation, or by other trustworthy documents in proof of origin;
- (b) goods whose nature clearly establishes their origin; or
- (c) goods which are imported within six months of this sub-regulation coming into force.

**Secs. 69-71.**

**35.** Sight entries shall be in accordance with Form 10.

**36.** When a sight entry is tendered for part of the contents of an outside package, it must be accompanied by a declared entry for the remainder of the contents of the package.

**Sec. 68.**

**37.** Entries for home consumption shall be in accordance with Form 11. On the declared copy of the entry the total number of packages must be stated in words.

**38.** Entries for warehousing shall be in accordance with Form 12, and the total number of packages must be stated in words on the declared copy of the entry.

**39.—(1.)** Goods sent to a warehouse shall be accompanied by a cart note in triplicate— Substituted by  
1951, No. 106.

- (a) in the case of unentered goods, in accordance with Form 18;
- or

- (b) in the case of other goods, in accordance with Form 13.

(2.) The receiving officer shall return one copy of the cart note, duly receipted, to the officer by whom it was issued.

**Rr. 40-41**

**40.**—(1.) Transhipment entries shall be in accordance with Form 14. The total number of packages must be stated in words.

Amended by  
1948, No. 156.

(2.) In the case of transhipment a security shall be given in such amount as the Collector requires. Such security shall be in accordance with Form 73 unless the transaction is covered by security already given in Form 68A, 76 or 77.

**GOODS ENTERED UNDER DEPARTMENTAL BY-LAWS SUBJECT TO SECURITY.**

Sub-reg. (1.)  
amended by  
1933, No. 105;  
and 1956,  
No. 91.

**41.**—(1.) Where any goods are entered for home consumption “under security” or “subject to security” pursuant to a Departmental By-law made under any item of the *Customs Tariff* 1921-1926 or of that Tariff as subsequently amended, the person who entered the goods shall—

- (a) at all times keep use deal with and dispose of the goods solely for the purpose stated in the entry and in accordance with the By-law; and
- (b) keep and whenever so required by an officer produce for inspection accounts and records of the goods properly written up in such form and containing such particulars as the Collector requires; and
- (c) whenever so required by an officer produce for inspection the goods and any articles in connexion with the manufacture of which the goods have been used or account for such goods or articles to the satisfaction of the Collector; and
- (d) produce to and to the satisfaction of the Collector within twelve months from the date of the entry or such further time as the Collector may in writing allow evidence that the goods have been used kept dealt with or disposed of in accordance with the terms of the By-law and the entry; and
- (e) give security to the satisfaction of the Collector in Form 71 or 72 in such amount as the Collector requires; and
- (f) in the event of any alteration in the name or address or ownership or control of his business or if he ceases to carry on business—give to the Collector written notice of the fact within seven days after the date on which such alteration or cessation takes place.

Penalty—Twenty pounds.

(2.) The goods shall continue to be subject to the control of the Customs until every obligation provision and condition contained in or imposed by the Act, the Regulations, the By-law, the entry and the security and applicable to the goods have been observed, performed and complied with to the satisfaction of the Collector.

(3.) A security under this regulation may be given either in respect of the goods specified in a particular entry or generally in respect of all goods entered within a period to be specified in the Security.

(4.) The Collector may release the goods or any portion of the goods and the owner thereof from the obligations imposed by this regulation, the By-law, the entry, and the security upon receipt of the full amount of duty which would have been payable on the importation of the goods or the portion of the goods if the goods or the portion of the goods had not been entered in accordance with the Tariff item pursuant to which the By-law was made.

**Rr. 42-48**

**DELIVERY FOR TRANSHIPMENT OR TRANSFER UNDER TRANSIT PERMIT.**

**42.** On delivering goods for transshipment or transfer under transit permit to a licensed carriage, boat, or lighter, the officer attending the importing ship shall fill up and sign a cart, boat, or lighter note in accordance with Form 13, two copies of which shall be taken with the goods by the person in charge of the carriage, boat, or lighter, who shall deliver such copies to the Customs officer on duty at the ship, or railway, in or by which the goods are to be exported or transferred. One copy of the cart, boat, or lighter note, duly receipted, shall be returned by the receiving officer to the officer by whom it was issued. Amended by  
1951, No. 106.

**Sec. 72. TIME FOR MAKING ENTRIES.**

**43.** Entries shall be made in the case of a steamer within one, and in the case of a sailing ship within two, clear working days from the date of the ship's report inwards, or within such extended time as the Collector directs.

**REMOVAL OF GOODS TO KING'S WAREHOUSE.**

**44.** Where goods are removed to a King's warehouse a cart note, in accordance with Form 18 shall be used.

**Sec. 74. UNSHIPMENT WITHOUT ENTRY.**

**45.—(1.)** The Collector's permit to unship goods before entry is passed shall be in accordance with Form 6.

**(2.)** Goods may be unshipped from an aircraft before entry is passed where the owner or operator of the aircraft has furnished security in accordance with Form 68A. Added by  
1947, No. 94.

**TRANSIT PERMITS.**

**46.** When the owner of any goods in any ship which has arrived in any port from beyond the seas desires to transfer the goods by land, sea or air to any other port of the Commonwealth, the owner shall obtain a transit permit in accordance with Form 20, and shall give security in such amount as the Collector requires. Security shall be in accordance with Form 74, unless the transaction is covered by security already given in Form 68A, 75, 76 or 77. Amended by  
1948, No. 156;  
and by 1951,  
No. 106.

**47.** Goods discharged from a ship, pursuant to a transit permit, shall, if not immediately laden in the ship or other conveyance in which they are intended to be carried, be secured in such manner as the Collector directs.

**48.—(1.)** The person taking out a Transit Permit shall, so soon as any of the goods have been shipped or otherwise forwarded, deliver to the Collector duplicate copies of a Despatch Note, in accordance with Form 23, properly filled in, and receipted by the Chief Officer of the receiving ship, or other person responsible for the conveyance of the goods to their destination.

**(2.)** The Collector shall, if the conveyance is by sea, post one copy to the Collector at the port of destination of the goods, or, if the goods are, in course of transit, to be transferred to another vessel, to the Collector at the port of transfer, and shall cause the other copy to be attached to the ship's clearance.

**Rr. 49-49A**

(3.) The Collector at the port to which one copy of the Despatch Note is posted shall retain that copy, and return to the Collector at the port of despatch the copy originally attached to the ship's clearance, with an indorsement showing the receipt or non-receipt of the goods, as the case may be.

(4.) If, in the course of transit, the goods are transferred to another vessel, fresh despatch notes must be made out at the port of transfer, and dealt with as prescribed in sub-clauses (2.) and (3.)

(5.) If the conveyance is by land, the copies of the Despatch Note shall be posted (by different mails) to the Collector at the place of final destination, who will deal with them as prescribed in sub-clause (3.).

(6.) On arrival at the port of destination, the goods shall forthwith be entered for home consumption, warehousing, or transhipment.

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**WAREHOUSING AND WAREHOUSES.**

**SECURITY.**

**49.** Before a licence for a warehouse is granted, security in accordance with Form 78 shall be given to the satisfaction of the Collector.

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**IMPROPER USE OF CERTAIN WORDS IN CONNEXION WITH WAREHOUSES.**

Inserted by  
1932, No. 90.

**49A.**—(1.) No person shall, unless the holder of a licence granted under Part V. of the *Customs Act* 1901-1930, assume or use in connexion with his trade, business, calling or profession any words which would reasonably lead to the belief that his trade, business, calling or profession is being carried on under any such licence.

Penalty: Twenty pounds.

(2.) Without limiting the preceding sub-regulation, any person who, not being the holder of a licence referred to in that sub-regulation—

- (a) places, or suffers or permits to be placed, on the building in which he carries on his trade, business, calling or profession; or
- (b) uses in any advertisement or sign published or displayed in connexion with his trade, business, calling or profession; or
- (c) uses on any document, as a description of his trade, business, calling or profession; or
- (d) uses as the name or part of the name of any firm or company registered in Australia,

the words “Bonded Warehouse” or “Bonded Store” or “Bond” or any words so nearly resembling them as to be likely to deceive, whether alone or in conjunction with any other words, shall be deemed to be guilty of an offence against that sub-regulation.

**Rr. 50-54**

**Sec. 80.**

**SCALE OF FEES FOR WAREHOUSES TO BE PAID BY LICENSEES.  
GENERAL AND PRIVATE WAREHOUSES.**

**50.\*** In Sydney, Melbourne, Brisbane, Hobart, Adelaide and Port Adelaide, Perth and Fremantle, the annual fees to be charged for licences for general and private warehouses shall be as follows:—

Amended by  
1930, No. 140;  
1951, No. 159;  
and 1953,  
No. 102.

|                                                                                                                  |     |
|------------------------------------------------------------------------------------------------------------------|-----|
|                                                                                                                  | £   |
| (a) Where the whole services of a locker are required .. ..                                                      | 550 |
| (b) Where the whole services of more than one locker are required, for each additional locker after the first .. | 400 |
| (c) Where the half services only of a locker are required ..                                                     | 275 |
| (d) Where the whole or half the services of a locker are not required—                                           |     |
| (1) For warehouses having a tonnage capacity under 250 tons .. .. .                                              | 50  |
| (2) For warehouses having a tonnage capacity of 250 tons and under 500 tons .. ..                                | 75  |
| (3) For warehouses having a tonnage capacity of 500 tons and under 1,000 tons .. ..                              | 100 |
| (4) For warehouses having a tonnage capacity of 1,000 tons and over .. .. .                                      | 125 |

**51.** In places other than those above specified, the annual licence-fees for general and private warehouses shall be as follow:—

Amended by  
1930, No. 140;  
and by 1951,  
No. 159.

|                                                                                                                                                       |     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|                                                                                                                                                       | £   |
| (1) Where the whole services of a locker are required ..                                                                                              | 400 |
| (2) Where the half services of a locker are required ..                                                                                               | 250 |
| (3) Where the whole or half services of a locker are not required, three-fourths of the tonnage scale of fees prescribed in the preceding regulation. |     |

**52.** The tonnage capacity of each warehouse shall be calculated at the rate of 40 cubic feet to the ton, but so that, except in the case of tanks for the storage of liquids, not more than 10 feet above the level of each floor shall be included in the tonnage capacity.

Amended by  
1930, No. 91.

**53.** The annual fee to be charged for licences, as general or private warehouses, of magazines, floating or otherwise, to be used for the purpose of storing explosives only, shall be £1 10s.

**53A.** The annual fee to be charged for a licence, as a private warehouse, of a spirit store on wine-maker's premises to be used for the purpose of storing spirits for fortifying Australian wines the property of the licensee, shall be Three pounds.

Inserted by  
1927, No. 17.

**53B.** The fee payable by the licensee of a private warehouse which is situated on the licensee's premises and is used solely for the purpose of storing goods approved by the Minister, shall be Five pounds per annum.

Inserted by  
1938, No. 111;  
amended by  
1940, No. 203.

**54.** Where the whole or half the services of a locker are not required, the fees payable by a licensee for the services of a locker, when required, shall be at the rate of Eight shillings per hour or part of an hour during which the services of the locker are required plus the expenses (if any) incurred by the locker in travelling to and from the warehouse.

Substituted by  
1950, No. 17;  
amended by  
1953, No. 102.

\* By virtue of regulation 1 of Statutory Rules 1953, No. 102, the amendment made to this regulation by those Statutory Rules came into operation on 31st December, 1953.

## Rr. 55-57

## MACHINERY WAREHOUSES.

Sub-reg. (1.)  
amended by  
1930, No. 140;  
1951, No. 159;  
and 1953,  
No. 102.

**55.\***—(1.) Except as provided in regulation 56, the annual fees to be charged for licences for machinery warehouses in Sydney, Melbourne, Brisbane, Hobart, Adelaide and Port Adelaide, Perth and Fremantle, shall be as follow:—

|                                                                                                                  | £   |
|------------------------------------------------------------------------------------------------------------------|-----|
| (a) Where the whole services of a locker are required ..                                                         | 550 |
| (b) Where the whole services of more than one locker are required, for each additional locker after the first .. | 400 |
| (c) Where the half services only of a locker are required ..                                                     | 275 |

Amended by  
1930, No. 140;  
and 1951,  
No. 159.

(2.) Except as provided in regulation 56, the annual licence-fees for machinery warehouses in places other than those specified above shall be as follow:—

|                                                              | £   |
|--------------------------------------------------------------|-----|
| (a) Where the whole services of a locker are required ..     | 400 |
| (b) Where the half services only of a locker are required .. | 250 |

Substituted by  
1950, No. 17.  
Sub-reg. (1.)  
amended by  
1951, No. 159.

**56.**—(1.) At all places where the whole or half the services of a locker are not required, the annual licence-fee shall be in accordance with whichever of the following fees is applicable:—

|                                                                                       | £  | s. | d. |
|---------------------------------------------------------------------------------------|----|----|----|
| (a) For warehouses having a tonnage capacity of under 250 tons .. .. .                | 25 | 0  | 0  |
| (b) For warehouses having a tonnage capacity of 250 tons and under 500 tons .. .. .   | 35 | 0  | 0  |
| (c) For warehouses having a tonnage capacity of 500 tons and under 1,000 tons .. .. . | 50 | 0  | 0  |
| (d) For warehouses having a tonnage capacity of 1,000 tons or more .. .. .            | 55 | 0  | 0  |

Amended by  
1953, No. 102.

(2.) In addition, the licensee shall pay for the services of a locker, when required, at the rate of Eight shillings per hour or part of an hour during which the services of a locker are required plus the expenses (if any) incurred by the locker in travelling to and from the warehouse.

## MANUFACTURING WAREHOUSES.

Sub-reg. (1.)  
amended by  
1930, No. 140;  
1951, No. 159;  
and 1953,  
No. 102.

**57.\***—(1.) Except as provided in regulation 58, the annual fees to be charged for licences for manufacturing warehouses in Sydney, Melbourne, Brisbane, Hobart, Adelaide and Port Adelaide, Perth and Fremantle, shall be as follow:—

|                                                                                                                       | £   |
|-----------------------------------------------------------------------------------------------------------------------|-----|
| (a) Where the whole services of a locker are required ..                                                              | 550 |
| (b) Where the whole services of more than one locker are required, for each additional locker after the first .. .. . | 400 |
| (c) Where the half services only of a locker are required ..                                                          | 275 |

Amended by  
1930, No. 140;  
and 1951,  
No. 159.

(2.) Except as provided in regulation 58, the annual licence-fees for manufacturing warehouses, in places other than those above specified, shall be as follow:—

|                                                              | £   |
|--------------------------------------------------------------|-----|
| (a) Where the whole services of a locker are required ..     | 400 |
| (b) Where the half services only of a locker are required .. | 250 |

\* See footnote \* on previous page.

**Rr. 58-60**

**58.** At all places where the whole or half the services of a locker are not required the following fees shall be paid—

*Substituted by 1927, No. 17; amended by 1933, No. 105; 1950, No. 17; 1951, No. 71; and 1953, No. 102.*

- (a) in the case of a manufacturing warehouse where the fortification of wine only is carried on—an annual licence fee of One pound ten shillings, and Eight shillings for each hour or part of an hour during which the services of an officer are required in connexion with the casking or bottling and casing of wine for export, plus the expenses (if any) incurred by the officer in travelling to and from the warehouse;
- (b) in the case of other manufacturing warehouses—an annual licence-fee of Seven pounds ten shillings, and Eight shillings for each hour or part of an hour during which the services of a locker are required plus the expenses (if any) incurred by the locker in travelling to and from the warehouse.

**59.—(1.)** Any factory licensed under the Excise Acts, as a factory wherein tobacco, cigars, cigarettes, and snuff are manufactured for export, may also be licensed as a manufacturing warehouse.

(2.) The annual fee chargeable for such licence shall be £7 10s.

(3.) Such licence shall have effect so long only as the Excise licence is in force.

**PAYMENT OF FEES.**

**60.—(1.)** The annual fees for warehouses shall be paid by the licensee by equal quarterly payments in advance on the first working day of January, April, July and October in each year.

(2.) Where a licence is issued during a quarter, payment in respect of that quarter shall be proportionate to the remaining period of that quarter and, together with the payment for the next succeeding quarter, shall be made in one payment in advance.

(3.) The fees for locker's services shall be paid by the licensee monthly.

(3A.) Where the attendance by a locker is provided without expense to the Department, the Collector may waive the payment of the fees prescribed by regulations 54, 56, 58 and 61 of these Regulations for the services of the locker.

*Inserted by 1950, No. 17; amended by 1955, No. 15.*

(3B.) All questions as to the number of lockers required and the time during which their services are required shall be determined by the Collector.

*Inserted by 1950, No. 17; amended by 1955, No. 15.*

(3C.) A licensee who requires the services of a locker shall give to the Collector at least six working hours' notice of his requirements.

*Inserted by 1950, No. 17.*

(4.) If a licence is surrendered after having been in force for at least one complete quarter a proportionate refund may be made for the unexpired portion of the term for which the fee has been paid.

*Added by 1928, No. 57.*

**Rr. 61-64****LICENSING OF EXHIBITIONS AND SHOW GROUNDS AS GENERAL WAREHOUSES.**

**61.**—(1.) For the purpose of facilitating the exhibition of goods subject to the control of the Customs, the show grounds and the buildings thereon of any agricultural society or other public body may be licensed as general warehouses, and goods subject to the control of the Customs may be warehoused therein for the purposes of exhibition at a public show held on the grounds, but shall not be allowed to remain therein for a longer period than is reasonably necessary for such purposes.

(2.) Before the licence is granted security shall be given in accordance with Form 79, in such amount as the Collector requires.

Substituted by  
1950, No. 17;  
amended by  
1953, No. 102.

(3.) Notwithstanding anything contained in regulation 50 or 51 of these Regulations, the annual licence-fee under this regulation shall be One pound ten shillings and the services of a locker, when required, shall be paid for at the rate of Eight shillings per hour or part of an hour during which the services of the locker are required plus the expenses (if any) incurred by the locker in travelling to and from the warehouse.

Heading to, and  
Reg. 62  
repealed by  
1955, No. 15.

\* \* \* \* \*

**Sec. 87.****SORTING, BOTTLING, PACKING, OR RE-PACKING GOODS IN WAREHOUSE.**

Amended by  
1927, No. 121.

**63.** The goods hereunder specified may be sorted, bottled, packed, or re-packed (as the case requires) in a warehouse into packages containing not less than the quantities hereunder specified:—

|                                                    |       |                     |
|----------------------------------------------------|-------|---------------------|
| Spirits, into cases or demijohns                   | ..    | 2 gallons (reputed) |
| Spirits, into bulk                                 | .. .. | 5 „                 |
| Perfumed spirits                                   | .. .. | $\frac{1}{2}$ „     |
| Wine, into cases or demijohns                      | ..    | 2 gallons           |
| Wine, into bulk                                    | .. .. | 14 „                |
| Beer, into cases                                   | .. .. | 2 „                 |
| Beer, into bulk                                    | .. .. | 18 „                |
| Essences                                           | .. .. | $\frac{1}{2}$ „     |
| Tobacco, cut, in tins..                            | ..    | 10 lb.              |
| Tobacco, manufactured (other than cut,<br>in tins) | .. .. | 1 caddy             |
| Tobacco, unmanufactured                            | .. .. | 20 lb. net          |
| Cigars                                             | .. .. | 10 „                |
| Cigarettes                                         | .. .. | 10 „                |
| Snuff                                              | .. .. | 10 „                |
| Opium for medicinal purposes                       | ..    | 2 „                 |
| Albumen, dry                                       | .. .. | 20 „                |
| Cocoa and chicory                                  | .. .. | 10 „                |
| Coffee                                             | .. .. | 20 „                |
| Dried fruits                                       | .. .. | 28 „                |
| Saccharin                                          | .. .. | 1 „                 |

**64.** Goods entered for export or for ship's stores may be packed or re-packed into packages of sizes approved by the Collector.



**Rr. 65-71**

**65.** For travellers' samples tobacco may be re-packed into packages of not less than one pound net weight, and cigars into boxes of not less than 25 in number.

**66.** Ad valorem goods may be re-packed into packages provided the duty on the goods in each such package is not less than Twenty shillings.

**67.** As to goods not provided for in the Regulations, the Minister may by notice in the *Gazette* permit any such goods to be sorted, bottled, packed, or re-packed on such conditions and under such restrictions as are specified in the notice.

**68.**—(1.) Goods sorted, bottled, packed, or re-packed in a warehouse may be labelled or marked in such manner as the Collector approves, provided that no misleading label or mark shall be placed on them.

(2.) Any goods sorted, bottled, packed, or re-packed under these Regulations may be delivered from the warehouse in the specified quantities.

**69.** Applications for permission to sort, bottle, pack, or re-pack any goods in a warehouse shall be in accordance with one of the Forms 27, 28, or 29, as the case requires.

**Sec. 89.**

**MANUFACTURING IN LICENSED WAREHOUSES.**

**GENERAL PROVISIONS.**

**70.** Manufacturing may be carried on in a manufacturing warehouse under and subject to these Regulations:—

- (a) Imported and Australian goods may be used in the manufacture.
- (b) Australian and imported goods shall, until used, if the Collector so directs, be kept separate from each other.
- (c) All operations shall, subject to these Regulations, be conducted in such manner as the Comptroller directs.
- (d) The manufacturer shall keep such books and accounts, and render such returns as the Comptroller directs.
- (e) The labelling and marking of the goods manufactured shall be subject to the approval of the Collector.
- (f) The Collector may make such allowances for waste as he deems just, subject to the approval of the Comptroller.
- (g) The goods manufactured shall be subject to the control of the Customs until delivery for home consumption or until exportation.

**PROVISIONS RELATING TO MANUFACTURE FOR HOME CONSUMPTION.**

**71.** Warehoused goods in manufacturing warehouses may be utilized for the manufacture for home consumption of the following goods:—

Absolute alcohol.

Amyl alcohol.

Articles made wholly or principally from sawn or dressed timber.

Substituted by  
1955, No. 15.

**R. 71**

Artificial silk piece goods.  
Blended oil.  
Cells for electric storage batteries.  
Chocolate.  
Cocktails.  
Collodion.  
Confectionery.  
Cordials.  
Dressed rice.  
Dressed timber made from sawn timber only.  
Enamels.  
Essences and extracts.  
Essential oils.  
Ethers.  
Exposed and developed motion picture films.

Finished piece goods woven wholly of cotton, other than goods of that kind—

(a) which weigh more than four ounces per square yard but less than eighteen ounces per square yard and which are of types principally used for manufacture into men's or boys' overcoats (other than dustcoats), coats, vests, trousers, knickers (not being underwear), aprons or overalls; or

(b) which are ordinarily used as linings or interlinings.

Fortified wine.  
Grease.  
Infants' foods.  
Insecticide oil.  
Instruments and accessories for the operation and navigation of aircraft.  
Jelly crystals.  
Lacquers.  
Liqueurs.  
Medicines.  
Pearl barley.  
Perfumed spirits.  
Piece goods, being ticking woven wholly of linen or wholly of linen and cotton.  
Piece goods woven wholly of cotton and rayon and in which cotton predominates.  
Sample pattern books.  
Spices.  
Telephone carrier equipment.  
Telephones.  
Telephone switchboards.  
Thinners for use with enamels and lacquers.  
Tinctures.  
Toilet preparations.  
Vermouth.  
Wireless receivers and transmitters for wireless telegraphy and telephony.

Rr. 72-73

**72.\***—(1.) Where the manufactured article would, if imported, be free of duty, it may be delivered for home consumption free of duty. Substituted by  
1951, No. 71.

(2.) Where the manufactured article would, if imported, be liable to duty, it may be delivered for home consumption on the payment of duty of an amount equal to an amount calculated in accordance with one of the following paragraphs, or, where two of those paragraphs are applicable, to the smaller of the amounts calculated in accordance with those paragraphs:—

- (a) Where the amount of the customs duties which would be payable on the goods used in the manufacture if they were imported, after due allowance for waste, totals less than the amount of the customs duty which would be payable on the article if it were imported, that first-mentioned amount;
- (b) Where the percentage of the factory or works cost of the article represented by Australian labour and materials is such that, if that labour and those materials had been supplied in the United Kingdom, the article would be admissible at the British Preferential Tariff rate or the Intermediate Tariff rate, the amount of duty calculated at that rate;
- (c) Where the percentage of the factory or works cost of the article represented by Australian labour and materials is less than the percentage referred to in paragraph (b) of this sub-regulation, the amount of duty calculated at the Intermediate Tariff rate.

(3.) Where the residue of goods left after manufacture would be liable to customs duty if it were imported, it may be delivered for home consumption on the payment of that duty.

(4.) In this regulation, a provision that a manufactured article or residue may be delivered for home consumption, either upon payment of duty or free of duty, shall not, where the article or residue is liable to duty in accordance with the provisions of the *Excise Tariff* 1921-1950 or of any other law of the Commonwealth, enable the article or residue to be delivered for home consumption by virtue of this regulation only.

**72A.\*** Where an article is delivered for home consumption free of duty, or on payment of an amount of duty less than the amount which would be payable on the article if it were imported, and delivery is subject to a condition that the article will be used for a particular purpose, the Collector may require the manufacturer to give security that it will be used for that purpose and to produce evidence that it has been so used. Inserted by  
1951, No. 71.

PROVISIONS RELATING TO MANUFACTURE FOR EXPORT.

**73.** Warehoused goods in manufacturing warehouses may be utilized for the manufacture for export of the following goods:— Substituted by  
1955, No. 15;  
amended by  
1956, Nos. 71  
and 91.

- Absolute alcohol.
- Amyl alcohol.
- Artificial silk piece goods.
- Blended oil.

\* Regulation 72 was substituted and regulation 72A inserted by regulation 6 of Statutory Rules 1951, No. 71. Regulation 1 of those Statutory Rules reads as follows:—

"1. Regulations 5, 6 and 7 of these regulations shall be deemed to have come into operation on the seventeenth day of November, 1950."

**R. 73**

Cells for electric storage batteries.  
Cigarettes.  
Cigars.  
Cocktails.  
Coffee and chicory.  
Collodion.  
Confectionery.  
Cordials.  
Dressed rice.  
Dressed timber.  
Enamels.  
Essences and extracts.  
Essential oils.  
Ethers.  
Exposed and developed motion picture films.  
Finished piece goods woven wholly of cotton.  
Fortified wine.  
Grease.  
Infants' foods.  
Insecticide oil.  
Instruments and accessories for the operation and navigation of  
    aircraft.  
Jelly crystals.  
Lacquers.  
Linseed oil.  
Liqueurs.  
Margarine in which no ingredient or material is used which causes  
    it to resemble butter.  
Medicines.  
Motor vehicles.  
Oil and oilcake made from sesame seed.  
Pearl barley.  
Perfumed spirits.  
Piece goods, being ticking woven wholly of linen or wholly of  
    linen and cotton.  
Piece goods woven wholly of cotton and rayon and in which  
    cotton predominates.  
Plastic coated wallboard.  
Plywood and veneers from logs, stumps and flitches.  
Preserved fruit.  
Printed knitted woollen piece goods from knitted woollen piece  
    goods imported in the grey.  
Sawn timber.  
Spices.  
Split peas.  
Telephone carrier equipment.  
Telephones.  
Telephone switchboards.  
Thinners for use with enamels and lacquers.  
Tinctures.  
Tobacco.  
Toilet preparations.  
Undressed timber cut to size for use as dunnage.  
Wireless receivers and transmitters for wireless telegraphy and  
    telephony.

## R. 74

74. The following special provisions shall apply to the manufacture for export of tobacco, cigars, cigarettes, and snuff:—

- (a) The warehouse where the manufacture is carried on shall be licensed as a factory under the *Excise Act* 1901-1923.
- (b) An entry of the leaf tobacco shall be made, specifying that it is for the manufacture of tobacco, cigars, cigarettes or snuff, for export, and the name of the factory stated where the manufacture is to be carried on.
- (c) Before the entry is passed, security shall be given to the satisfaction of the Collector that all tobacco, cigars, cigarettes and snuff manufactured from the leaf tobacco shall be exported.
- (d) After the entry has been passed, the leaf tobacco shall forthwith be conveyed in a licensed carriage, or under the personal supervision of an officer, to the factory specified in the entry.
- (e) The leaf tobacco shall be kept at the factory separate from all other leaf tobacco, and shall be separately manufactured into tobacco, cigars, cigarettes or snuff, and all stems, refuse, clippings, or waste arising from the manufacture shall be kept separate from all other stems, refuse, clippings, or waste:

Provided that Australian leaf tobacco may be used in conjunction with imported leaf, but in such cases all stems, refuse, clippings, or waste arising from the use of Australian leaf shall be kept separate from those arising from the use of the imported leaf.

- (f) All stems, refuse, clippings, and waste arising from the manufacture shall be weighed by an officer and then destroyed in such manner as the Collector directs.
- (g) All vessels, trays, and machinery used in the manufacture, or on which the leaf tobacco while undergoing manufacture is placed, shall have a notice affixed thereto containing the words "Under Customs Control. For export only."
- (h) All tobacco manufactured from the leaf tobacco shall be put up in packages of such size and weight as the Comptroller directs, and the manufacturer shall mark on each external package his name and address, a consecutive number, the gross weight of the package, the net weight of the contents, and the words "For export only."
- (i) All cigars and cigarettes manufactured from the leaf tobacco shall be put into boxes of a size approved by the Comptroller and the manufacturer shall mark on each box the factory number, the State number, and the words "For export only."
- (j) If any package or box containing any tobacco, cigars, cigarettes or snuff manufactured from the leaf tobacco is enclosed in any outer cover, the manufacturer shall mark on the outer cover his name and address, the net weight of the contents, and the words "For export only."
- (k) All tobacco, cigars, cigarettes and snuff manufactured from the leaf tobacco shall be kept in a safe store-room approved by the Collector, separate from any other tobacco, cigars, cigarettes and snuff, and every door to the store-room shall be provided with a lock supplied by the Collector at the expense of the manufacturer, and the key shall be kept by an officer.

**Rr. 75-76****REDUCING AND BOTTLING OF SPIRITS IN BOND.**

**75.**—(1.) Bulk Spirits, in warehouse, may, by permission of the Collector, be reduced in strength and bottled in the warehouse for home consumption or for exportation.

Amended by  
1930, No. 138;  
and 1933,  
No. 105.

(2.) All Spirits reduced in the warehouse shall if bottled be put into bottles or flasks such as are ordinarily used in the trade and if packed in cases each case shall contain not less than one dozen reputed quarts, or two dozen reputed pints, or their equivalent in other sizes. The bottles in each case shall be of uniform size provided that any class or size of container may be used for samples intended for display only. The cases into which reduced imported spirits are packed for exportation shall be marked "For Export Only." and such spirits shall not be deliverable for home consumption.

Amended by  
1946, No. 161.

(3.) A label shall be affixed to each bottle giving a true description of the contents.

- (i) The label may contain a statement that the spirits have been bottled under Customs control.
- (ii) No label bearing the word "old" or any word or words which, in the opinion of the Collector, would reasonably lead to the belief that the spirit was old shall be applied to spirit of less than five years' maturity.
- (iii) No label bearing the words "very old" or any word or words which, in the opinion of the Collector, would reasonably lead to the belief that the spirit was very old shall be applied to spirit of less than ten years' maturity.
- (iv) No label shall be used unless it has been submitted to and approved by the Collector.

(4.) Where the strength of any package of imported spirits to be reduced is under proof, duty shall be paid, prior to reducing, on the difference between the liquid and proof gallons of such spirit before reducing; provided that duty shall not be paid on under proof spirits to be reduced for exportation only.

(5.) Upon entry for home consumption duty shall be payable on the reduced spirits at per proof gallon as follows:—

- (i) If Australian—at the rate of the Excise Tariff applicable.
- (ii) If imported—at the Customs Tariff applicable to spirits exceeding the strength of proof.

(6.) An allowance not exceeding 2 per cent. may be made by the Collector for *bona fide* waste in the process of reducing and bottling.

(7.) Duty shall be paid forthwith on any residue remaining from reducing and bottling operations. Any residue from bottling and reducing imported spirits for exportation shall be chargeable as proof.

(8.) Duty shall be paid on packing materials (other than Australian or duty paid materials) on clearance of the spirit for home consumption.

Sub-reg. (1.)  
amended by  
1950, No. 17.

**76.**—(1.) The operation of reducing and bottling shall be carried out under the supervision of a locker, but if his services are not available, under the supervision of a special officer.

**Rr. 77-83**

(2.) The fees payable for the services of the special officer by the person applying for permission to reduce and bottle the spirits shall be at the rate of Eight shillings per hour or part of an hour during which the services of the officer are required plus the expenses (if any) incurred by the officer in travelling to and from the warehouse.

Added by  
1950, No. 17;  
amended by  
1953, No. 102.

**Sec. 99. RE-GAUGE, ETC., OF GOODS.**

77.—(1.) Any owner may, on application in accordance with one of the Forms 27 or 28 as the case requires, and on payment of any expense in connexion therewith, obtain a re-gauge, re-measure, re-weigh, or re-examination of any goods in a licensed warehouse.

(2.) The Collector may at any time cause a re-gauge, re-measure, re-weigh, or re-examination of any goods to be made at the expense of the Customs.

**Sec. 104. DELIVERY FROM WAREHOUSE.**

**FOR HOME CONSUMPTION.**

78. The entry for home consumption shall be in accordance with Form 30.

79. The total number of packages must be stated in words on two copies of the entry, one of which shall be forwarded to the Locker as an authority for the delivery of the goods.

80. Warehoused goods dutiable at fixed rates may, subject to the provisions of section 99 of the Customs Act, be cleared and delivered at original quantity and strength, if the owner so desires.

**DELIVERY FOR EXPORTATION OR REMOVAL.**

Heading  
substituted by  
1955, No. 15.

81.—(1.) The entry for removal, for exportation, of goods from a warehouse shall be in accordance with Form 31.

Substituted by  
1955, No. 15.

(2.) The entry for removal, coastwise or inland, of goods from a warehouse shall be in accordance with Form 32.

(3.) The entry for removal of goods from a warehouse to another warehouse in the same locality shall be in accordance with Form 33.

(4.) Where goods are to be removed coastwise or inland, the entry for removal shall be accompanied by a despatch note in accordance with Form 34.

82. Where goods which are to be removed from a warehouse have been re-gauged or re-weighed, the officer who re-gauged or re-weighed the goods shall certify, on the back of the form of entry for removal, the result of the re-gauging or re-weighing in accordance with Form 34A or 34B, as the case requires.

Substituted by  
1955, No. 15.

83.—(1.) When the entry for removal has been passed, the goods shall be delivered for removal, under the supervision of an officer, to a licensed carrier.

Substituted by  
1955, No. 15.

(2.) The officer supervising the removal of the goods shall authorize the removal of the goods by signing a cart note in accordance with Form 13 and shall hand the cart note (in duplicate), the form of entry and the despatch note, if any, to the licensed carrier who shall acknowledge receipt of the goods on the cart note.

**Rr. 84-92**

(3.) The licensed carrier shall deliver the goods in accordance with the instructions in the cart note to an officer at the place to which the goods are to be delivered and shall hand to the officer the documents relating to the goods.

(4.) The officer to whom the goods are delivered shall acknowledge receipt of the goods on the cart note and return one copy of the cart note duly signed by him to the officer who authorized the removal of the goods.

(5.) When the goods are shipped or placed on board an aircraft or railway carriage or are delivered to another licensed carrier or to a warehouse, the receipt of the goods shall be acknowledged on the entry by the owner or master of the ship, the pilot or owner of the aircraft, a railway officer, the licensed carrier or an officer at the licensed warehouse, as the case may be, and where a despatch note accompanies the goods—

- (a) the officer who receives the goods at the place of shipment or the place where the goods are placed on board an aircraft or railway carriage shall acknowledge the shipment or placing on board of the goods on the despatch note;
- (b) the owner or master of the ship, the owner or pilot of the aircraft or a railway officer, as the case may be, shall acknowledge receipt of the goods on the despatch note; and
- (c) a copy of the despatch note shall accompany the goods to the place of destination.

(6.) The Collector at the place of destination of the goods shall return the copy of the despatch note to the Collector at the port of despatch with an indorsement showing the receipt or the non-receipt of the goods.

**Substituted by  
1955, No. 15.**

**84.** The owner of warehoused goods entered for removal from a warehouse shall, before the goods are removed, give security in accordance with Form 81 unless a security in accordance with Form 68A, 76 or 77 which is in force is applicable to the removal.

**Regs.  
85 to 91  
(inclusive)  
repealed by  
1955, No. 15.**

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## DUTY-PAID OR FREE GOODS NOT TO BE STORED IN A WAREHOUSE.

**92.—(1.)** Any goods remaining in a warehouse after payment of duty shall, so far as the Customs are concerned, remain at the risk of the owner, and the Customs shall not be liable in any way to any claim of any kind whatsoever in connexion therewith. Any such goods may, after due notice to the owner, be removed by the licensee on the order of the Collector.



**R. 93**

(2.) No duty-paid or free goods shall be received into any licensed warehouse without the special authority of the Collector.

**Sec. 107. RENT AND CHARGES TO BE PAID IN RESPECT OF WAREHOUSED GOODS.**

Heading substituted by 1955, No. 15.

**93.\*—(1.)** Subject to this regulation, the following scale is the prescribed scale of rent and charges for the purposes of section 107 of the Act:—

Substituted by 1955, No. 15. Sub-reg. (1.) amended by 1956, No. 71.

| Item No. | Goods.                                                                                                                                                    | Rent for Week or Part of a Week. | Charge for Receipt and Delivery. |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------|
|          |                                                                                                                                                           | <i>s. d.</i>                     | <i>s. d.</i>                     |
| 1.       | Wines, spirits, and other spirituous liquids (other than beer)—                                                                                           |                                  |                                  |
|          | (a) per tun, puncheon, butt or pipe of more than 90 gallons .. .. .                                                                                       | 2 9                              | 11 0                             |
|          | (b) per hogshead of more than 71 gallons but not more than 90 gallons .. .. .                                                                             | 1 0                              | 4 0                              |
|          | (c) per hogshead of more than 40 gallons but not more than 71 gallons .. .. .                                                                             | 1 0                              | 3 0                              |
|          | (d) per barrel or quarter cask of more than 20 gallons but not more than 40 gallons .. .. .                                                               | 0 8                              | 2 3                              |
|          | (e) per octave or smaller package of not less than 9 gallons but not more than 20 gallons .. .. .                                                         | 0 6                              | 1 6                              |
|          | (f) per package containing less than 9 gallons .. .. .                                                                                                    | 0 4                              | 0 6                              |
| 2.       | Beer—                                                                                                                                                     |                                  |                                  |
|          | (a) per hogshead .. .. .                                                                                                                                  | 0 9                              | 2 6                              |
|          | (b) per half-hogshead or barrel .. .. .                                                                                                                   | 0 6                              | 1 9                              |
|          | (c) per case .. .. .                                                                                                                                      | 0 6                              | 1 0                              |
| 3.       | Tobacco, cigars, cigarettes and snuff—                                                                                                                    |                                  |                                  |
|          | (a) per package of not less than 90 lb. net weight .. .. .                                                                                                | 0 9                              | 4 6                              |
|          | (b) per package of not less than 40 lb. net weight, but less than 90 lb. net weight .. .. .                                                               | 0 7                              | 3 9                              |
|          | (c) per package of less than 40 lb. net weight .. .. .                                                                                                    | 0 5                              | 3 6                              |
| 4.       | Drugs (including medicinal opium), per package .. .. .                                                                                                    | 1 0                              | 1 3                              |
| 5.       | Timber, for each 100 superficial feet or measurement of less than 100 superficial feet .. .. .                                                            | 0 8                              | 1 8                              |
| 6.       | Dutiable postal articles—                                                                                                                                 |                                  |                                  |
|          | (a) per package .. .. .                                                                                                                                   | ..                               | 0 3                              |
|          | (b) for each 3 lb. net weight or part of 3 lb. net weight .. .. .                                                                                         | 0 3                              | ..                               |
| 7.       | Heavy goods, not being goods covered by any other item in this table—                                                                                     |                                  |                                  |
|          | (a) for each ton by weight or part of a ton .. .. .                                                                                                       | ..                               | 15 0                             |
|          | (b) for each 40 cubic feet or measurement of less than 40 cubic feet .. .. .                                                                              | 3 0                              | ..                               |
| 8.       | Motor cars—                                                                                                                                               |                                  |                                  |
|          | (a) for each ton by weight or part of a ton .. .. .                                                                                                       | ..                               | 40 0                             |
|          | (b) for each 40 cubic feet or measurement of less than 40 cubic feet .. .. .                                                                              | 2 6                              | ..                               |
| 9.       | Goods in respect of which the Collector directs that special precautions be taken because of their value, for every £100 or part of £100 in value .. .. . | 1 9                              | 1 0                              |

\* This regulation was substituted by sub-regulation (1.) of regulation 10 of Statutory Rules 1955, No. 15. Sub-regulation (2.) of that regulation reads as follows:—

“(2.) This regulation shall come into operation on the twenty-first day of February, 1955.”

By virtue of sub-regulation (2.) of regulation 3 of Statutory Rules 1956, No. 71, the amendment made to this regulation by those Statutory Rules commenced on 22nd October, 1956.

## R. 93

| Item No. | Goods.                                                                                                                                                                                                                                                                | Rent for Week or Part of a Week. | Charge for Receipt and Delivery. |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------|
|          |                                                                                                                                                                                                                                                                       | <i>s. d.</i>                     | <i>s. d.</i>                     |
| 10.      | General merchandise—                                                                                                                                                                                                                                                  |                                  |                                  |
|          | (a) per package, or in the case of a group of packages bearing the same import mark or being in the same consignment, per group of packages—                                                                                                                          |                                  |                                  |
|          | (i) where the weight or aggregate of the weights, as the case may be, is more than 56 lb. but not more than 560 lb. and the measurement or the aggregate of the measurements, as the case may be, is more than 2 cubic feet but not more than 10 cubic feet . . . . . | 1 0                              | 6 0                              |
|          | (ii) where the weight or aggregate of the weights, as the case may be, is more than 28 lb. but not more than 56 lb. and the measurement or the aggregate of the measurements, as the case may be, is more than 1 cubic foot but not more than 2 cubic feet            | 0 6                              | 4 0                              |
|          | (iii) where the weight or aggregate of the weights, as the case may be, is not more than 28 lb. and the measurement or the aggregate of the measurements is not more than 1 cubic foot . .                                                                            | 0 6                              | 2 6                              |
|          | (b) other general merchandise, for each 40 cubic feet or measurement of less than 40 cubic feet . . . . .                                                                                                                                                             | 2 6                              | 8 0                              |

(2.) The importer of goods shall pay to the Collector, in addition to the charge prescribed in the last preceding sub-regulation for receipt and delivery of the goods—

- (a) where the Collector pays for the cartage of the goods—a charge equal to the amount of cartage so paid;
- (b) where the goods, being spirits or other liquids in bulk, are re-gauged or re-weighed—a charge of Two shillings and sixpence per vessel; and
- (c) where the goods are re-packed other than into smaller quantities, are re-examined, or, not being spirits or other liquids in bulk, are re-weighed—a charge calculated at the rate of Eight shillings per hour or part of an hour during which the services of an officer are required during the re-packing, re-examination or re-weighing and a charge equal to the amount of the expenses (if any) of the officer in travelling to and from the warehouse for that purpose.

(3.) Where the importer of goods provides at his own expense the labour for the receipt and delivery of the goods, the charge for the receipt and delivery of the goods is one half of the charge for receipt and delivery specified in the scale in sub-regulation (1.) of this regulation.

**Rr. 94-100A**

**BOND CERTIFICATES.**

**94.—**(1.) Every owner of goods warehoused in a King's Warehouse shall make out and tender to the Collector, before any of the goods are cleared, a Bond Certificate in accordance with Form 15 in the Schedule.

(2.) If the Collector is satisfied as to the correctness of the particulars contained in the Bond Certificate, he shall sign the Certificate and return it to the owner, who shall sign and hand to the Collector a receipt in accordance with Form 16 in the Schedule.

(3.) The owner of the goods in respect of which a Bond Certificate has been issued may indorse on the Bond Certificate authority for the delivery of the goods to some other person or firm, and further indorsements of a like nature may be made on the Certificate by successive owners of the goods.

(4.) If it is desired to transfer a portion only of the goods in respect of which a Bond Certificate has been issued, the Certificate must be surrendered to the Collector for cancellation, and fresh Certificates may be issued as required.

(5.) Goods for which a Bond Certificate has been issued shall not be delivered from the warehouse except on an entry made by the person whose name appears on the Certificate as owner of the goods or by his duly accredited agent, and on production of the Certificate issued in respect of the goods.

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| * | * | * | * | * | * | * | * |

Heading to  
reg. 95  
repealed by  
1955, No. 15.\*

Regs.  
95 to 97  
(inclusive)  
repealed by  
1955, No. 15.\*

**Sec. 114.**

**EXPORTATION.**

**ENTRY OUTWARDS AND ENTRY FOR EXPORT.**

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * | * |
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Heading  
amended by  
1951, No. 106.

Reg. 98  
repealed by  
1951, No. 106.

**99.—**(1.) The entry of a ship outwards shall be in accordance with Form 37.

Entries  
outward of ship  
or aircraft.

(2.) The entry of an aircraft outwards shall be in accordance with Form 1A.

Added by  
1947, No. 152.

**100.—**(1.) The entry for export of goods (including ships' stores and aircraft's stores) which are not subject to export duty and are not to be exported from a warehouse or under drawback shall be in accordance with Form 38.

Substituted by  
1955, No. 15.

(2.) Where goods not subject to export duty are to be exported from a warehouse or under drawback and an entry in accordance with Form 31 or Form 50, as the case requires, has been made, the goods shall be deemed to have been entered for export.

**100A.** The entry for export of goods (including ships' stores and aircraft's stores) subject to export duty shall be in accordance with Form 38A.

Inserted by  
1955, No. 15.

\* Regulations 95 to 97 (inclusive) were repealed by sub-regulation (1.) of regulation 11 of Statutory Rules 1955, No. 15. Sub-regulation (2.) of that regulation reads as follows:—  
“(2.) This regulation shall come into operation on the twenty-first day of February, 1955.”

**Rr. 101-105****Sec. 119.****CLEARANCE.**

Outward  
manifest of  
ships and  
aircraft.

Substituted by  
1947, No. 152.

**101.**—(1.) The outward manifest of a ship shall be in accordance with Form 39.

(2.) The outward manifest of an aircraft shall be in accordance with Form 1A.

**Sec. 118.**

**102.** Permission for the clearance of a ship, prior to the production to the officer of all the goods included in the ship's inward report, may be granted by the Collector, on application being made in accordance with Form 40.

Clearance of  
ships and  
aircraft.

Substituted by  
1947, No. 152.

**103.**—(1.) The Certificate of Clearance to be issued to the Master of a ship shall be in accordance with Form 41.

(2.) Form 1A, when stamped with an official stamp and signed by the Customs officer, shall constitute the Certificate of Clearance of the Pilot of an aircraft.

Transires.

Substituted by  
1938, No. 49.

**104.**—(1.) In the case of an overseas vessel arriving at an Australian port from overseas and clearing at such port for an Australian port or ports or for an overseas destination via an Australian port or ports the master shall, at or before the time of clearance from the first port of call in Australia, take out a transire in form 22.A. and shall produce such transire to the Collector at each subsequent port of call in Australia. At each such subsequent port of call in Australia, other than the last port, the Collector shall endorse the word "Produced" on the transire and return it to the Master. The Collector at the last port of call in Australia shall retain the transire.

(2.) When goods subject to the control of the Customs are shipped on an overseas vessel at any Australian port to be discharged at another Australian port, the Master shall take out at the port of shipment of such goods a transire in Form 22 and shall deliver such transire to the Collector at the port at which the goods are to be discharged.

(3.) On arrival of an overseas vessel at an Australian port, not being its first port of call in Australia, at which no goods subject to Customs control which were shipped at another Australian port are to be discharged, the Master shall deliver to the Collector a transire in Form 22 endorsed "No under bond goods" and "No restricted exports".

**Sec. 126.****LANDING CERTIFICATE.**

**105.** The certificate referred to in section 126 of the Act shall be in accordance with Form 42, and may be given by an officer of Customs at the port where the goods are landed, or by any British Consul, or other British official, or, in places where there is no officer of Customs or British Consul, or other British official, by a British resident.

**Rr. 106-109**

**Secs. 127-130A.**

**SHIPS' STORES AND AIRCRAFT'S STORES.**

**106.\***—(1.) Ships' stores being spirituous liquors, tobacco, cigars, cigarettes, tobacco products or snuff are stores to which section 129 of the Act does not apply. Substituted by 1956, No. 91.

(2.) All aircraft's stores other than—

- (a) stores of an aircraft which is registered in Australia and is engaged on an international air service or flight;
- (b) stores, being stores of a kind in respect of which the country in which the aircraft is registered grants exemption from the payment of duties of customs on stores of that kind when used in that country by the passengers or crew, or for the service, of an aircraft registered in Australia; and
- (c) stores upon which the Comptroller considers it would be uneconomical to collect duty,

are stores to which section 129 of the Act does not apply.

**107.** An application under sub-section (1.) of section 130A of the Act shall be in accordance with Form 43. Substituted by 1956, No. 91.

**108.**—(1.) The master or owner of a ship shall give a receipt for all ships' stores received on board in pursuance of a permission granted under sub-section (2.) of section 130A of the Act. Substituted by 1956, No. 91.

(2.) The pilot or owner of an aircraft shall give a receipt for all aircraft's stores received on board in pursuance of a permission granted under sub-section (2.) of section 130A of the Act.

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Reg. 108A inserted by 1946, No. 127; substituted by 1949, No. 78; repealed by 1956, No. 91.  
Reg. 108B inserted by 1949, No. 78; repealed by 1956, No. 91.

**Sec. 141.**

**STANDARDS FOR CONDENSATIONS, ETC.**

**109.** The standards according to which essences, condensations, concentrations and preparations shall be converted for the purpose of charging duty shall be in accordance with the following table:—

| Goods.                                                                                                                                   | Standard.                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| 1. Concentrated japan of a consistency which, by the addition of an equal weight of turpentine, produces a japan of ordinary consistency | 1 gallon of the concentrated japan shall be deemed to be equal to 2 gallons of the japan of ordinary consistency |

Standard for essences, condensations, &c.  
Substituted by 1939, No. 157.

\* This regulation was substituted by Statutory Rules 1956, No. 91. Regulation 5 of those Statutory Rules reads as follows:—

"5. Sub-regulation (2.) of regulation 106 of the Customs Regulations, as amended by the last preceding regulation, does not operate in relation to aircraft's stores of an aircraft arriving in the Commonwealth from overseas after the commencement of these Regulations and departing from the Commonwealth before the first day of January, 1957."

## R. 109

| Goods.                                                                                                                                            | Standard.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. Terebine extract which, by the addition of approximately one part of solvent to one part of extract, produces terebine of ordinary consistency | 5½ pounds of Terebine extract shall be deemed to be equal to 1 gallon of Terebine                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 3. Lump Terebine preparation                                                                                                                      | 2½ pounds of Lump Terebine preparation shall be deemed to be equal to 1 gallon of Terebine                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4. Concentrations or preparations of enamels, lacquers or varnishes in dry form or otherwise                                                      | The concentrations or preparations of enamels, lacquers or varnishes shall be deemed to be the quantity or equivalent of enamels or lacquers or varnishes of ordinary consistency into which they can be converted by means of additions of suitable solvents                                                                                                                                                                                                                                            |
| 5. Fruit extracts and concentrated fruit juices (non-spirituous)                                                                                  | The fruit extracts or concentrated fruit juices shall be deemed to be the quantity or equivalent of fresh fruit juices into which the fruit extracts or concentrated fruit juices can be converted as shown by chemical analysis:<br>Provided that where the manufacturer states a degree of concentration greater than that shown by chemical analysis the degree of concentration shall be deemed to be that so stated                                                                                 |
| 6. Concentrated tomato puree                                                                                                                      | The concentrated tomato puree shall be deemed to be the quantity of normal average tomato pulp to which the concentrated tomato puree is shown by analysis to be equal:<br>Provided that where the manufacturer states a degree of concentration greater than that shown by chemical analysis the degree of concentration shall be deemed to be that so stated                                                                                                                                           |
| 7. Extracts of or preparations containing coffee or chicory or mixtures thereof, in concentrated form                                             | The extracts of or preparations containing coffee or chicory or mixtures thereof, in concentrated form, shall be deemed to be equal to the quantity or equivalent, as determined by analysis, of ground roasted coffee or chicory or mixtures thereof, in substitution for which those extracts or preparations are used:<br>Provided that where the manufacturer states a degree of concentration greater than that shown by analysis, the degree of concentration shall be deemed to be that so stated |
| 8. Capsicine .. .. .                                                                                                                              | 1 pound of Capsicine shall be deemed to be equal to 5½ pounds of ground chillies                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 9. Dryoleate .. .. .                                                                                                                              | 10½ pounds of Dryoleate shall be deemed to be equal to 1 gallon of Terebine                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 10. Egg Albumen or Egg Yolk, or both combined, in liquid form                                                                                     | 22.9 ounces of Egg Albumen or Egg Yolk, or both combined, in liquid form, shall be deemed to be equal to 1 dozen eggs                                                                                                                                                                                                                                                                                                                                                                                    |
| 11. Gingerine .. .. .                                                                                                                             | 1 pound of Gingerine shall be deemed to be equal to 14 pounds of ground ginger                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12. Tru-Ginger Beer Extract ..                                                                                                                    | 1 pound of Tru-Ginger Beer Extract shall be deemed to be equal to 3 pounds of ground ginger.                                                                                                                                                                                                                                                                                                                                                                                                             |

**Rr. 110-111**

**Sec. 150. SAMPLES ALLOWED FREE OF DUTY.**

**110.**—(1.) The following samples may be delivered free of duty:— Substituted by 1931, No. 42.

- (a) Wines or Spirits in bulk—3 fluid oz. from each cask irrespective of size: Provided that not more than 2 gallons shall be allowed from any one shipment. Sub-reg. (1.) amended by 1933, No. 105; and by 1949, No. 34.
- (b) Wines or spirits in bottle—1 bottle from each shipment not exceeding 100 cases, and for every additional 100 cases in each shipment 1 additional bottle: Provided that not more than 3 bottles shall be allowed from any one shipment and that no samples shall be allowed free of duty if the shipment consists of less than 10 cases.
- (c) Ale or Stout in bulk—1 gill from each cask: Provided that not more than 4 liquid gallons shall be allowed from any one shipment.
- (d) Ale or Stout in bottle—1 bottle from each brew: Provided that not more than 6 bottles shall be allowed from any one shipment and that no samples shall be allowed free of duty if the shipment consists of less than 10 cases.
- (e) Tobacco, manufactured—4 oz. for every 10 outside packages irrespective of size: Provided that not more than 1 lb. shall be allowed from any one shipment.
- (f) Tobacco, unmanufactured—4 oz. from each package containing under 1 cwt. net and an additional 4 oz. for every 1 cwt. in any one package: Provided that not more than 1 lb. shall be allowed from any one shipment.
- (g) Cigars and Cigarettes—4 oz. for each 40 lb. net weight: Provided that not more than 1 lb. shall be allowed from any one shipment.
- (h) Tea in bulk—1 lb. in respect of each line: Provided that not more than 25 lb. shall be allowed in respect of any one shipment to any individual State.

(2.) The total prescribed allowance for samples for a shipment may, at the option of the importer, be drawn from one package except in regard to wines and spirits imported in bulk. No greater quantity than the prescribed allowance of 3 fluid ounces shall be drawn from any one cask of wine or spirits.

(3.) Duty shall be paid on any quantities delivered as samples in excess of the quantities prescribed.

(4.) No samples shall be delivered free of duty unless actually drawn.

**Sec. 151 and Customs Tariff.**

**GOODS AND SAMPLES EXPORTED AND AFTERWARDS RE-IMPORTED.**

**111.**—(1.) The conditions under which the produce of Australia may be brought back to Australia free of duty, shall be as follow:— Sub-reg. (1.) amended by 1930, No. 138; and by 1935, No. 69.

- (a) The Minister must be satisfied that the bringing back of the goods will not unfairly disturb the market for similar goods in Australia generally, or in the place where the goods are proposed to be landed.

**R. 111**

- (b) The goods must be brought back to Australia within two years or such longer period as the Minister may allow from the date of their exportation.
- (c) The character of the goods must in no way have been altered during the interval between their exportation and their return to Australia.
- (d) (i) If drawback of duty (whether Customs or Excise duty or both Customs and Excise duty) was paid on the goods or on any dutiable materials used in their manufacture, repayment of such drawback shall be made.  
(ii) If, at the time of exportation, the goods or certain materials used in their manufacture were subject to duty (whether Customs or Excise duty or both Customs and Excise duty) and such duty was not paid, then adjustment shall be made by payment of an amount equivalent to the duty which would be payable on the same goods if, instead of having been exported, they were retained in Australia and were entered for home consumption on the date of entry of the re-imported goods for home consumption.
- (e) If an export entry was passed in respect of the goods, the Collector must be satisfied that the goods brought back to Australia are the goods or part of the goods specified in such export entry.
- (f) If an export entry was not passed in respect of the goods, the Collector must be satisfied by statutory declaration, or otherwise, that the goods have been brought back to Australia within two years or such longer period as the Minister may allow from the date of exportation therefrom.

(2.) The conditions under which samples of duty-paid goods sent out of Australia may be re-imported or brought back to Australia free of duty, shall be as follow:—

- (a) The goods shall be inspected by an officer prior to shipment.
- (b) An export entry, in accordance with Form 38, shall be made and passed giving full particulars of the samples intended to be shipped.
- (c) Drawback of duty must not have been paid thereon.
- (d) The goods must be re-imported into Australia within twelve months from the date of their exportation therefrom.
- (e) The goods shall, on re-importation, be entered as "Returned Samples", and shall be verified, by an officer, with the original export entry.

Substituted by  
1951, No. 71;  
amended by  
1953, No. 102.

(3.) Where the services of an officer are required in pursuance of this regulation, the person re-importing the goods shall pay for those services at the rate of Eight shillings per hour or part of an hour during which the services are required, plus the expenses (if any) incurred by the officer in travelling to and from the place at which his attendance is required.



**Rr. 112-122**

**Sec. 158.**

**UNDERVALUATION OF GOODS SUBJECT TO  
AD VALOREM DUTY.**

**112.** Whenever the Collector has detained any goods and assessed their value, he shall forthwith forward to the owner of the goods, at his last-known residence or place of business, a written notice of the assessment.

**113.** The value assessed by the Collector shall be taken to be the value of the goods for duty, unless within two days (or such further period as the Collector considers necessary) after notice of the Collector's assessment has been forwarded, the owner of the goods objects thereto in writing, and requests that the value be ascertained by experts.

**114.** If the owner objects to the Collector's assessment and requests that the value of the goods be ascertained by experts, the following course shall be followed:—

- (a) One expert shall be appointed by the owner, and another by the Collector.
- (b) The Collector shall then appoint a meeting of the experts, and shall himself be present at the meeting.

**115.** If the expert appointed by the owner of the goods fails to attend the meeting, the value of the goods as assessed by the Collector shall be taken to be their value for duty.

**116.** If the experts at the meeting agree upon the value of the goods, the value so agreed upon shall be taken to be the value for duty provided, however, that in no case shall the value for duty be less than the value arrived at in accordance with section 154 (1.) (a) (i), (b) and (c) of the *Customs Act 1901-1925*.

**117.—(1.)** If the experts at the meeting fail to agree upon the value of the goods, they shall appoint a third person, approved by the Collector, to act as umpire.

**(2.)** If the experts cannot agree upon the appointment of an umpire, the Collector shall make the appointment.

**118.—(1.)** The umpire shall, within such time as is fixed by the Collector, or as is reasonable, assess the value of the goods and notify the Collector in writing of his assessment thereof.

**(2.)** The value of the goods as assessed by the umpire shall be taken to be the value of the goods for duty, provided, however, that in no case shall the value for duty be less than the value arrived at in accordance with section 154 (1.) (a) (i), (b) and (c) of the *Customs Act 1901-1925*.

**119.** When, as herein provided, the value of the goods has been decided, the Collector shall give notice in writing of the decision to the owner, and shall demand the additional duty (if any) payable in accordance with the value so decided.

**120.** The experts and umpire appointed for the purpose of these Regulations shall each receive a fee of not more than three guineas, to be determined by the Collector.

**121.** The costs of the valuation shall be paid by the owner if the decision is against him, otherwise they shall be paid by the Customs.

**122.** Every expert and umpire shall, before acting, make a declaration in accordance with Form 44.

**Rr. 123-126****Sec. 161. PURCHASE OF GOODS BY THE CUSTOMS.**

**123.**—(1.) When in the opinion of the Collector it is expedient for the protection of the revenue to exercise the power of purchase of goods conferred by section 161, he shall serve upon the owner of the goods a notice of seizure in accordance with Form 45.

(2.) All goods so seized shall be sold by auction or public tender as the Comptroller directs.

**Sec. 162.****SECURITY OR UNDERTAKING FOR THE PAYMENT OF DUTY.**

Substituted by  
1955, No. 15.

**124.**—(1.) For the purposes of section 162 of the Act—

- (a) tourists and temporary residents are prescribed classes of persons; and
- (b) each of the following is a prescribed class of goods:—
  - (i) traveller's samples;
  - (ii) wedding presents;
  - (iii) goods imported for use at a public exhibition or entertainment, not being cinematograph films of a kind ordinarily used for the purposes of profit, or theatrical costumes, scenery or property; or
  - (iv) goods imported for repair, assembly or other industrial purposes approved by the Collector.

(2.) An application for the permission of the Collector under section 162 of the Act shall be in accordance with Form 46.

(3.) Goods in respect of which permission has been granted under sub-section (1.) of section 162 of the Act shall not be exported unless—

- (a) notice of intention to pack for export has been given to the Collector;
- (b) the goods have been examined by an officer; and
- (c) an export entry in accordance with Form 38 has been made.

Heading and  
reg. 125  
repealed by  
1955, No. 15.

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**Sec. 163.****REFUNDS, REBATES, OR REMISSIONS OF DUTY.**

Substituted by  
1933, No. 106.

Sub-reg. (1.)  
substituted by  
1953, No. 102.

**126.**—(1.) An application for a refund of duty under section 163 of the Act—

- (a) in respect of duty paid on goods which have been damaged, pillaged, lost or destroyed; or
- (b) in respect of duty paid through manifest error of fact on goods invoiced as part contents of packages but not received, shall, subject to the next succeeding sub-regulation, be made not later than fourteen days after the delivery from the control of the Customs of the goods or of the packages in which the goods were originally packed or were assumed to have been packed.

Substituted by  
1953, No. 102.

(2.) Where the Collector is satisfied—

- (a) that the information necessary to verify an application of a kind referred to in the last preceding sub-regulation had come into the possession of the Customs before the delivery from the control of the Customs of the goods or of the packages in which the goods were originally packed or were assumed to have been packed; or

**R. 128**

- (b) that, for some genuine and sufficient reason, an application of a kind referred to in the last preceding sub-regulation was not made within the time prescribed by that sub-regulation and the circumstances are such that it is equitable that that time should be extended,

the application may be made not later than twelve months after the date on which the duty was paid.

(2A.) An application for a refund of duty under section 163 of the Act— Inserted by  
1953, No. 102.

- (a) in respect of duty paid through manifest error of fact in a case to which paragraph (b) of sub-regulation (1.) of this regulation does not apply;
- (b) in respect of duty paid through patent misconception of the law;
- (c) made in consequence of the making of a by-law; or
- (d) made in consequence of an importer of goods receiving a reduction in or a refund, in whole or in part, of the price paid or to be paid for the goods,

shall be made not later than twelve months, or, where the Collector is satisfied that the information necessary to verify the application had to be obtained from a country outside Australia, not later than twenty-four months, after the date on which the duty was paid.

(3.) An application for a remission of duty under section 163 of the Act shall be made prior to the goods leaving the control of the Customs.

(4.) Applications for refunds, rebates or remissions of duty shall be in writing delivered to the Collector at the port where the duty was paid or is payable and shall state clearly, as far as practicable, the nature and particulars of the claim.

(5.) Where an application has been made in accordance with the last preceding sub-regulation, the application shall not be granted unless or until the applicant has furnished in writing to the Collector the particulars required by Form 47 or 48 whichever is applicable to the case.

\* \* \* \* \*

Reg. 127  
repealed by  
1951, No. 99.

**128.\*** For the purposes of section 164A of the Act, the Collector may make, at the time of entry of leaf tobacco, a rebate of the duty payable on the importation of the leaf tobacco at whichever of the following rates is applicable:— Repealed by  
1933, No. 106;  
inserted by  
1950, No. 17.

- (a) where the leaf tobacco is to be manufactured in Australia into tobacco—ten per centum;
- (b) where the leaf tobacco is to be manufactured in Australia into cigarettes—fifteen per centum; or
- (c) where the leaf tobacco is to be manufactured in Australia into cigars—thirty per centum.

\* By virtue of sub-regulation (2.) of regulation 9 of Statutory Rules 1950, No. 17, by which this regulation was inserted, this regulation took effect from 1st April, 1950.

**Rr. 129-131**

Heading  
substituted by  
1955, No. 15.

**Sec. 168. DRAWBACKS OF IMPORT DUTY.**

Substituted by  
1955, No. 15.

**129.**—(1.) All goods on which import duty has been paid other than—

- (a) spirits, wine, beer, tobacco, cigars, cigarettes or opium; and
- (b) second-hand goods,

which—

- (c) are exported in the original packages in which they were imported; or
- (d) are exported in packages packed in the presence of an officer,

are goods on which drawbacks of import duty may be allowed under section 168 of the Act.

(2.) For the purposes of the last preceding sub-regulation—

- (a) goods, other than cinematograph films, are second-hand goods if, after their first importation into Australia, they have been used in any manner other than for the temporary use of the goods for the purpose of inspection or of exhibition only; and
- (b) cinematograph films are second-hand goods if after their first importation into Australia, they have been exhibited by a person otherwise than in pursuance of a direction given by an officer.

Substituted by  
1955, No. 15.

**130.**—(1.) Drawback of import duty on goods shall not be allowed unless a drawback entry in accordance with Form 50, a despatch note in accordance with Form 52 and a drawback debenture in accordance with Form 53 have been prepared in relation to the goods and delivered to the Collector and—

- (a) in the case of goods which are to be exported in the original packages in which they were imported—an officer is satisfied that the goods are the goods on which the import duty was paid and the packages are the original packages in which the goods were imported; or
- (b) in any other case—the packages containing the goods have been secured to the satisfaction of the officer in whose presence they were packed and a distinctive mark or label placed on each of the packages.

(2.) Where a person intends to export goods in packages other than the original packages in which they were imported, the person shall give notice to the Collector in accordance with Form 51 at least six working hours before the time when he intends to re-pack the goods.

Substituted by  
1955, No. 15.

**131.** Where goods have been examined, or packed under supervision, for the purposes of a claim for drawback, the goods shall forthwith—

- (a) be despatched for delivery into the custody of an officer at the place of export; or
- (b) be deposited in a secure place approved by the Collector, under the lock of the Crown or under seal, until the goods are despatched to the place of export.

**Rr. 132-135**

**132.** Goods to be despatched under the last preceding regulation shall be despatched in a licensed carriage, boat or lighter. Substituted by  
1955, No. 15.

**133.** Where the Collector so desires, goods already packed may be re-opened and re-examined after having been examined for drawback, and the unpacking and re-packing shall be conducted by, or at the expense of, the exporter. Substituted by  
1955, No. 15.

**134.** An exporter claiming drawback in respect of goods shall give every facility to enable the examining officer to superintend the examination and packing of the goods and the taking of a correct account of the goods. Substituted by  
1955, No. 15.

**135.—(1.)** Drawback of import duty in the case of oil shall not be allowed unless, in addition to compliance with the requirements of regulation 130 of these Regulations— Substituted by  
1955, No. 15.

- (a) the nature and classification of the oil as described in the drawback entry have been confirmed by an analysis of samples;
- (b) if the oil is a blend made from different oils—
  - (i) the blending has been carried out under the supervision of an officer; and
  - (ii) the drawback entry gives full particulars of the oils used in the blending and of other materials which were added in the blending; and
- (c) if the oil has been re-packed into containers—each container has been sealed in a manner approved by the Collector.

(2.) Paragraph (a) of the last preceding sub-regulation does not apply if—

- (a) the oil is in the original containers, bearing the import seals and capsules, in which the oil was imported; or
- (b) the oil is in containers which have remained in the original packages in which the oil was imported,

and the Collector is satisfied that the containers or packages, as the case may be, have not been tampered with and are in the same state as when imported.

(3.) Where an analysis is to be made for the purposes of sub-regulation (1.) of this regulation—

- (a) two samples shall be taken by an officer and sealed and labelled for identification;
- (b) one sample so taken shall be supplied to the exporter and the other sample submitted for analysis; and
- (c) in the case of blended oil—the samples shall be taken from the original packages of the constituent oils before blending, and also from the blended oil.

**Rr. 136-147**

Substituted by  
1955, No. 15.

**136.** Where goods under drawback are to be transferred to another port or airport within Australia—

- (a) the goods shall be entered for export;
- (b) the owner shall give security for the exportation of the goods in accordance with the entry;
- (c) a despatch note in accordance with Form 52 shall be made out in respect of the goods; and
- (d) the owner or master of the ship, or the owner or pilot of the aircraft, by which the goods are to be transferred shall state on the transire that the goods are under drawback.

Substituted by  
1955, No. 15.

**137.**—(1.) The officer who receives the goods at the place of shipment or the place where the goods are placed on board an aircraft shall acknowledge the shipment or the placing on board on the despatch note.

(2.) The owner or master of the ship or the owner or pilot of the aircraft, as the case may be, shall acknowledge receipt of the goods on the despatch note.

**Sec. 170.**

Substituted by  
1955, No. 15.

**138.** Drawback of import duty shall be allowed on goods on which the import duty paid was not less than Five shillings but was less than One pound if the claim for drawback on the goods is included in the same drawback debenture as claims for drawback on other goods and the total amount of import duty paid on the goods included in all the claims was not less than One pound.

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Regs.  
139 to 145  
(inclusive)  
repealed by  
1955, No. 15.

**PAYMENT OF DRAWBACK IN CERTAIN CASES.**

**146.** The Comptroller may cause any drawback debenture to be passed for payment although these Regulations may not have been strictly complied with.

**PAYMENT FOR OFFICERS' SERVICES.**

Substituted by  
1951, No. 71;  
amended by  
1953, No. 102.

**147.** Where an exporter requests that the services of an officer be made available for the purposes of inspecting or examining any goods, or supervising any operation in relation to any goods, for exportation under drawback, the exporter shall pay to the Collector a charge calculated at the rate of Eight shillings per hour or part of an hour during which the officer is engaged in the inspection, examination or supervision, plus the expenses (if any) incurred by the officer in travelling to and from the place at which his attendance is required.

**Rr. 148-151**

**Secs. 178, 179. COASTING TRADE.**

**148.** The Master of every ship trading only within the limits of the Commonwealth shall take out a Transire in accordance with Form 21 for each voyage of his ship, or, at the discretion of the Collector, may be granted a General Transire in Form 26 to be in force for a period of six months from the date of issue.

**149.** Despatch Notes shall in all cases be furnished for goods carried subject to the control of the Customs and shall be dealt with as prescribed by regulation 48. (See also regulation 91.)

**150.** In cases where the Master has been granted a General Transire under these Regulations the following conditions shall apply:—

- (a) The Master shall keep on board a cargo-book in accordance with Form 25, in which shall be entered—

The name of the ship and her Master;

The Port to which the ship belongs;

and in regard to each voyage—

The Ports to which the ship is bound;

A description of all goods shipped under Customs control;

The names of shippers and consignees of goods under Customs control;

The date of delivery of goods under Customs control at each port of discharge; and

The times of arrival at, and departure from, each port.

- (b) Before departure from any port at which goods under Customs control have been received, the Master shall enter particulars of such goods in the cargo-book and shall produce the same to an officer, who, if satisfied as to its correctness, shall sign the entry.
- (c) Forthwith on arrival at any port for which goods under Customs control are being carried the Master shall deliver to the proper officer the Despatch Notes relating to such goods together with a copy in duplicate of the entries in his cargo-book relating to the same.
- (d) The Master shall on demand produce the cargo-book for the inspection of any officer, who may take extracts from or make any entries therein.
- (e) The Master shall account, to the satisfaction of the Collector, for all goods subject to the control of the Customs carried by his ship.

**151.** Prior to the issue of a General Transire the owner of the ship in respect of which the transire is to be issued shall furnish security in accordance with Form 83, and in a sum to be determined by the Collector.

**Rr. 152-155**

**152.** In cases where the Master has not been granted a General Transire under these Regulations, the following conditions shall apply:—

- (a) The Master shall, if required by the Collector, give security in such sum as the Collector requires to account to the satisfaction of the Collector for all goods subject to the control of the Customs carried by his ship.
- (b) Before his ship departs from any port the Master shall make out in duplicate a transire in accordance with Form 21 containing full particulars of all goods subject to the control of the Customs shipped on his ship. If such goods are carried for more than one port, separate transires must be made out in duplicate in respect of each port.
- (c) The transire in duplicate shall be presented to the Collector, who, if satisfied that it is correct, shall sign one of the duplicates and return it to the Master and shall retain the other.
- (d) The Master's duplicate of the transire shall be carried on the ship in which the goods specified therein are carried.
- (e) Forthwith after arrival at any port the Master shall report the ship by delivering to the Collector the transire and despatch notes relating to the goods under Customs control to be landed at that port. If required by the Collector the transire shall be delivered to him in duplicate.
- (f) If for any port there are no goods under Customs control to be landed the transire shall nevertheless be delivered in accordance with this regulation, indorsed with the words "No under-bond goods".

**153.** The Master of every coasting ship shall load and discharge cargo subject to Customs control at a port only, and, except by permission of the Collector, only on the working days and during the working hours prescribed under section 28 of the *Customs Act* 1901-1925 (regulations 19, 20 and 21), and shall permit an officer to examine the cargo of his ship or any part of it.

**TRANSFER OF DUTIABLE GOODS BY INLAND CARRIAGE.**

**154.** When dutiable goods are transferred by inland carriage the Consignor shall present to the Collector a transire (in duplicate), in accordance with Form 24. One copy of the transire shall be retained by the Collector and the other forwarded by him to the officer at the the place of destination of the goods.

**MAXIMUM WEIGHT OF GOODS FOR INTER-STATE TRANSFER.**

**155.** The maximum weight of any package of grain, salt, ores, or bagged goods of any description, or of any roll or package of hides, for conveyance from any State to any other State shall not, taken together with the weight of the containing package, if any, exceed in the aggregate 200 lb.



**Rr. 156-159**

**Sec. 180. CUSTOMS AGENTS' LICENCES.**

**156.** In this regulation and in regulations 157 to 166 (inclusive) of these Regulations— **Substituted by 1952, No. 96.**

“Customs agent” means a person who holds a licence that is in force;

“head agent” means the employer, co-employee, partner or co-director, as the case may be, of a sub-agent;

“licence” means a licence to act as a Customs agent;

“sub-agent” means a person who is—

- (a) exclusively employed by a Customs agent;
- (b) exclusively employed by a person another of whose employees is a Customs agent;
- (c) exclusively employed by a firm or company, a partner in, or a director of, which is a Customs agent;
- (d) a partner of a firm in which another partner is a Customs agent; or
- (e) a director of a company of which another director is a Customs agent.

**157.\*** A Collector may, on written application being made to him, grant to the person making the application a licence in accordance with Form 56. **Substituted by 1952, No. 96; amended by 1955, No. 15.**

**158.—(1.)** Before a licence is granted, an applicant for a licence shall furnish, to the satisfaction of the Collector, a security which, subject to the next succeeding sub-regulation, shall be in the sum of— **Substituted by 1952, No. 96. Sub-reg. (1.) amended by 1955, No. 15.**

- (a) Two thousand pounds; or
- (b) where the application is made by a person for a licence to act as a Customs agent only in Rockhampton, Townsville, or Cairns or in any two or more of those places or in Launceston—  
Five hundred pounds.

**(2.)** Where an applicant for a licence is a sub-agent, the applicant, the person who will, if the application is granted, be the head agent of the applicant and each other person who is a sub-agent of that head agent may furnish, to the satisfaction of the Collector, a security in the sum of— **Amended by 1955, No. 15.**

- (a) Two thousand pounds in respect of the head agent and One thousand pounds in respect of the applicant and in respect of each person who is a sub-agent of that head agent; or
- (b) where the head agent is licensed to act as a Customs agent only in Rockhampton, Townsville or Cairns or in any two or more of those places or in Launceston—Five hundred pounds in respect of the head agent and Two hundred and fifty pounds in respect of the applicant and in respect of each person who is a sub-agent of that head agent.

**159.—(1.)** Before a licence is granted, there shall be payable to the Collector— **Substituted by 1952, No. 96.**

- (a) a fee of Five shillings where the application is made by a sub-agent; or

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\* This regulation was amended by sub-regulation (1.) of regulation 15 of Statutory Rules 1955, No. 15. Sub-regulation (2.) of that regulation reads as follows:—  
“(2.) Where a licence was granted before the commencement of this regulation under the provisions of the Customs Regulations as in force at the time the licence was granted and the fees required to be paid in respect of that licence have been paid, the licence shall be deemed to be a licence issued under regulation 157 of the Customs Regulations as in force immediately after that commencement.”.

**Rr. 160-165**

(b) a fee of Two pounds ten shillings where the application is made by a person other than a sub-agent.

(2.) There shall be payable to the Collector, in respect of each licence in force on the first day of January or the first day of July in each year—

(a) a fee of Five shillings in the case of a Customs agent who is a sub-agent; or

(b) a fee of Two pounds ten shillings in the case of a Customs agent who is not a sub-agent.

(3.) A fee payable in pursuance of the last preceding sub-regulation shall be payable on or before the first working day in January or July, as the case may be, in each year.

Substituted by  
1952, No. 96.

**160.** A licence granted to a sub-agent shall cease to be in force if—

(a) the licence granted to his head agent ceases to be in force, is cancelled or determined; or

(b) he ceases to be a sub-agent of his head agent.

Substituted by  
1952, No. 96.  
Sub-reg. (1.)  
amended by  
1955, No. 15.

**161.**—(1.) A Collector may, by order under his hand, cancel a licence.

(2.) The grounds upon which the cancellation is made shall be specified in the order.

(3.) A copy of the order shall be served on the person whose licence has been cancelled by delivering it to him personally or by leaving it at his usual place of abode or business, and the licence shall cease to be in force as from the time the copy of the order is so served.

Substituted by  
1952, No. 96.

**162.**—(1.) A person whose licence has been cancelled may, within fourteen days after the date on which the licence ceases to be in force, appeal to the Minister, by notice in writing, against the order of cancellation.

(2.) The notice of appeal shall state the grounds of appeal and shall be delivered to the Collector.

(3.) The Minister shall consider the appeal and may allow or dismiss the appeal.

(4.) The decision of the Minister shall be notified to the appellant and, if the Minister allows an appeal, the licence shall, from the date on which the appeal is allowed, have force and effect as if it had not been cancelled.

Substituted by  
1952, No. 96.

**163.** A Customs agent or a person employed by or acting under the instructions of a Customs agent shall not act as the agent of an owner of goods unless he is authorized by that owner so to act.

Penalty: Fifty pounds.

Substituted by  
1952, No. 96.

**164.** A person shall not, at a place to which the limitation referred to in section 180 of the *Customs Act 1901-1951* extends, act as the agent for an owner of goods unless that person is exclusively in the employment of the owner or is a Customs agent.

Penalty: Fifty pounds.

Substituted by  
1952, No. 96.

**165.**—(1.) A person who is not a Customs agent shall not assume or use in connexion with his trade, business, calling or profession any words which would reasonably lead to the belief that his trade, business, calling or profession is being carried on under a licence.

Penalty: Twenty pounds.

**Rr. 166-173**

(2.) Without limiting the effect or application of the last preceding sub-regulation, a person, not being a Customs agent, who—

- (a) places, or suffers or permits to be placed, on the building in which he carries on his trade, business, calling or profession;
- (b) uses in an advertisement or sign published or displayed in connexion with his trade, business, calling or profession;
- (c) uses on a document, as a description of his trade, business, calling or profession; or
- (d) uses as the name or part of the name of a firm or company registered in Australia,

the words “customs agent” or any words so nearly resembling the words “customs agent” as to be likely to deceive, whether alone or in conjunction with other words, is guilty of an offence.

Penalty: Twenty pounds.

**166.** A Customs agent may, upon furnishing a guarantee in such form as the Collector approves and in such sum as the Collector determines, pay the duties of customs on all goods entered on any day by him for home consumption at or before the closing time for the receipt of cash at the Customs office instead of at the time of making the entry.

Substituted by  
1952, No. 96.

\* \* \* \* \*

Regs. 167  
and 168  
repealed by  
1952, No. 96.

**Secs. 205, 206.**

**SEIZURE OF SHIPS, BOATS, OR GOODS.**

**NOTICE OF SEIZURE.**

**169.** Notice of seizure of ships, boats, or goods, under section 205 of the Act, shall be in accordance with Form 60.

**SECURITY FOR RELEASE.**

**170.** The security to be furnished by the owner of seized goods, with a view to their release, shall be in accordance with Form 86.

**Sec. 214. NOTICE TO PRODUCE DOCUMENTS.**

**171.** Notice to produce documents under section 214 of the *Customs Act* 1901-1925 shall be in accordance with Form 61.

**Sec. 218. OFFICIAL SAMPLES.**

**172.** All samples shall be kept in the careful custody of the proper officer.

**173.** When not further required they shall be returned to the owner, on application.

**Rr. 174-181**

**174.** If they are not, after due notice to the owner, taken away by him within 14 days, they shall be sent to the King's warehouse and sold.

**175.** No unauthorized person shall have access to samples.

**176.** Only such samples shall be taken as the circumstances absolutely require, and no officer shall consume or make use of them in any other way than is necessary for the due performance of his official duties.

**Sec. 246. RIGHT OF TRIAL IN HIGH COURT OR  
STATE SUPREME COURT.**

**177.** A defendant in a Customs prosecution, where the penalty exceeds One hundred pounds and the excess is not abandoned, may exercise his election to have the case tried in the High Court of Australia, or the Supreme Court of the State in which the prosecution was instituted, by serving on the prosecutor and filing in the Court in which the prosecution was instituted a notice in accordance with Form 62.

**178.—(1.)** The prosecutor, within seven days after the notice of election has been served upon him, shall exercise his option under section 246 of the Act by serving on the defendant and filing in the Court in which the prosecution was instituted a notice specifying the Court in which the case is to be tried.

**(2.)** If the prosecutor fails to comply with this regulation, the prosecution shall be deemed to be abandoned, but the Court in which it was instituted may, on the application of the defendant, award him such costs as it deems just.

**179.** The proper officer of the Court in which the prosecution was instituted shall forthwith, after the prosecutor has exercised his option in accordance with these Regulations, forward to the Court in which the prosecution is to be tried all documents relating to the prosecution in the possession of the first-mentioned Court.

**Sec. 265. SETTLEMENT OF CASES BY THE MINISTER.**

**CONDUCT OF INQUIRIES UNDER PART XV.**

Reg. 180  
repealed by  
1936, No. 49

\* \* \* \* \*

**181.** The following shall be the rules for the conduct of inquiries under Part XV. of the Act:—

- (a)** The person who occupies the position of defendant (in this regulation called the defendant) shall have a full opportunity of bringing forward his evidence and of defending himself.
- (b)** The person who occupies the position of prosecutor (in this regulation called the prosecutor) shall make a short statement of his case.
- (c)** The evidence of the witnesses supporting the charge shall be taken.
- (d)** Such witnesses may be cross-examined by the defendant, and re-examined by the prosecutor.

**Rr. 182-185**

- (e) The defendant's witnesses shall give their evidence, and the defendant may himself give evidence.
- (f) Such witnesses may be cross-examined by the prosecutor, and re-examined by the defendant.
- (g) The defendant may address the person conducting the inquiry, and the prosecutor shall have the right of reply.
- (h) The person conducting the inquiry shall then give his decision, or reserve his decision until some future day and time which he shall announce, or, if the inquiry is conducted by any person acting under powers delegated to him by the Minister, and such powers extend only to the holding of an inquiry and no further, he shall announce that the matter will be reported to the Minister, who will give his decision in writing.
- (i) The defendant may be represented by counsel, or (with the approval of the person conducting the inquiry) by some other person.
- (j) The person conducting the inquiry—
  - (i) shall not be bound by any rules as to the admission or rejection of evidence;
  - (ii) may inform his mind as to any matter in such manner as he thinks just;
  - (iii) may admit as evidence any matter which he considers to be relevant to the inquiry; and
  - (iv) may reject as evidence any matter which he considers not to be relevant to the inquiry.
- (k) The examination of witnesses shall be on oath or affirmation.
- (l) The person conducting the inquiry may issue a summons to any person requiring him to attend the inquiry as a witness.

**Sec. 267.**

**SUMMONS TO WITNESS.**

**182.** The summons to witnesses shall be in accordance with Form 64.

**ENFORCEMENT OF PENALTIES AND FORFEITURES UNDER PART XV.**

**183.** Any order made by the Minister under Part XV. of the Act, for the enforcement of any penalty or forfeiture which he has determined has been incurred, may be filed in any court of summary jurisdiction, and thereupon the order shall have effect as if it were an order of that court.

**184.** Subject to these Regulations, all laws of the State relating to the enforcement of orders of courts of summary jurisdiction in force in the place where the court in which the order is filed is situated shall, to the extent to which they are applicable, apply to all matters relating or incidental to, or in connexion with, the enforcement of the penalty or forfeiture specified in the order so filed, and to any process for such enforcement.

**185.** On the application of any officer of Customs, any justice of the peace having jurisdiction in the place may issue a warrant of execution or other applicable process, for the purpose of the enforcement of the order so filed.

**Rr. 186-190**

**186.** A warrant of execution may be in accordance with Form 65, or in accordance with any form of warrant of execution or distress (applicable to the circumstances) under any law in force in the State where the warrant is issued.

**187.** Any form of warrant of execution, or other process, whether provided by these Regulations or by the law of the State, may be varied according to the circumstances of the case, and no warrant of execution, or other process, shall be held to be invalid by reason of want of form.

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**Sec. 270 (1) (e). RAILWAYS.—SECURITY.**

**188.** When required by the Collector, railway authorities shall furnish security for the protection of the revenue in accordance with Form 87.

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**Sec. 276. COLLECTOR'S SALES.**

**189.** Public notice, by advertisement in the local newspapers, and by notice posted in a conspicuous place at the Customs House, shall be given of all sales on account of the Customs. No sales other than of perishable goods or living animals shall be held until after the expiry of one week from the first notification of the sale, or such longer period as the Collector determines.

**Substituted by  
1951, No. 34.**

**190.** The following shall be conditions of sale in the case of sales by the Collector:—

- (a) The Collector shall reserve to himself the right to refuse the bid or tender of any person who has not satisfactorily complied with the conditions of previous sales.
- (b) The highest bidder or tenderer shall be the purchaser but if any dispute arises as to the last or best bidder the lot in dispute shall be put up again and re-sold.
- (c) If the purchase money is not paid in cash on the acceptance of the bid or tender the lot may be again offered but the person whose bid or tender was accepted shall be liable to pay to the Collector any loss sustained by reason of his failure so to pay the purchase money.
- (d) The goods shall be sold with all faults and if there is any discrepancy between the quantity stated in the sale list and the actual quantity available for delivery the Collector shall not be bound to deliver more than the quantity available for delivery.
- (e) The goods shall be removed from the warehouse within seven days after the sale and if they are not so removed the purchaser shall be liable for rent and charges thereon from the date of sale up to the date of removal at the rates prescribed in these Regulations in respect of goods warehoused in the King's Warehouse.
- (f) All goods remaining in the warehouse after the sale shall be at the purchaser's risk and expense.

**Rr. 191-194**

- (g) If the goods are not removed within fourteen days after purchase, they may be again offered for sale by the Collector, and the original purchaser shall not be entitled to a refund of any moneys paid by him.

**RECEIPTS FOR GOODS.**

**191.** When goods are delivered for exportation, transhipment, transfer, or removal, the necessary forms accompanying the goods are to be duly receipted by the Chief Officer of the receiving ship, or by such other person in the employ of and authorized by the owner or agent of the ship as may be approved by the Collector.

**PAYMENT FOR OFFICERS' SERVICES.**

**192.** Where an importer requests that the services of an officer be made available for the purposes of inspecting or examining any goods, or supervising any operation in relation to any goods, the importer shall pay to the Collector a charge calculated at the rate of Eight shillings per hour or part of an hour during which the officer is engaged in the inspection, examination or supervision, plus the expenses (if any) incurred by the officer in travelling to and from the place at which his attendance is required.

Substituted by  
1951, No. 71;  
amended by  
1953, No. 102.

**OFFENCES.**

**193.—(1.)** Any person who, without the authority of the Collector (proof whereof shall lie upon the person charged) makes any alteration, addition or erasure to or in any Customs document, shall be guilty of an offence.

Penalty: Fifty pounds.

(2.) Any person who uses, puts off, or has in his possession any Customs document to or in which any alteration, addition or erasure has been made without the authority of the Collector (proof whereof shall lie upon the person charged) shall be guilty of an offence.

Penalty: Fifty pounds.

(3.) "Customs document" in this regulation includes any receipt, certificate, account, book, manifest, declaration, entry, invoice, licence, security, notice, permit, debenture, report, authority, consent or other document given, issued or kept by or produced or delivered to the Customs or any officer of Customs.

**PERMITS TO CARRY FIREARMS.**

**194.** If the Comptroller-General considers it desirable that the officer occupying any position should carry firearms, he may give directions in writing that the officer occupying that position shall carry firearms, and thereupon, while such directions, remain in force, any officer occupying that position and any officer acting for that officer shall be authorized to carry firearms.

**Rr. 195-202****AIRCRAFT.**

**195.** In these Regulations and in the Forms appearing in the accompanying Schedule, except where otherwise clearly intended, any provision relating to a ship or vessel or to the master or agent of a ship or vessel shall be read as relating also to an aircraft or to the pilot or agent of an aircraft, as the case may be, and where otherwise applicable, any appropriate form in the Schedule may be used, with necessary alterations, in any matter relating to an aircraft.

**FORMS.**

**196.** The forms prescribed in these Regulations are those in the accompanying Schedule.

**197.** In cases where the forms prescribed by any regulations repealed by these Regulations differ from those prescribed by these Regulations, the Comptroller may permit the continuance of the use of the first-mentioned forms for such time as he may consider desirable.

**198.** Where a prescribed form contains, by way of note or otherwise, a clear direction or indication of any requirement of the Customs as to—

- (a) the number of copies of the document to be tendered (the words “in duplicate” or similar words shall be a sufficient indication of the number required);
- (b) the nature or form of the information to be furnished to the Customs;
- (c) any action, either by way of signing a form of declaration or otherwise, to be taken by the person concerned in the transaction in which the document is used or by his authorized agent;
- (d) receipts to be signed by ship’s officers, railway officers, or other persons in proof that the goods described in the Form have been received for carriage or otherwise—

the requirements so indicated shall be deemed to be prescribed.

**199.** The Collector may require copies of any prescribed form, in addition to the number indicated on the Form in the Schedule.

**200.** The Collector may accept, in lieu of any prescribed form other than a prescribed form of declaration, or a prescribed form of security, any document which is substantially in accordance with the prescribed form.

**Reg.**  
**200A** inserted by  
**1952, No. 96;**  
repealed by  
**1955, No. 15.**

\* \* \* \* \*

**201.** The Comptroller, in any case in which he thinks fit so to do, may accept a form of declaration or security different from the form of declaration or security prescribed for that case, and any form of declaration or security so accepted shall have all the force and effect of a prescribed form.

**REPEAL.**

**202.** The following Regulations are hereby repealed:—

The Customs Regulations 1922 (being Statutory Rules 1922, No. 24, as amended by Statutory Rules 1922, Nos. 47, 48, 60, 126, 139, 140, 182; 1923, Nos. 55, 71, 90, 92, 119, 148, 193, 205; 1924, Nos. 47, 83, 87, 102, 140, 170, 183, 185, 192; 1925, Nos. 22, 33, 59, 186, 195, 218; 1926, No. 88).



## SCHEDULE.

Sec. 64.

FORM 1.

Amended by  
1928, No. 57.

Reg. 32.

Australian Customs.

## SHIP'S REPORT INWARDS.

(in duplicate.)

State of \_\_\_\_\_ Port of \_\_\_\_\_  
 Report of the \_\_\_\_\_ ship \_\_\_\_\_ of \_\_\_\_\_ (if British, port of registry;  
 if foreign, the country) of \_\_\_\_\_ tons gross and \_\_\_\_\_ tons net, with a crew  
 of \_\_\_\_\_ British men; \_\_\_\_\_ foreign men, besides \_\_\_\_\_ a  
 (British) man, master for this present voyage, from, \_\_\_\_\_, with stores and  
 (Foreign) passengers as per lists attached.

*Manifest of Cargo.*

| No. of<br>Line. | Place<br>where<br>Laden. | Marks<br>and<br>Numbers. | No. of<br>Packages. | Descrip-<br>tion of<br>Goods. | Consignees. | To be inserted by<br>Customs—                    |                  |
|-----------------|--------------------------|--------------------------|---------------------|-------------------------------|-------------|--------------------------------------------------|------------------|
|                 |                          |                          |                     |                               |             | Bonded Duty<br>Paid,<br>Transhipped,<br>or Free. | No. of<br>Entry. |
|                 |                          |                          |                     |                               |             |                                                  |                  |

At what station ship lying

Agent's name and address

I declare that the entry above written is a just report of the ship and of her lading  
 and that the particulars therein are true and that bulk has not been broken nor goods  
 delivered out of the ship since her departure from \_\_\_\_\_ the last place of  
 lading except at \_\_\_\_\_ [stating where, if anywhere.]

Master, Owner or Agent.

Signed and declared this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, in the presence  
 of—

Collector.

NOTE.—The cargo for each port must be separately shown, distinguishing each  
 port of destination. Every line specified on a bill of lading shall be separately set out  
 in the manifest. Goods of various marks and numbers for different importers shall  
 not be shown in one line.

## CUSTOMS ACT

Inserted by  
1947, No. 152;  
substituted by  
1951, No. 38.

## GENERAL DECLARATION.

(Outward/Inward)

Secs. 64, 114.

FORM 1A.

Regs. 32, 99, 101, 103.

Owner or Operator

Aircraft

Flight No.

Date

(Registration Marks and Nationality)

Point of Clearance

For entry at

(Place and Country)

(Place and Country)

## ITINERARY OF AIRCRAFT.

| Airport. | Departure Date. | Airport. | Departure Date. |
|----------|-----------------|----------|-----------------|
|          |                 |          |                 |

No. of Manifests attached {  
Cargo

Whenever a separate Cargo Manifest is not attached hereto, the information required below must be furnished. If no cargo is being carried, insert the word "NONE" in the Cargo Manifest.

## CARGO MANIFEST.

| Marks and numbers on Packages. | Number and Type on Packages. | Nature of Goods. | From. | To. | Gross Weight. |  |  |
|--------------------------------|------------------------------|------------------|-------|-----|---------------|--|--|
|                                |                              |                  |       |     |               |  |  |

I declare that this General Declaration, all statements and particulars contained therein, and in any attached manifests or stores lists are complete and contain to the best of my knowledge and belief an exact and true account of all—

Cargo } Laden on  
Stores }  
Mail } Unladen from } the above aircraft.

Signature

Pilot-in-Command.

Reg. 32.

FORM 2.

Amended by  
1928, No. 57.

Australian Customs.

MANIFEST AMENDMENT.

To the Collector of Customs,

State of

I request permission to amend the Inward Report of the Ship  
from                      Reported                      19     , by adding the following  
goods. My reason for making this request is that

Master, Owner or Agent.

19     .

| Number of<br>additional<br>Line. | Marks. | No. of Packages and<br>Description of Goods. | Consignee. | To be inserted by Customs—               |                  |
|----------------------------------|--------|----------------------------------------------|------------|------------------------------------------|------------------|
|                                  |        |                                              |            | Bond, Duty Paid,<br>Transhipped or Free. | No. of<br>Entry. |
|                                  |        |                                              |            |                                          |                  |

Noted,

Approved,

Clearing Clerk.

Collector.

19     .

19     .



## FORM 3—continued.

| Restricted Drugs.                                                                                  | Quantity on Board on<br>Arrival at First<br>Australian Port. | Quantity Remaining on<br>Board on Departure<br>from Final Australian<br>Port. | Quantity Consumed for<br><i>bona fide</i> Medicinal<br>Purposes in Australian<br>Waters. |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Tincture opii .. .. . oz.                                                                          |                                                              |                                                                               |                                                                                          |
| Battley's or Fluid or Liq. Extract opii .. .. . oz.                                                |                                                              |                                                                               |                                                                                          |
| Nepenthe .. .. . oz.                                                                               |                                                              |                                                                               |                                                                                          |
| Solid Extract opii .. .. . oz.                                                                     |                                                              |                                                                               |                                                                                          |
| Pulv. opii .. .. . oz.                                                                             |                                                              |                                                                               |                                                                                          |
| Morphine—Salts .. .. . oz.                                                                         |                                                              |                                                                               |                                                                                          |
| Morphine—Hypo. Tabs. .. .. . gr.                                                                   |                                                              |                                                                               |                                                                                          |
| Onmopon preparations .. .. . gr.                                                                   |                                                              |                                                                               |                                                                                          |
| Cocaine—Salts .. .. . oz.                                                                          |                                                              |                                                                               |                                                                                          |
| Cocaine—Hypo. Tabs. .. .. . gr.                                                                    |                                                              |                                                                               |                                                                                          |
| Diacetylmorphine (heroin)—Salts .. .. . oz.                                                        |                                                              |                                                                               |                                                                                          |
| Diacetylmorphine (heroin)—Hypo. Tabs. .. .. . gr.                                                  |                                                              |                                                                               |                                                                                          |
| Other narcotic drugs (e.g., Codeine, Dionine, Pethidine, Indian<br>Hemp Preparations, &c.) .. .. . |                                                              |                                                                               |                                                                                          |

NOTE.—Dutiable stores, other than goods of Australian origin, shipped in Australia “*ex* Warehouse” or “Under Drawback” on previous voyages must be shown in Column above headed “Other” or “United Kingdom”.

Dutiable stores of Australian origin shipped in Australia “*Ex* Warehouse” or “Under Drawback” on previous voyages must be shown in Column above headed “Australian produce or manufacture” and marked “Excise”.

## DECLARATIONS.

[The following declarations are to be made on arrival.]

I declare that the particulars shown above are a true and accurate statement of all the specified stores on board my vessel.

I declare that the particulars shown above relating to restricted drugs are a true account of all such drugs on board.

Declared before me this

day of

19 .

Master.

Ship's Doctor.

Collector.

FORM 3—continued.

| Entry<br>Particulars. | Dutiable Stores Shipped in the Commonwealth.                            |                    | Column 1. | Column 2.  | Column 3. | Dutiable Stores Transhipped to another Vessel. |           |
|-----------------------|-------------------------------------------------------------------------|--------------------|-----------|------------|-----------|------------------------------------------------|-----------|
|                       | Goods ex Warehouse, under Drawback, or Transhipped from another Vessel. | Country of Origin. | Shipped.  | Remaining. | Consumed. | Goods.                                         | Quantity. |
|                       |                                                                         |                    |           |            |           |                                                |           |

## DECLARATIONS.

[The following declarations are to be made at the last port of call in Australia.]

I declare that the particulars shown above are a true and accurate statement of all the dutiable stores and narcotic drugs remaining on board my vessel at the time of departure from the last port of call in Australia and of dutiable stores on which duty has not been paid, and narcotic drugs, consumed in the ports and off the coast of Australia between the ports of

Master.

I declare that the particulars shown above relating to narcotic drugs are correct.

Ship's Doctor

Declared before me this

day of

19

Reg. 32. FORM 5.  
AUSTRALIAN CUSTOMS.  
 Port of State of  
 List of Customable Articles, Opium, Cocaine and other Narcotic Drugs owned by or in the possession of the Master, Officers and Crew of the  
 Ship  
 Master  
 On From  
 19

ARTICLES OWNED BY OR IN THE POSSESSION OF MASTER, OFFICERS AND CREW.

We, the Master, officers and members of the crew of the vessel , whose names, signatures or marks appear herein,  
 declare that we have in our possession, respectively, the quantity of customable articles, opium, cocaine and other narcotic drugs, and no more,  
 placed opposite our names, signatures or marks; and we severally undertake that neither these goods nor any portion thereof will be landed without  
 authority of the Customs. The goods we now produce are to be placed under your seal if necessary.

| Signature<br>or Mark. | Number<br>on<br>Ship's<br>Articles. | Rank or<br>Rating. | Tobacco. | Cigars. | Cigarettes. | Cigarette<br>Papers. | Cigarillos. | Biddies. | Potable<br>Spirits.            | Wines.                         | All other articles, including opium, cocaine<br>and other narcotic drugs, perfumed spirits,<br>cameras, wireless sets, musical instru-<br>ments, binoculars, gramophones and<br>records, typewriters, feathers, silk, wear-<br>ing apparel, lace, silverware, jewellery,<br>firearms, ammunition and dangerous<br>weapons, whether intended to be landed<br>in Australia or elsewhere.<br>Quantity, description and value to be<br>stated; also in the case of wireless sets,<br>cameras, binoculars, &c., maker's name<br>or brand and serial number. |
|-----------------------|-------------------------------------|--------------------|----------|---------|-------------|----------------------|-------------|----------|--------------------------------|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       |                                     |                    | Oz.      | No.     | No.         | No. of<br>Packets.   | No.         | No.      | No. of<br>Bottles<br>and Size. | No. of<br>Bottles<br>and Size. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                       |                                     |                    |          |         |             |                      |             |          |                                |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                       |                                     |                    |          |         |             |                      |             |          |                                |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                       |                                     |                    |          |         |             |                      |             |          |                                |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                       |                                     |                    |          |         |             |                      |             |          |                                |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

Form 4  
 omitted by  
 1939, No. 48.  
 Form 5  
 substituted by  
 1949, No. 75;  
 amended by  
 1951, No. 106.

## FORM 5—continued.

## BARBER'S STOCK AND STOCK IN THE SHIP'S SHOPS OR CANTEENS.

*(Excluding Bar Stock, Being Ship's Stores, in Charge of the Chief Steward or other officer of the Ship.)*

| Signature. | Goods. | Country of Origin. | Column 1.<br>Stocks on Board on Arrival at<br>First Australian Port. |                   | Column 2.<br>Stocks Remaining on Board on<br>Departure from Final<br>Australian Port. |                   | Column 3.<br>Stocks Consumed in Australian<br>Waters. |                   |
|------------|--------|--------------------|----------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------|-------------------|
|            |        |                    | Quantity.                                                            | Value.<br>£ s. d. | Quantity.                                                                             | Value.<br>£ s. d. | Quantity.                                             | Value.<br>£ s. d. |
|            |        |                    |                                                                      |                   |                                                                                       |                   |                                                       |                   |

I declare that the foregoing list gives full details of all customable articles, being private trade and stores, opium, cocaine and other narcotic drugs, owned by or in the possession of myself and of all the officers and members of my crew, at the time of entry into the port of

I further declare that the meaning of the requirements of this form has been fully explained to every person whose name, signature or mark appears thereon.

Declared before me this

day of

19 .

Master.

19 .



# Customs Regulations

1697

FORM 5A.

AUSTRALIAN CUSTOMS.

Sec. 41.

Reg. 24.

Inserted by  
1927, No. 95;  
substituted by  
1955, No. 32.

## SHIPS' PASSENGER'S DECLARATION.

I, hereby declare—

1. That I travelled to Australia by the ship and  
am disembarking at .

2. That my address in Australia is  
will be

3. That my occupation is

4.\* That I was accompanied on the voyage by my wife  
and the undermentioned child  
children under eighteen years of age:—

\*Delete if  
inapplicable.

who is  
are disembarking at the same place as myself.

5.\* That this declaration includes the particulars relating to the personal baggage  
and the goods which the persons specified in the last preceding paragraph of this  
declaration are importing in the ship.

6. That the following baggage comprises the whole of my  
our personal baggage  
landed or to be landed from the ship:—

| Number of Trunks. | Number of Boxes. | Number of Suitcases. | Number of other Packages. | Total Pieces of Baggage. |
|-------------------|------------------|----------------------|---------------------------|--------------------------|
|                   |                  |                      |                           |                          |

7. That the whole of the said baggage has been or will be landed at .

8. That the goods listed hereunder comprise all goods in the said personal  
baggage—

- (a) which are intended for gift, sale, exchange or trade;
- (b) which are landed for some other person; or
- (c) which are not my  
our personal effects.

| Description of Goods. | Quantity. | Country Where Acquired. | Price Paid or Value. |
|-----------------------|-----------|-------------------------|----------------------|
|                       |           |                         |                      |

9. That the following particulars are particulars of all—

- (a) fur apparel;
- (b) cigarettes, cigars or tobacco;
- (c) spirituous liquors;
- (d) motor cars, vans or trucks;
- (e) machinery, plant or equipment;
- (f) cinematograph films;
- (g) firearms or other dangerous weapons;
- (h) narcotic drugs;
- (i) essences of wine or essences of spirituous liquors;
- (j) saddles, bridles, horse rugs or horse brushes;
- (k) animals or animal products (including meats, skins, wool, hair, horns, hoofs, bones, dried blood and feathers);
- (l) germ cultures, microbes, viruses, vaccines or bacterial cultures;
- (m) insects at any stage of development; and
- (n) plants, parts of plants, fruits or seeds,

which I am importing in the ship and which are not listed in the preceding paragraph of this declaration:—

| Description of Goods. | Quantity. | Country Where Acquired. | Price Paid or Value. |
|-----------------------|-----------|-------------------------|----------------------|
|                       |           |                         |                      |
|                       |           |                         |                      |
|                       |           |                         |                      |
|                       |           |                         |                      |
|                       |           |                         |                      |
|                       |           |                         |                      |
|                       |           |                         |                      |
|                       |           |                         |                      |
|                       |           |                         |                      |
|                       |           |                         |                      |

10.\* That the value of English Bank Notes which I am importing in the ship is

11.\* That the value of furniture and household goods which I am importing in the ship is

Signature of Passenger.

Declared before me at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Customs Officer.

Inserted by  
1955, No. 32.

FORM 5B.

AUSTRALIAN CUSTOMS.

### AIRCRAFT PASSENGER'S DECLARATION.

Sec. 41.

Reg. 24.

AIRCRAFT

AIRPORT

I,

declare—

1. That I am a resident of \_\_\_\_\_, and that my address in Australia is \_\_\_\_\_ will be \_\_\_\_\_

2. That I am accompanied by the following-named members of my family whose baggage is included in this declaration:—

3. That the number of packages in which the baggage is included is \_\_\_\_\_.

4. That all articles which are not personal effects are listed below.

| Description of Goods. | Country Where Acquired. | Price Paid or Value. |
|-----------------------|-------------------------|----------------------|
|                       |                         |                      |
|                       |                         |                      |
|                       |                         |                      |
|                       | Total                   |                      |

Declared before me at \_\_\_\_\_, 19\_\_\_\_, on the \_\_\_\_\_ Signature of Passenger.

Customs Officer.

Sec. 74.  
Reg. 45.

FORM 6.  
Australian Customs.

Amended by  
1951, No. 34.

COLLECTOR'S PERMIT.—PERMIT TO DISCHARGE SHIPS.—  
BEFORE ENTRY.

State of \_\_\_\_\_ Port of \_\_\_\_\_ 19\_\_\_\_  
To the Collector.

I request permission to unship goods included in the cargo of the \_\_\_\_\_ from  
We [or the cargoes of the following ships:—  
during the month of \_\_\_\_\_] before the report thereof, or the passing of  
Customs entries.

I undertake  
We

- (a) To protect all goods landed under this permit;
- (b) To pay all expenses incurred in protecting and storing such goods;
- (c) That all such goods shall be safely kept until they cease to be subject to the control of the Customs;
- (d) On demand to pay an amount equivalent to the Customs duty on any goods shown on the Ship's Inward Report and not accounted for or delivered to your satisfaction.

Master, Owner, or Agent.

Approved—

Collector.  
19\_\_\_\_

Reg. 34.

FORM 7.  
Australian Customs.  
FORM OF INVOICE.

| Country of Origin. | Marks and Numbers on Packages. | Quantity and Description of Goods. | Current Domestic Values in Currency of Exporting Country.<br>(See pars. 3 and 4 of Declaration Form 8 or 9.) |         | Selling Price to Purchaser. |         |
|--------------------|--------------------------------|------------------------------------|--------------------------------------------------------------------------------------------------------------|---------|-----------------------------|---------|
|                    |                                |                                    | @                                                                                                            | Amount. | @                           | Amount. |
|                    |                                |                                    |                                                                                                              |         |                             |         |
|                    |                                |                                    |                                                                                                              |         |                             |         |
|                    |                                |                                    |                                                                                                              |         |                             |         |

Enumerate the following charges and state whether each amount has been included in or excluded from the above current domestic value:—

|                                                                                                         | Amount in<br>Currency of<br>Exporting<br>Country. | State whether<br>included<br>or excluded. |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------------------------------------|
| (1) Cartage to rail and/or to docks .. .. .                                                             |                                                   |                                           |
| (2) Inland freight (rail or canal) and other charges to<br>the dock area, including inland insurance .. |                                                   |                                           |
| (3) Labour in packing the goods into outside packages                                                   |                                                   |                                           |
| (4) Value of outside packages .. .. .                                                                   |                                                   |                                           |
| (5) If the goods are subject to any charge by way of<br>royalties .. .. .                               |                                                   |                                           |

State full particulars of Royalties:—

Reg. 34.

FORM 8.

Australian Customs.

**CERTIFICATE OF VALUE TO BE WRITTEN, TYPEWRITTEN, OR PRINTED  
ON INVOICE OF GOODS FOR EXPORTATION TO THE COMMONWEALTH  
OF AUSTRALIA.**

(1) Here insert name and description, viz., Manager, Chief Clerk, or as the case may be. (2) Here insert name of firm or company. (3) Here insert name of city and country. (4) These words should be omitted where the manufacturer or supplier himself signs the Certificate.

I, <sup>(1)</sup> \_\_\_\_\_ of <sup>(2)</sup> \_\_\_\_\_ of <sup>(3)</sup> \_\_\_\_\_  
 manufacturer of the goods enumerated in this invoice amounting to  
 supplier hereby declare that I [<sup>(4)</sup> have the authority to make and sign this certificate on behalf  
 of the aforesaid manufacturer and that I] have the means of knowing and I do  
 further declare as follows:—  
 (Par. 1 (b) is for goods on consignment. Delete par. 1 (a) or 1 (b) whichever is not applicable.)

1 (a). That this invoice is in all respects correct and contains a true and full statement of the price actually paid or to be paid for the said goods, and the actual quantity and description thereof.

1 (b). That this invoice is in all respects correct and contains a true and full statement as to the quantity and description of the goods and of the price which would have had to be paid by a purchaser in Australia had the goods been sold to an Australian importer instead of being consigned for sale in Australia.

2. That no different invoice of the goods mentioned in the said invoice has been or will be furnished to any one; and that no arrangement or understanding affecting the purchase price of the said goods has been or will be made or entered into between the said exporter and purchaser, or by any one on behalf of either of them either by way of discount, rebate, compensation, or in any manner whatever other than as fully shown on this invoice, or as follows <sup>(5)</sup>.

(5) Here insert particulars of any special arrangement.

3. That the domestic values shown in the column headed "Current Domestic Values in Currency of Exporting Country" are those at which the above-mentioned firm or company is supplying or would be prepared to supply to any and every pur-

chaser for home consumption in the country of exportation and at the date of exportation identically similar goods in equal quantities, at <sup>(6)</sup> subject to (6) Here insert "warehouse," "factory," or "port of shipment."  
per cent. cash discount, and that such values include the cost of outside packages, exclude  
if any, in which the goods are sold in such country for domestic consumption.

4. That the said domestic value includes any duty leviable in respect of the goods before they are delivered for home consumption, and that on exportation a drawback or remission of duty amounting to has been allowed by the revenue authorities in the country of exportation. will be

Dated at this day of 19 .

Witness Signature

Reg. 34.

Australian Customs.

FORM 9. Substituted by 1934, No. 127.

COMBINED CERTIFICATE OF VALUE AND OF ORIGIN TO BE WRITTEN, TYPEWRITTEN, OR PRINTED ON INVOICES OF GOODS FOR EXPORTATION TO THE COMMONWEALTH OF AUSTRALIA, FOR WHICH ENTRY IS CLAIMED AT PREFERENTIAL TARIFF RATES.

I, <sup>(1)</sup> of <sup>(2)</sup> of <sup>(3)</sup>  
manufacturer of the goods enumerated in this invoice amounting to  
supplier hereby declare that I <sup>(4)</sup> have the authority to make and sign this certificate on behalf of the aforesaid manufacturer and that I] have the means of knowing and I do  
supplier further declare as follows:—

VALUE.

(Para. 1 (b) is for goods on consignment. Delete para. 1 (a) or 1 (b) whichever is not applicable.)

1. (a) That this invoice is in all respects correct and contains a true and full statement of the price actually paid or to be paid for the said goods, and the actual quantity and description thereof.

1. (b) That this invoice is in all respects correct and contains a true and full statement as to the quantity and description of the goods and of the price which would have had to be paid by a purchaser in Australia had the goods been sold to an Australian importer instead of being consigned for sale in Australia.

(1) Here insert name and description, viz., Manager, Chief Clerk, or as the case may be.  
(2) Here insert name of firm or company.  
(3) Here insert name of city and country.  
(4) These words should be omitted where the manufacturer or supplier himself signs the Certificate.

2. That no different invoice of the goods mentioned in the said invoice has been or will be furnished to any one; and that no arrangement or understanding affecting the purchase price of the said goods has been or will be made or entered into between the said exporter and purchaser, or by any one on behalf of either of them either by way of discount, rebate, compensation, or in any manner whatever other than as fully shown on this invoice, or as follows:—<sup>(5)</sup>

(5) Here insert particulars of any special arrangement.

3. That the domestic values shown in the column headed "Current domestic Values in Currency of Exporting Country" are those at which the above-mentioned firm or company is supplying or would be prepared to supply to any and every purchaser for home consumption in the country of exportation and at the date of exportation identically similar goods in equal quantities, at <sup>(6)</sup> subject to

per cent. cash discount, and that such values include the cost of outside packages, if any, in which the goods are sold in such country for domestic consumption. exclude (6) Here insert "warehouse," "factory," or "port of shipment."

4. That the said domestic value includes any duty leviable in respect of the goods before they are delivered for home consumption, and that on exportation a drawback or remission of duty amounting to has been allowed by the revenue authorities in the country of exportation. will be

Goods wholly produced or wholly manufactured in the United Kingdom.

5. That in regard to the articles in this invoice marked "A" in the column "Country of Origin" the goods have been either wholly produced or wholly manufactured in the United Kingdom. As to manufactured goods, such goods have been either wholly produced or wholly manufactured in the United Kingdom from materials in one or more of the following classes:—

- (i) Materials wholly produced or wholly manufactured in the United Kingdom or in Australia;
- (ii) Imported unmanufactured raw materials;
- (iii) Imported manufactured raw materials as determined by the Minister for Trade and Customs for the Commonwealth.

Seventy-five  
per cent.  
qualification.

6. That in regard to the articles in this invoice marked "B" in the column "Country of Origin" not less than 75 per centum of the factory or works cost of each such article in its finished state is represented—

- (i) by labour or material of the United Kingdom; or
- (ii) by labour or material of the United Kingdom and labour or material of Australia.

Twenty-five  
per cent.  
qualification.

7. That in regard to the items in this invoice marked "C" in the column "Country of Origin" not less than 25 per centum of the factory or works cost of each such article in its finished state is represented—

- (i) by labour or material of the United Kingdom; or
- (ii) by labour or material of the United Kingdom and labour or material of Australia.

(NOTE.—Goods will not qualify for preference under this category unless they are goods which are deemed to be goods of a class or kind not commercially manufactured in Australia; a list of such goods is given in Appendix C of Explanatory Memorandum on the preference. The declarant's attention is invited to paragraphs 19 (d) and 21 (c) of the Explanatory Memorandum. In the case of goods of a class or kind not commercially produced or manufactured in Australia in respect of which a 50 per cent. qualification has been imposed pursuant to subsection (2.) of section 151A of the *Customs Act 1901-1934* (*vide* paragraph 19 (d) of Explanatory Memorandum), the words and figures "50 per centum" should be inserted in clause 7 of the certificate in lieu of the words and figures "25 per centum".)

**Final process  
must be  
United  
Kingdom—  
all goods.**

8. That in regard to all of the goods marked "A", "B", or "C", the final process of manufacture of each and every article has been performed in the United Kingdom.

9. That in the calculation of the proportion of United Kingdom and Australian labour or material none of the following items had been included or considered:—Cost of outside packages or any cost of packing the goods thereinto; manufacturer's or exporter's profit or profit or remuneration of any trader, agent, broker, or other person dealing in the article in its finished condition; royalties; cost of carriage or insurance or any other charge incurred subsequent to the completion of the manufacture of the goods.

10. With regard to bottles, flasks, or jars, being containers of goods mentioned in the invoice, that such bottles, flasks, or jars are of United Kingdom or Australian manufacture, and if purchased from bottle exchanges have distinctive marks or features which enable me to certify to their United Kingdom or Australian origin.

(Declarant should note that bottles, flasks, and jars must be marked on invoice separately from the goods they contain.)

Dated at                      this                      day of                      , 19                      .

Witness \_\_\_\_\_ Signature \_\_\_\_\_

This part is for use only where goods are entitled to preferential tariff rates.

## 1703

**Amended by  
1931, No. 90;  
1948, No. 156;  
and by  
1951, No. 99.**

**Reg. 35.**

## Australian Customs.

SIGHT ENTRY.

|          |         |                    |
|----------|---------|--------------------|
| State of | Port of | 19 .               |
| Ship     | from    | Reported           |
| Owners   | Per     | Station.<br>Agent. |

| No. on Manifest. | Marks and Numbers. | No. of Packages. | Description of Packages and Goods. | No. and Date of Perfect Entry. |
|------------------|--------------------|------------------|------------------------------------|--------------------------------|
|                  |                    |                  |                                    |                                |

I declare that I am (the Agent duly authorized by \_\_\_\_\_) the owner of the above-mentioned goods, and that (a) I have no invoice or other information in my possession or which I can immediately procure which will enable me to make a complete entry of such goods (or) (b) that the genuine invoice now produced does not give sufficient information from which the goods can be properly entered.

NOTE.—Clause (a) or (b) to be struck out as the case requires. Both the declarant and the Collector should initial the alteration.

Owner.

Agent.

Declared before me this                      day of                      19   .

Collector.

## CUSTOMS ACT

(The following to be printed on the back of the Sight Entry.)

## RESULT OF EXAMINATION ON SIGHT.

| Marks and Nos. | Number of Packages. | Description of Packages and Goods. | Country of Origin. | Quantity or Weight. | Value for Duty. | Rate of Duty. |
|----------------|---------------------|------------------------------------|--------------------|---------------------|-----------------|---------------|
|                |                     |                                    |                    |                     |                 |               |

I certify that the particulars hereon appearing above my initials are correct as to descriptions, weights, quantities and numbers.

E.O.

19 .

*Declaration as to Goods entered on Sight.*

As to the goods mentioned in this entry herein entered, I declare:—

1. That I am (the Agent duly authorized by ) the owner of the goods.
2. That to the best of my knowledge and belief the description and particulars of the goods as stated in this entry are true and correct in every respect.
3. That to the best of my knowledge and belief no goods are contained in any package specified in this entry, other than appears in the entry.
4. That nothing on my part or to my knowledge on the part of any person has been done, concealed, or suppressed, whereby His Majesty the King may be defrauded of any duty due on the goods.
5. As to the goods mentioned in this entry, I further declare that to the best of my knowledge and belief the value for duty of the goods as stated in this entry is correct and represents the value for duty of the goods calculated according to the provisions of section 154 of the *Customs Act* 1901-1950 as amended to the date hereof.

Owner or Agent.

Declared before me this                      day of                      19 .

Collector.

(b) In perfecting the sight Form 11 or 12 must be used.

In connexion with this entry, Form (b) is tendered, and the particulars shown therein agree with those tendered herein, and are covered by the above Declaration.

Owner or Agent.

/ / 19 .





**DECLARATION.**

As to the goods mentioned in this entry and herein entered, I declare—

1. That I am (the Agent duly authorized by \_\_\_\_\_) the owner of the goods.
2. That to the best of my knowledge and belief the description and particulars of the goods as stated in this entry are true and correct in every respect.
3. That to the best of my knowledge and belief no goods are contained in any package specified in this entry other than as appears in the entry.
4. That nothing on my part or to my knowledge on the part of any person has been done, concealed or suppressed whereby His Majesty the King may be defrauded of any duty due.
5. That I enter the goods as of the value and of the description and quantities stated in this entry, and for home consumption.
6. As to the goods mentioned in this entry I further declare:—
  - (a) That to the best of my knowledge and belief the value for duty of the goods as stated in this entry is correct and represents the value for duty of the goods calculated according to the provisions of Section 154 of the *Customs Act* 1901-1950 as amended to the date hereof.
  - (b) That to the best of my knowledge and belief the invoice now produced is the genuine invoice, as defined by Section 156 of the *Customs Act* 1901-1950 as amended to the date hereof, and is the only invoice of the goods received or expected to be received by me or to my knowledge by any person.

Delete clause (b) when  
sight entry made and  
Collector satisfied that  
genuine invoice cannot  
be produced.

Declared before me this \_\_\_\_\_

day of \_\_\_\_\_

Owner or Agent.

19

Collector.

\_\_\_\_\_

## 1707

**Substituted by  
1951, No. 99.**

Warrant No.

Date 19

Agent.

[illegible]

Total Number of Packages (in words)

To be warehoused at

Warehouse.

\* For statistical purposes, where goods are entered under a By-law made under Tariff Item 449, both that Item and the Tariff Item under which the goods, or the major portion thereof, would be classified in the absence of that By-law, or a By-law made under any other Tariff Item, must be shown.

### DECLARATION.

As to the goods mentioned in this entry and herein entered, I declare—

1. That I am (the Agent duly authorized by \_\_\_\_\_) the owner of the goods.
2. That to the best of my knowledge and belief the description and particulars of the goods as stated in this entry are true and correct in every respect.
3. That to the best of my knowledge and belief no goods are contained in any package specified in this entry other than as appears in the entry.
4. That nothing on my part or to my knowledge on the part of any person has been done, concealed or suppressed whereby His Majesty the King may be defrauded of any duty due.
5. That I enter the goods as of the value and of the description and quantities stated in this entry, and for warehousing.
6. As to the goods mentioned in this entry, I further declare—
  - (a) that to the best of my knowledge and belief the value for duty of the goods as stated in this entry is correct and represents the value for duty of the goods calculated according to the provisions of section 154 of the *Customs Act 1901-1950* as amended to the date hereof; and
  - (b) that to the best of my knowledge and belief the invoice now produced is the genuine invoice, as defined by section 156 of the *Customs Act 1901-1950* as amended to the date hereof, and is the only invoice of the goods received or expected to be received by me or to my knowledge by any person.

Declared before me this

day of

Owner or Agent.

19

Collector.

Delete clause (b) when sight entry made and Collector satisfied that genuine invoice cannot be produced.

1708

## CUSTOMS ACT

Substituted by  
1951, No. 106.

Regs. 39, 42, 82, 88.

Form 13.

No.

## AUSTRALIAN CUSTOMS.

CART, BOAT OR LIGHTER NOTE FOR GOODS REMOVED UNDER  
CUSTOMS CONTROL.

State of

Port of

\*Station  
Warehouse

/ /19 .

Forwarded the undermentioned goods from \*ship  
warehousereported to be delivered to the \*ship  
warehouse

by licensed carriage, boat or lighter No.

Customs Officer.

| Entry No.<br>and/or<br>Bond Mark. | Marks and<br>Nos. | No. of<br>Packages. | Description of Packages<br>and Goods. | By Whom<br>Removed. |
|-----------------------------------|-------------------|---------------------|---------------------------------------|---------------------|
|                                   |                   |                     |                                       |                     |
|                                   |                   |                     |                                       |                     |
|                                   |                   |                     |                                       |                     |
|                                   |                   |                     |                                       |                     |

Total number of packages (in words) .. ..

Received the abovementioned goods.

Goods received.

Lighterman or Driver of Carriage.

Customs Officer.

Time

Time / /19 .

\*Station  
Warehouse

\* Delete whichever inapplicable.

# *Customs Regulations*

1709

Sec. 68  
Reg. 40.

Form 14.

Australian Customs.

No.

## TRANSHIPMENT ENTRY.

(In quadruplicate.)

UNDER CUSTOMS CONTROL.

State of

Port of

19 .

Ship from Reported Station  
To be transhipped UNDER CUSTOMS CONTROL per for  
Owner Per Agent.

| No. on Manifest. | Marks. | Nos. | Description of Goods. | Country of Origin. | Quantity and/or Value. |
|------------------|--------|------|-----------------------|--------------------|------------------------|
| Security No.     |        |      |                       |                    |                        |

Goods shipped

Customs Officer.  
19

Received the above-mentioned goods

Chief Officer.  
19

Reg. 94

Form 15.

Australian Customs.

## BOND CERTIFICATE.

Ex from Warehoused 19 .

| Bond Mark and No. | Description of Goods. | Rate of Rent Payable. | Contents as per Register. |
|-------------------|-----------------------|-----------------------|---------------------------|
|                   |                       |                       |                           |

NOTE.—Goods for which a Bond Certificate has been issued shall not be delivered from the warehouse except on an entry made by the person whose name appears on the Certificate as owner of such goods, or by his duly appointed agent.

This Certificate must be delivered up prior to the delivery of the goods mentioned therein. No duplicate will be issued under any circumstances.

(Date)

Collector.  
19 .

## CUSTOMS ACT

Reg. 94.

FORM 16.

Australian Customs.

## RECEIPT FOR BOND CERTIFICATE.

| <i>Ex</i>         | from                  | Warehoused            | 19 .                      |
|-------------------|-----------------------|-----------------------|---------------------------|
| Bond Mark and No. | Description of Goods. | Rate of Rent Payable. | Contents as per Register. |
|                   |                       |                       |                           |

I hereby acknowledge the receipt of Bond Certificate No. \_\_\_\_\_ and accept it as a correct account of the goods mentioned therein.

(Date) 19 .

Form 17  
omitted by  
1951, No. 106.

\* \* \* \* \*

Substituted by  
1951, No. 106.

Regs. 39, 44.

FORM 18.

No.

## AUSTRALIAN CUSTOMS.

## CART NOTE FOR GOODS REMOVED UNDER CUSTOMS CONTROL.

(Unentered Goods or Goods for King's Warehouse.)

Wharf or Station.

19 .

Forwarded the undermentioned goods from the ship \_\_\_\_\_ from  
reported \_\_\_\_\_ to be delivered to  
Warehouse, by licensed carriage No. \_\_\_\_\_

Customs Officer.

| Manifest Line. | Marks and Nos. | No. of Packages. | Description of Packages and Goods. |
|----------------|----------------|------------------|------------------------------------|
|                |                |                  |                                    |

Total number of packages (in words) .. ..

Received the abovementioned goods.

Goods received into warehouse.

Driver of Carriage.

Locker.

Time

Time

/ / 19 .

Carriers

Received the abovementioned goods into

Warehouse.

Warehouse Proprietor.

/ / 19 .

# Customs Regulations

1711

Form 19  
omitted by  
1951, No. 106.

Secs. 74-76.

FORM 20.

No.

Regs. 46-48.

Substituted by  
1951, No. 106.

Australian Customs.

## TRANSIT PERMIT.

(Authority to unship imported goods for transfer, coastwise or inland.)

(In duplicate.)

UNDER CUSTOMS CONTROL.

State of

Port of

19 .

Permission is requested to unship the undermentioned imported goods for transfer  
to the port of in the State of

*Ex* the from Reported  
Station.

Security No.

Owner or Agent.

Approved—

Collector.

To the Examining Officer at

Station.

| No. on<br>Manifest or<br>Transire. | Marks and Nos. | No. and<br>Description of<br>Packages. | Description of Goods. | Form 23 No. |
|------------------------------------|----------------|----------------------------------------|-----------------------|-------------|
|                                    |                |                                        |                       |             |

packages forwarded for shipment per packages forwarded for shipment per

Examining Officer.

Examining Officer.

/ /19 .

/ /19 .

packages forwarded for shipment per packages forwarded for shipment per

Examining Officer

Examining Officer

/ /19 .

/ /19 .

## CUSTOMS ACT

Amended by  
1928, No. 57.

Secs. 178-179.  
Regs. 148, 152.

FORM 21.  
(In duplicate.)

Australian Customs.

TRANSIRE INWARDS  
OUTWARDS DUTIABLE GOODS.

State of Ship of Port of  
Master. tons net register, with a crew of men  
For  
From  
Owners. Agents.

| No.<br>of Line. | Marks. | Nos. | No. of<br>Packages. | Description of Goods. | (To be inserted by Customs.)                           |                  |
|-----------------|--------|------|---------------------|-----------------------|--------------------------------------------------------|------------------|
|                 |        |      |                     |                       | Ex Warehouse under<br>Transit Permit, or<br>Excisable. | No. of<br>entry. |
|                 |        |      |                     |                       |                                                        |                  |

I declare that the particulars above stated are true and correct.

Declared before me this                      day of                      Master, Owner or Agent.  
19                      Collector.

Amended by  
1928, No. 57.

Reg. 104.

FORM 22.  
(In duplicate.)

Australian Customs.

TRANSIRE INWARDS  
OUTWARDS DUTIABLE GOODS AND RESTRICTED EXPORTS.

State of Ship of Port of  
Master. tons net register, with a crew of men.  
For  
From  
Owners. Agents.

GOODS UNDER BOND.

| No.<br>of Line. | Marks. | Nos. | No. of<br>Packages. | Description of Goods. | (To be inserted by Customs.)                           |                  |
|-----------------|--------|------|---------------------|-----------------------|--------------------------------------------------------|------------------|
|                 |        |      |                     |                       | Ex Warehouse under<br>Transit Permit, or<br>Excisable. | No. of<br>entry. |
|                 |        |      |                     |                       |                                                        |                  |



| Description of Goods. | Quantity. | To be Discharged at— | For Transhipment to— | Per— |
|-----------------------|-----------|----------------------|----------------------|------|
|                       |           |                      |                      |      |

Master, Owner or Agent.

Declared before me this                      day of                      19   .

Collector.

Inserted by  
1936, No. 49

| From<br>Owners | Agents. | Master, Owner or Agent. |
|----------------|---------|-------------------------|
|----------------|---------|-------------------------|

| Paid at— | Period covered (both dates inclusive). |     | Signature of Officer. | Official Stamp. |
|----------|----------------------------------------|-----|-----------------------|-----------------|
|          | From—                                  | To— |                       |                 |
|          |                                        |     |                       |                 |

| Produced at— | Destination of goods subject to Customs control and restricted exports shipped for discharge at Australian ports. | Signature of officer. | Date. | Next port of call. | Official Stamp. |
|--------------|-------------------------------------------------------------------------------------------------------------------|-----------------------|-------|--------------------|-----------------|
|              |                                                                                                                   |                       |       |                    |                 |

(To be continued on back of form.)

This transire shall be produced to the Collector at each Australian port of call and shall be retained by the Collector at the last Australian port of call.

## CUSTOMS ACT

Reg. 48.

FORM 23.

(In duplicate.)

No.

Date.

Australian Customs.

## DESPATCH NOTE FOR IMPORTED GOODS UNSHIPED AND TRANSFERRED COASTWISE OR INLAND UNDER CUSTOMS CONTROL.

State of \_\_\_\_\_ Port of \_\_\_\_\_  
 Transferred under Transit Permit No. \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_\_ *Ex*  
 the \_\_\_\_\_ from \_\_\_\_\_ to the \_\_\_\_\_ for \_\_\_\_\_

| No. on Manifest or Transire. | Marks and Nos. | No. and Description of Packages. | Description of Goods.* | How accounted for at Destination. |
|------------------------------|----------------|----------------------------------|------------------------|-----------------------------------|
|                              |                |                                  |                        |                                   |
|                              |                |                                  |                        |                                   |
|                              |                |                                  |                        |                                   |
|                              |                |                                  |                        |                                   |

Owner (or) Agent.

To Examining Officer at \_\_\_\_\_ Station.

Collector.

| Port of Departure.                                | Port of Destination.                       |
|---------------------------------------------------|--------------------------------------------|
| Delivered to Licensed Carriage No. _____<br>19 .  | Goods received and accounted for as above. |
| Examining Officer.                                |                                            |
| Received.                                         | Customs Officer.                           |
| Chief Officer<br>(or)<br>Railway Officer.<br>19 . | 19 .                                       |
| Shipped as above,<br>19 .                         |                                            |
| Customs Officer.                                  |                                            |

NOTE.—Despatch Notes must be presented to Examining Officers before goods are placed on board.

This form to be completed by officer at destination, and one copy returned without delay to the Collector at port of despatch.

\* Where quantities or weights of goods dutiable at fixed rates have been determined or invoices of *ad valorem* goods have been examined at port of despatch, full particulars for purposes of entry and collection of duty must be given under the heading "Description of Goods."

# Customs Regulations

1715

Reg. 154.

FORM 24.  
(In duplicate.)

Australian Customs.

## TRANSIRE.—TRANSFER OF DUTIABLE GOODS BY INLAND CARRIAGE.

State of  
For

Place  
State of

| No. of Line. | Marks. | Nos. | Nos. of Packages. | Description of Goods. | To be inserted by Customs.      |
|--------------|--------|------|-------------------|-----------------------|---------------------------------|
|              |        |      |                   |                       | How disposed of at Destination. |
|              |        |      |                   |                       |                                 |

I declare that the particulars above stated are true and correct.

Declared before me this                      day of                      Owner or Agent.  
19 .

Despatch Note No.                      Collector.

FORM 25.  
(In duplicate.)

Reg. 150.

Australian Customs.

## CARGO BOOK.

Name of ship.                      Master.  
Voyage No.                      from                      to

*Particulars of Goods Shipped under Customs Control.*

| Port of Loading and Times of Arrival and Departure. | No. of Line. | Marks and Nos. | Description of Goods. | Name of Shipper. | Name of Consignee. | No. of Despatch Note. | Port of Destination. | Signature of Officer at Port of Loading. | Date of Delivery of Goods. | Remarks. |
|-----------------------------------------------------|--------------|----------------|-----------------------|------------------|--------------------|-----------------------|----------------------|------------------------------------------|----------------------------|----------|
|                                                     |              |                |                       |                  |                    |                       |                      |                                          |                            |          |

DECLARATION (To be made by the Master, Owner, or Agent, on the duplicate copy delivered to the Officer, in accordance with Regulation 150)—

I declare that the particulars above stated are true and correct.

Declared before me this                      day of                      Master, Owner or Agent.  
19 .

Collector.

# CUSTOMS ACT

Sec. 179.

FORM 26.

Reg. 148.

## Australian Customs.

### GENERAL TRANSIRE.

State of

Port of

| Name of Vessel. | Net Registered Tonnage. | Port of Registry. | Master. | Owner. |
|-----------------|-------------------------|-------------------|---------|--------|
|                 |                         |                   |         |        |

Security No.

This is to certify that I have this                                                  day of                                                  19                                                  granted to                                                  of the above-mentioned vessel, this General Transire, to be in force for six calendar months from this date, and to be held according to the terms of the *Customs Act* 1901-1925, and of the Regulations thereunder, and subject particularly to the conditions prescribed in the Regulations, a copy of which Regulations is indorsed hereon.

Collector.  
19 .

[Copy of Regulations 148, 149, 150, 151, and 153 to be printed on back of this Form.]

Secs. 87, 99.

FORM 27.

Reg. 69.

## Australian Customs.

## REQUISITION TO RE-GAUGE OR RE-PACK (SPIRITS AND WINES).

State of

Port of

19 .

Warehoused at

I  
We } request permission to { re-gauge  
          }                          } re-pack } for { home consumption  
                                          }                                          } exportation  
                                          }                                          } removal } the following  
                                          }                                          } goods,

warehoused on the

19 .

Owner

per

Agent.

| Bond Mark and No. | Description of Cask. | Description of Goods. | Original Quantity Bonded. | Original Strength. | Obscuration. | Actual Strength. |
|-------------------|----------------------|-----------------------|---------------------------|--------------------|--------------|------------------|
|                   |                      |                       |                           |                    |              |                  |

Approved

Collector.

19 .

NOTE.—The information hereunder indicated (to be shown on back of requisition form) is to be inserted by a Customs Officer.

I have re-gauged the cask as under:—

| Bond Mark. | No. | Bung. | Wet. | Full. | Ullage. | Temp. | Ind. | Strength. |      |      |                  | Loss in Liquid Gallons. |
|------------|-----|-------|------|-------|---------|-------|------|-----------|------|------|------------------|-------------------------|
|            |     |       |      |       |         |       |      | O.P.      | U.P. | Obs. | Actual Strength. |                         |
|            |     |       |      |       |         |       |      |           |      |      |                  |                         |

In cases of excessive loss, the following particulars are to be furnished:—

| No. | Original Proof Gallons. | Period in Bond. | Proof Gallons on Re-gauge. | Condition of Cask. | Loss in Proof Gallons. | Percentage Allowance. | Loss in Excess of Allowance. |
|-----|-------------------------|-----------------|----------------------------|--------------------|------------------------|-----------------------|------------------------------|
|     |                         |                 |                            |                    |                        |                       |                              |

And re-pack the same into—

| Bond Mark. | No. | Description of Package. | Bung. | Wet. | Full. | Ullage. | Total Loss or Gain on Re-pack. |
|------------|-----|-------------------------|-------|------|-------|---------|--------------------------------|
|            |     |                         |       |      |       |         |                                |

Locker.

19 .

Secs. 87, 99.

FORM 28.

Reg. 69.

Australian Customs.

REQUISITION TO RE-PACK OR RE-WEIGH (FIXED RATES).

State of \_\_\_\_\_ Port of \_\_\_\_\_ 19 .

Warehoused at

I } request permission to { re-pack } for home consumption } the following  
We } { re-weigh } for export } goods  
warehoused on the \_\_\_\_\_ 19 .

Owner \_\_\_\_\_ per \_\_\_\_\_ Agent.

| Bond Mark. | No. | Number and Description of Package. | Description of Goods. | Original Net Quantity Bonded. | Original Tare. |
|------------|-----|------------------------------------|-----------------------|-------------------------------|----------------|
|            |     |                                    |                       |                               |                |

Approved

Collector.

19 .

## CUSTOMS ACT

NOTE.—The information hereunder indicated (to be shown on back of requisition form) is to be inserted by the Customs Officer:—

I have re-weighed the within-mentioned package as under:—

| Bond Mark. | No. | Number of Packages. | Weight per Package. |       |      | Total Net Weight. | Loss. |
|------------|-----|---------------------|---------------------|-------|------|-------------------|-------|
|            |     |                     | Gross.              | Tare. | Net. |                   |       |
|            |     |                     |                     |       |      |                   |       |

And divided and re-packed the same into—

| Bond Mark. | No. | Number of Packages. | Weight per Package. | Net Weight. |
|------------|-----|---------------------|---------------------|-------------|
|            |     |                     |                     |             |

Locker.

Secs. 87 and 99.

FORM 29.

Reg. 69.

Australian Customs.

REQUISITION TO RE-PACK (AD VALOREM RATES).

State of

Port of

19 .

Warehoused at

I } request permission to re-pack { for home consumption  
We } { for exportation  
          { for removal } the following goods

warehoused on the

19 .

Owner

per

Agent.

| Bond Mark. | No. | Description of Goods. | Value for Duty. |
|------------|-----|-----------------------|-----------------|
|            |     |                       |                 |

Approved

Collector.

19 .

NOTE.—The information hereunder indicated (to be shown on back of requisition form) is to be inserted by the Customs Officer:—

I have re-packed the within-mentioned package as under:—

| Bond Mark. | No. | No. of Packages. | Description of Goods. | Value for Duty. |
|------------|-----|------------------|-----------------------|-----------------|
|            |     |                  |                       |                 |

Locker.

19 .





# Customs Regulations

1721

FORM 31.

No. Substituted by  
1955, No. 15.

Sec. 104. (In sextuplicate.)

Regs. 81 (1.) and 100.

AUSTRALIAN CUSTOMS.

## ENTRY EX WAREHOUSE—FOR EXPORTATION.

State of Port of , 19 .

\**Ex* Reported Station  
\*From Warehouse } by \* { Ship  
for (port) Aircraft.

\*Delete whichever is not applicable.

Owner

Signature of Owner or Agent.

| Bond Mark. | Nos. | Description of Goods.               | Statistical Item. | Country of Origin. | Country of Final Destination. | Quantity or Weight. | Original Import Value for Duty. | Export Value in Australian Currency. |
|------------|------|-------------------------------------|-------------------|--------------------|-------------------------------|---------------------|---------------------------------|--------------------------------------|
|            |      |                                     |                   |                    |                               |                     | £ s. d.                         | £ s. d.                              |
|            |      | Total number of packages (in words) |                   |                    |                               |                     |                                 |                                      |

FORM 32.

No. Omitted by  
1951, No. 106;  
inserted by  
1955, No. 15.

Sec. 104. (In sextuplicate.)

Reg. 81 (2.) AUSTRALIAN CUSTOMS.

## ENTRY FOR REMOVAL, COASTWISE OR INLAND, FROM A WAREHOUSE.

State of Port of , 19 .

From Warehouse by \* { ship  
aircraft  
railway  
licensed carriage No.

\*Delete whichever is not applicable.

For

Owner

Signature of Owner or Agent.

| Bond Marks. | Numbers. | Description of Goods.               | Country of Origin. | Quantity or Weight. | Value for Duty. |
|-------------|----------|-------------------------------------|--------------------|---------------------|-----------------|
|             |          |                                     |                    |                     | £ s. d.         |
|             |          | Total number of packages (in words) |                    |                     |                 |

## CUSTOMS ACT

Substituted by  
1955, No. 15.

FORM 33.

Sec. 104.

(In quintuplicate.)

No.

Reg. 81 (3.).

AUSTRALIAN CUSTOMS.

ENTRY *EX* WAREHOUSE—LOCAL REMOVAL.

State of

\**Ex*

Reported

Port of

Station

19

\*From

Warehouse

} to

Warehouse

\*Delete whichever is not applicable.

Per Licensed Carriage No.

Owner

Signature of Owner or Agent.

| Bond Mark.                          | Nos. | Description of Goods. | Tariff Item. | Country of Origin. | Quantity or Weight. | Value for Duty. | Rate of Duty. | Rate of Primage Duty. | Bond Mark. |
|-------------------------------------|------|-----------------------|--------------|--------------------|---------------------|-----------------|---------------|-----------------------|------------|
|                                     |      |                       |              |                    |                     | £ s. d.         |               |                       |            |
| Total number of packages (in words) |      |                       |              |                    |                     |                 |               |                       |            |

Substituted by  
1955, No. 15.

FORM 34.

No.

Reg. 81 (4.).

(In duplicate.)

AUSTRALIAN CUSTOMS.

DESPATCH NOTE FOR GOODS *EX* WAREHOUSE.

State of

Port of

, 19

*Ex*

Warehouse, to the

for

| Bond Mark and No. | Number and Nature of Packages. | Description of Goods. | Date of Importation. | Tariff Item. | Country of Origin. | Quantity or Weight. | Value for Duty. | Rate of Duty. | Rate of Primage Duty. | How Accounted for at Destination. |
|-------------------|--------------------------------|-----------------------|----------------------|--------------|--------------------|---------------------|-----------------|---------------|-----------------------|-----------------------------------|
|                   |                                |                       |                      |              |                    |                     | £ s. d.         |               |                       |                                   |

OWNER

Signature of Owner or Agent.

To Examining Officer at

Station

Inserted by  
1955, No. 15.

## AUSTRALIAN CUSTOMS.

| Bond Mark. | Number on Container. | Bung (Diameter of Container at Bilge Bung). | Wet (Depth of Liquid in Container Measured across the Diameter at Bilge Bung). | Full Capacity of Container. | Ullage (Actual Liquid Contents of Container). | Temperature at Time of Re-gauge (Fahrenheit). | Hydrometer Reading (Syke's Hydrometer). | Strength.   |              |              |                  | Loss in Liquid Gallons. |
|------------|----------------------|---------------------------------------------|--------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------|-----------------------------------------------|-----------------------------------------|-------------|--------------|--------------|------------------|-------------------------|
|            |                      |                                             |                                                                                |                             |                                               |                                               |                                         | Over-proof. | Under-proof. | Obscuration. | Actual Strength. |                         |
|            |                      |                                             |                                                                                |                             |                                               |                                               |                                         |             |              |              |                  |                         |

Locker / /19 .

Locker / /19

Inserted by  
1955, No. 15.

## AUSTRALIAN CUSTOMS.

| Bond<br>Mark.  | Number on<br>Packages. | Number of<br>Packages. | Weight per Package. |       |      | Total Net<br>Weight. | Loss. |
|----------------|------------------------|------------------------|---------------------|-------|------|----------------------|-------|
|                |                        |                        | Gross.              | Tare. | Net. |                      |       |
|                |                        |                        |                     |       |      |                      |       |
| Locker / /19 . |                        |                        |                     |       |      |                      |       |

Locker / /19 .

## CUSTOMS ACT

Sec. 28.

FORM 35.

Reg. 21.

Australian Customs.

## (PERMIT TO WORK OVERTIME EXCEPT ON SUNDAYS AND HOLIDAYS.)

To the Collector,  
State of

Port of

I request permission to load, discharge, deliver or receive goods from the ship  
(or, the ships of the company)  
before and after Customs hours when necessary during†

And I hereby guarantee to pay the amount of overtime payable under the *Customs Act* 1901-1925, and Regulations in respect of the Customs supervision of such work.

‡And I undertake to protect the goods landed, to pay all expenses incurred in such protection, and to stack, sort, or otherwise deal with any goods landed under this permit as you may require, and on demand to pay the Customs duties due on any goods shown on the Ship's Inward Report, and not accounted for to your satisfaction.

Approved—

Collector.

Owner, Agent, or Master.

19 .

NOTES.—(1) In cases where it is considered necessary the Collector may require a cash deposit prior to allowing overtime. (2) This permit does not authorize working on Sundays or holidays. Special permission is necessary in such cases.

† Here state period, not exceeding one month.

‡ To be inserted only when discharge of goods is to take place.

Form 36  
omitted by  
1951, No. 106.

\*

\*

\*

\*

\*

Amended by  
1928, No. 57.

Sec. 114.

FORM 37.

Reg. 99.

Australian Customs.

## ENTRY OF SHIP OUTWARDS.

19 .

State of

Port of

| Ship's Name. | If British, state the Port of Registry. If foreign, the country. | Net Registered Tonnage. | Master's Name. | Agent's Name. | Port of Destination and Intermediate Ports of Call in the Commonwealth, if any. |
|--------------|------------------------------------------------------------------|-------------------------|----------------|---------------|---------------------------------------------------------------------------------|
|              |                                                                  |                         |                |               |                                                                                 |

I declare that the information shown herein is true and correct and that the Port of Destination and Intermediate ports of call in the Commonwealth stated are in accordance with instructions from the Agents or Owners of the vessel, existing at the time of entry outwards.

Signed and declared this  
presence of

day of

19

in the

Master, Owner or Agent.  
Collector.

Probable date of sailing  
Now lying at

## 1725

No.      Substituted by  
            1955, No. 15.

(In triplicate.)

## AUSTRALIAN CUSTOMS.

## Owner

Signature of Owner or Agent.

| Marks and Nos. | No. of Packages. | Description of Goods. | Statistical Item. | Country of Origin. | Country of Final Destination. | Quantity or Weight. | Export Value in Australian Currency. |
|----------------|------------------|-----------------------|-------------------|--------------------|-------------------------------|---------------------|--------------------------------------|
|                |                  |                       |                   |                    |                               |                     | £                                    |

FORM 38A.

Reg. 100A.

Warrant No.

**Inserted by  
1931, No. 16;  
substituted by  
1951, No. 71;  
amended by  
1955, No. 15.**

AUSTRALIAN CUSTOMS—EXPORT ENTRY (DUTIABLE GOODS).

(In quadruplicate.)

Station 19 .

| Per Ship (or Aircraft) | Date of Departure | for |
|------------------------|-------------------|-----|
|                        |                   |     |

| Owners | Per | Agent. |
|--------|-----|--------|
|--------|-----|--------|

### EXPORT PARTICULARS.

[illegible]

## CUSTOMS ACT

## PARTICULARS OF DUTY.

| Description of Goods.                    | Country of Origin. | Quantity or Weight. | Duty Payable. |    |    |
|------------------------------------------|--------------------|---------------------|---------------|----|----|
|                                          |                    |                     | £             | s. | d. |
|                                          |                    |                     |               |    |    |
| Total number of packages (in words)..... |                    |                     |               |    |    |
| Total amount payable (in words).....     |                    |                     |               |    |    |
| Total amount payable on this entry ..    |                    |                     |               |    |    |

## DECLARATION.

As to the goods mentioned in this entry and herein entered, I declare—

1. That I am (the Agent duly authorized by \_\_\_\_\_) the owner of the goods.
2. That to the best of my knowledge and belief the description and particulars of the goods as stated in this entry are true and correct in every respect.
3. That to the best of my knowledge and belief no goods are contained in any package specified in this entry other than as appears in the entry.
4. That nothing on my part or to my knowledge on the part of any person has been done, concealed or suppressed whereby His Majesty the King may be defrauded of any duty due.
5. That I enter the goods as of the value and of the descriptions and quantities stated in this entry, and for exportation.

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Owner or Agent.  
Collector.

Amended by  
1928, No. 57.

Sec. 119.  
Reg. 101.

FORM 39.  
(In duplicate.)

Australian Customs.

## SHIP'S OUTWARD MANIFEST.

State of \_\_\_\_\_ Port of \_\_\_\_\_  
Manifest of the \_\_\_\_\_ Ship \_\_\_\_\_ of \_\_\_\_\_ (if  
British, Port of Registry; if Foreign, the Country), of \_\_\_\_\_ tons gross, \_\_\_\_\_ tons net,  
with a crew of \_\_\_\_\_ British Foreign men, besides  
a (British) man Master, and bound for  
(Foreign)

(Goods *ex* warehouse, excisable, for drawback, transhipped, and free respectively, must be shown separately under those headings.)  
(If any goods have been reported inwards for exportation in such ship they must be so stated.)

| Marks. | No. of Packages. | Description of Goods. | Shippers. | Consignees. |
|--------|------------------|-----------------------|-----------|-------------|
|        |                  |                       |           |             |

Stores as per statements attached.

Agent's Name and Address.

I declare that the above particulars, together with the statements attached, constitute a true, correct, and complete account of all goods and stores shipped, or intended to be shipped, on board the above-mentioned ship, and that they are correct in all other particulars.

Signed and declared this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ before me.

Master, Owner or Agent.  
Collector.

Secs. 118 and 122.  
Regulation 102.

FORM 40.  
—  
Australian Customs.

Substituted by  
1936, No. 49.

APPLICATION FOR CLEARANCE AND GUARANTEE TO PAY DUTY.

To the Collector  
State of \_\_\_\_\_ Port of \_\_\_\_\_ 19 .  
A clearance for the ship which reported inwards at  
on \_\_\_\_\_ and which is bound for  
is hereby requested and in consideration of the issue of such clearance payment is  
hereby guaranteed by

{ Owner (not being Master)†  
Agent†

of duty upon all goods included in the inward report of the said ship and which are not  
produced to the officer, unless such goods are accounted for to your satisfaction.

Owner (not being Master) or Agent.

The Collector of Customs,

†Strike out whichever is inapplicable.

Sec. 118.  
Reg. 103.

FORM 41.



Commonwealth of Australia.

CUSTOMS CLEARANCE.

State of \_\_\_\_\_ Port of \_\_\_\_\_  
These are to certify, to whom it doth concern, that  
a (British) man Master of the Ship registered tons, (net) navigated with  
(Foreign) a crew of \_\_\_\_\_ British \_\_\_\_\_ Foreign men, \_\_\_\_\_ built and bound  
for \_\_\_\_\_ having on board cargo and stores as per statements  
attached, hath here entered and cleared his said ship according to law.  
Given under my hand, at the Customs House, at the Port of \_\_\_\_\_ in the State  
of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ One thousand nine  
hundred and \_\_\_\_\_

Collector.

Sec. 126.  
Reg. 105.

FORM 42.



Commonwealth of Australia.

LANDING CERTIFICATE.

This is to certify that the following goods have been landed at the Port of  
in \_\_\_\_\_ ex Ship \_\_\_\_\_ from \_\_\_\_\_

| Marks. | Nos. | No. of Packages. | Description of Goods, and<br>Weight or Quantity. | Value.  | Consigned to— |
|--------|------|------------------|--------------------------------------------------|---------|---------------|
|        |      |                  |                                                  | £ s. d. |               |

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Signature.  
Designation.

NOTE.—This Certificate should be signed by a Principal Officer of Customs, a  
British Consul, or other British official, or, where there is no Officer of Customs or  
British Consul, or other British official, by a British subject resident in the Port at  
which the goods were landed.

## CUSTOMS ACT

Substituted by  
1955, No. 15.

Sec. 130A.

FORM 43.

Reg. 107.

AUSTRALIAN CUSTOMS.

APPLICATION FOR PERMISSION TO TAKE ON BOARD SHIPS' STORES  
OR AIRCRAFT'S STORES.

State of \_\_\_\_\_ Port of \_\_\_\_\_, 19 .  
 Required for the aircraft \_\_\_\_\_ on a flight \_\_\_\_\_ to .  
 ship \_\_\_\_\_ voyage from \_\_\_\_\_

I hereby apply for permission to take on board the following aircraft's stores:—  
 ships' stores:—

| Quantity. | Description. |
|-----------|--------------|
|           |              |
|           |              |
|           |              |

The following is a statement of the quantities, which are at present on board,  
 of the stores of the descriptions for which permission is sought.

| Quantity. | Description. |
|-----------|--------------|
|           |              |
|           |              |
|           |              |

\_\_\_\_\_  
 Master, Pilot, Owner or Agent.

Sec. 158.  
Reg. 122.

FORM 44.

Australian Customs.

## DECLARATION BY VALUATOR.

State of \_\_\_\_\_ Port of \_\_\_\_\_  
 I, \_\_\_\_\_ do solemnly and sincerely declare  
 that I will diligently and faithfully examine and inspect the goods submitted for  
 valuation namely:—

which said goods have been detained by the Collector for undervaluation, and that I  
 will truly adjudge, to the best of my knowledge and ability, the true value of such  
 goods according to the meaning of the *Customs Act* 1901-1925.

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_

Valuator.  
 19 .  
 Collector.

Sec. 161.  
Reg. 123.

FORM 45.

Australian Customs.

## NOTICE OF SEIZURE UNDER SECTION 161 OF THE CUSTOMS ACT 1901-1925.

State of \_\_\_\_\_ Port of \_\_\_\_\_ 19 .  
 To \_\_\_\_\_  
 Imported from \_\_\_\_\_  
 Entered the \_\_\_\_\_  
 day of \_\_\_\_\_ 19 .  
 By Entry No. \_\_\_\_\_  
 [Insert marks and description of goods.]

Take notice that, in accordance with  
 the provisions of Section 161 of the  
*Customs Act* 1901-1925, the goods de-  
 scribed in the margin hereof have been  
 seized, as, in my opinion, they are under-  
 valued for duty.

Collector.



Sections 42, 216,  
Reg. 25.

FORM 45AA.

Inserted by  
1951, No. 106.

Australian Customs.

Customs Act 1901-1950.

NOTIFICATION TO IMPORTER.

(SECTIONS 42 AND 216).

Customs and Excise Office,

To

Re packages of marked and numbered  
as shown in the margin and invoiced on by  
and entered by as agent on behalf of  
ex SS. " by Entry No. dated

1. Take notice that pursuant to section 216 of the *Customs Act* 1901-1950 I require from you, as the owner of the abovementioned goods within the meaning of that Act, proof by \*declaration that those goods are properly described, valued and rated for duty.

\* Strike out  
whichever is  
not applicable.

2. And further take notice that pursuant to section 42 of the *Customs Act* 1901-1950 I require you to furnish security to the amount of £ by cash deposit for the protection of the revenue of the Customs in connexion with the importation of the abovementioned goods.

3. Pending such proof or the giving of the security hereby required I refuse to deliver the abovementioned goods or to pass any entry relating thereto.

Dated this day of 19 .

Collector of Customs for the  
State of .

Reg. 25.

AUSTRALIAN CUSTOMS.

FORM 45A.

Inserted by  
1935, No. 113;  
amended by  
1951, No. 106.

MEMORANDUM OF CASH DEPOSIT UNDER SECTION 42 OF THE CUSTOMS ACT 1901-1935,  
PENDING PRODUCTION OF EVIDENCE UNDER SECTION 216 OF THE CUSTOMS ACT  
1901-1935.

Re packages of  
marked and numbered as shown in the margin and invoiced on  
by imported by  
Agent ex SS. " by Entry  
No. dated

PURSUANT to the requirement of the Collector of Customs for the State of dated the day of 19 the sum of is hereby deposited with the said Collector as security for the protection of the revenue of the Customs in respect of the abovementioned goods, and the condition of the said security is that if, before the expiration of the period stated in this memorandum proof is produced to and to the satisfaction of the said Collector that the said goods are in the said entry properly described, valued and rated for duty then the deposit shall be returned to the depositor, OTHERWISE the said Collector shall assess the value for duty of the said goods and the amount of duty payable in respect of the said goods, and shall demand from the owner of the said goods payment of the amount of duty so assessed (or such portion thereof as shall not theretofore have been paid as duty in respect of the goods) and—

- (a) if the sum so demanded is paid to the said Collector as duty in respect of the said goods then the deposit shall be returned to the depositor; but
- (b) if the sum so demanded is not paid to the said Collector as duty within 28 days from the date of the demand then the said Collector shall on the twenty-ninth day from the date of the demand out of and to the extent of the sum so deposited pay on behalf of the owner of the said goods the sum so demanded as duty and shall return to the depositor the balance (if any) then remaining of the deposit: PROVIDED THAT the owner of the said goods or his agent may if he thinks fit at any time during the said 28 days write on the entry for the said goods (or upon a post entry or other document relating to the said goods delivered to the said Collector before the expiration of the said 28 days for incorporation with and to form part of the said entry) the words statement and signature necessary to constitute the payment of duty in the manner and on the day afore-said a payment under protest within the meaning of Section 167 of the *Customs Act* 1901-1935.

And the depositor agrees:

- (a) that the expression "the period stated in this memorandum" hereinbefore appearing shall mean a period of six calendar months commencing on the date of this memorandum or such further period as the said Collector may in writing allow; and
- (b) that if the amount demanded as aforesaid as duty payable in respect of the said goods exceeds the amount of the deposit, the payment as duty in manner aforesaid of the sum deposited shall not prejudice or affect any right of the said Collector to recover from the owner of the said goods as duty payable in respect of the said goods the sum by which the amount so demanded exceeds the amount of the deposit.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

Substituted by  
1955, No. 15.

FORM 46.

Sec. 162.  
Reg. 124.

(In duplicate.)

AUSTRALIAN CUSTOMS.

APPLICATION FOR PERMISSION TO TAKE DELIVERY OF GOODS UPON  
GIVING A SECURITY OR AN UNDERTAKING FOR THE PAYMENT  
OF DUTY.

State of \_\_\_\_\_ Port of \_\_\_\_\_ 19 \_\_\_\_ .

I hereby apply for permission, under Section 162 of the *Customs Act* 1901-1954, to take delivery of the goods described hereunder and, for that purpose, am prepared to give security (*or* an undertaking) for the payment of duty on those goods:—

The goods are the property of persons included in the following prescribed class of persons, namely:—

*or*

The goods are goods included in a prescribed class of goods, namely:—

DESCRIPTION OF GOODS.

Ship \_\_\_\_\_ from \_\_\_\_\_ Reported \_\_\_\_\_ Station \_\_\_\_\_  
Aircraft \_\_\_\_\_  
Owner \_\_\_\_\_

Signature of Owner or Agent.

| No. on<br>Manifest. | Marks<br>and Nos. | Warrant<br>No. and<br>Date of<br>Import.<br>Entry. | Description<br>of Goods. | Country<br>of Origin. | Quantity<br>or<br>Weight. | Value for<br>Duty. | Rate of<br>Duty. | Amount.<br>of Duty. |
|---------------------|-------------------|----------------------------------------------------|--------------------------|-----------------------|---------------------------|--------------------|------------------|---------------------|
|                     |                   |                                                    |                          |                       |                           | £ s. d.            |                  | £ s. d.             |
|                     |                   |                                                    |                          |                       |                           |                    |                  |                     |
|                     |                   |                                                    |                          |                       |                           |                    |                  |                     |
|                     |                   |                                                    |                          |                       |                           |                    |                  |                     |
|                     |                   |                                                    |                          |                       |                           |                    |                  |                     |
|                     |                   |                                                    |                          |                       |                           |                    |                  |                     |
|                     |                   |                                                    |                          |                       |                           |                    |                  |                     |
|                     |                   |                                                    |                          |                       |                           |                    |                  |                     |
|                     |                   |                                                    |                          |                       |                           |                    |                  |                     |

Signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .

Owner or Agent.

Address:

Sec. 163.  
Reg. 126.

Departmental  
Registration  
No.

FORM 47.

Australian Customs.

APPLICATION FOR REMISSION OF DUTY.

State of \_\_\_\_\_ Port of \_\_\_\_\_ Date \_\_\_\_\_  
Application for remission of duty is hereby made on account of the following goods  
ex \_\_\_\_\_ from \_\_\_\_\_  
Reported \_\_\_\_\_

| Marks and Numbers. | Number of Packages and Description of Goods. | Amount of Duty Involved. |
|--------------------|----------------------------------------------|--------------------------|
|                    |                                              |                          |

Reason for Application

(Owner or Agent).

To the \_\_\_\_\_ for Report.

Collector.  
19 .

The Collector,  
I beg to report that

19 .

Goods may be destroyed.

Collector.  
19 .

Destroyed in my presence by

19 .

Remission approved.

Collector.  
19 .

Substituted by  
1940, No. 256;  
amended by  
1948, No. 156;  
and 1955,  
No. 15.

FORM 48.

Sec. 163.

Australian Customs.

Reg. 126.

## APPLICATION FOR REFUND OF DUTY.

State of

Port of

Date

Application is hereby made for Refund of Duty on account of the goods described  
herein imported *ex* from

reported

station

Name of Owner

Name of Agent

| Date. | Entry No.       | Amount Paid.                                         |    |    | Reason for Application for Refund. |
|-------|-----------------|------------------------------------------------------|----|----|------------------------------------|
|       |                 | £                                                    | s. | d. |                                    |
|       |                 |                                                      |    |    |                                    |
|       |                 |                                                      |    |    |                                    |
|       |                 | Amount of Refund claimed<br>as shown on back hereof. |    |    |                                    |
|       |                 | £                                                    | s. | d. |                                    |
|       | Duty .. ..      |                                                      |    |    |                                    |
|       | Primage .. ..   |                                                      |    |    |                                    |
|       | Sales Tax .. .. |                                                      |    |    |                                    |
|       | Total Refund    |                                                      |    |    | Signature of Owner or Agent:       |

## OFFICER'S REPORT.

Claim rechecked E.O. / /19 .  
Recheck. E.O. / /19 .

CLAIM EXAMINED AND FOUND CORRECT.

Jerquer. / /19 .

APPLICATION APPROVED. The sum of pounds shillings  
and pence, TO BE REFUNDED.

Collector. / /19 .

Address to which Advice of Payment of the cheque for amount of refund is to be  
forwarded—

Owner

Address

}

or

{ Agent empowered to collect refund.  
Name  
Address

Special authority attached.  
Standing authority No.

In this space the Paymaster shall indicate  
the method of payment, viz.:—Whether  
by posting cheque to the payee or by  
payment to the payee in person.

Cheque No.

Posted

PARTICULARS OF GOODS AS ENTERED.

Above particulars compared and found to agree with house copy of entry.  
Refund particulars noted thereon.

\_\_\_\_\_  
Officer. / /19

Origin and value agree with documents produced.  
Classification and computations are correct.  
Refund noted on invoice. Refund is due.

\_\_\_\_\_  
Examining Officer.

/ /19

TOTAL REFUND DUE . . £

**Form 49  
omitted by  
1951, No. 99.**

\* \* \* \* \*

FORM 50.

No.

(In quadruplicate.)

Secs. 114 and 168.

Regs. 100 and 130.

## AUSTRALIAN CUSTOMS.

## EXPORT ENTRY—GOODS EXPORTED UNDER DRAWBACK.

State of

Port of

|                                  | Per Ship | Per Aircraft |
|----------------------------------|----------|--------------|
| 1. Fuel                          | 1000     | 1000         |
| 2. Food                          | 1000     | 1000         |
| 3. Water                         | 1000     | 1000         |
| 4. Medical supplies              | 1000     | 1000         |
| 5. Ammunition                    | 1000     | 1000         |
| 6. Spare parts                   | 1000     | 1000         |
| 7. Communication equipment       | 1000     | 1000         |
| 8. Navigation equipment          | 1000     | 1000         |
| 9. Weather forecasting equipment | 1000     | 1000         |
| 10. Search and rescue equipment  | 1000     | 1000         |
| 11. Landing gear                 | 1000     | 1000         |
| 12. Engines                      | 1000     | 1000         |
| 13. Propellers                   | 1000     | 1000         |
| 14. Landing lights               | 1000     | 1000         |
| 15. Navigation lights            | 1000     | 1000         |
| 16. Searchlights                 | 1000     | 1000         |
| 17. Landing gear                 | 1000     | 1000         |
| 18. Engines                      | 1000     | 1000         |
| 19. Propellers                   | 1000     | 1000         |
| 20. Landing lights               | 1000     | 1000         |
| 21. Navigation lights            | 1000     | 1000         |
| 22. Searchlights                 | 1000     | 1000         |
| 23. Landing gear                 | 1000     | 1000         |
| 24. Engines                      | 1000     | 1000         |
| 25. Propellers                   | 1000     | 1000         |
| 26. Landing lights               | 1000     | 1000         |
| 27. Navigation lights            | 1000     | 1000         |
| 28. Searchlights                 | 1000     | 1000         |
| 29. Landing gear                 | 1000     | 1000         |
| 30. Engines                      | 1000     | 1000         |
| 31. Propellers                   | 1000     | 1000         |
| 32. Landing lights               | 1000     | 1000         |
| 33. Navigation lights            | 1000     | 1000         |
| 34. Searchlights                 | 1000     | 1000         |
| 35. Landing gear                 | 1000     | 1000         |
| 36. Engines                      | 1000     | 1000         |
| 37. Propellers                   | 1000     | 1000         |
| 38. Landing lights               | 1000     | 1000         |
| 39. Navigation lights            | 1000     | 1000         |
| 40. Searchlights                 | 1000     | 1000         |
| 41. Landing gear                 | 1000     | 1000         |
| 42. Engines                      | 1000     | 1000         |
| 43. Propellers                   | 1000     | 1000         |
| 44. Landing lights               | 1000     | 1000         |
| 45. Navigation lights            | 1000     | 1000         |
| 46. Searchlights                 | 1000     | 1000         |
| 47. Landing gear                 | 1000     | 1000         |
| 48. Engines                      | 1000     | 1000         |
| 49. Propellers                   | 1000     | 1000         |
| 50. Landing lights               | 1000     | 1000         |
| 51. Navigation lights            | 1000     | 1000         |
| 52. Searchlights                 | 1000     | 1000         |
| 53. Landing gear                 | 1000     | 1000         |
| 54. Engines                      | 1000     | 1000         |
| 55. Propellers                   | 1000     | 1000         |
| 56. Landing lights               | 1000     | 1000         |
| 57. Navigation lights            | 1000     | 1000         |
| 58. Searchlights                 | 1000     | 1000         |
| 59. Landing gear                 | 1000     | 1000         |
| 60. Engines                      | 1000     | 1000         |
| 61. Propellers                   | 1000     | 1000         |
| 62. Landing lights               | 1000     | 1000         |
| 63. Navigation lights            | 1000     | 1000         |
| 64. Searchlights                 | 1000     | 1000         |
| 65. Landing gear                 | 1000     | 1000         |
| 66. Engines                      | 1000     | 1000         |
| 67. Propellers                   | 1000     | 1000         |
| 68. Landing lights               | 1000     | 1000         |
| 69. Navigation lights            | 1000     | 1000         |
| 70. Searchlights                 | 1000     | 1000         |
| 71. Landing gear                 | 1000     | 1000         |
| 72. Engines                      | 1000     | 1000         |
| 73. Propellers                   | 1000     | 1000         |
| 74. Landing lights               | 1000     | 1000         |
| 75. Navigation lights            | 1000     | 1000         |
| 76. Searchlights                 | 1000     | 1000         |
| 77. Landing gear                 | 1000     | 1000         |
| 78. Engines                      | 1000     | 1000         |
| 79. Propellers                   | 1000     | 1000         |
| 80. Landing lights               | 1000     | 1000         |
| 81. Navigation lights            | 1000     | 1000         |
| 82. Searchlights                 | 1000     | 1000         |
| 83. Landing gear                 | 1000     | 1000         |
| 84. Engines                      | 1000     | 1000         |
| 85. Propellers                   | 1000     | 1000         |
| 86. Landing lights               | 1000     | 1000         |
| 87. Navigation lights            | 1000     | 1000         |
| 88. Searchlights                 | 1000     | 1000         |
| 89. Landing gear                 | 1000     | 1000         |
| 90. Engines                      | 1000     | 1000         |
| 91. Propellers                   | 1000     | 1000         |
| 92. Landing lights               | 1000     | 1000         |
| 93. Navigation lights            | 1000     | 1000         |
| 94. Searchlights                 | 1000     | 1000         |
| 95. Landing gear                 | 1000     | 1000         |
| 96. Engines                      | 1000     | 1000         |
| 97. Propellers                   | 1000     | 1000         |
| 98. Landing lights               | 1000     | 1000         |
| 99. Navigation lights            | 1000     | 1000         |
| 100. Searchlights                | 1000     | 1000         |

Date of Departure

for

Owner

### EXPORT PARTICULARS.

| Marks and Numbers. | Number of Packages. | Description of Goods. | Statistical Item. | Country of Origin. | Country of Final Destination. | Quantity or Weight. | Export Value in Australian Currency. |
|--------------------|---------------------|-----------------------|-------------------|--------------------|-------------------------------|---------------------|--------------------------------------|
|                    |                     |                       |                   |                    |                               |                     | £                                    |

DRAWBACK PARTICULARS IN RESPECT OF THE ABOVE GOODS OR OF THE IMPORTED MATERIAL FROM WHICH THEY WERE MANUFACTURED.

[illegible]

Signature of Owner or Agent.  
, 19 .

## 1735

**Substituted by  
1955, No. 15.**

NOTICE OF INTENTION TO PACK.

, 19

| Import Ship<br>or Aircraft. | Full<br>Description of<br>Goods as Per<br>Original.<br>Invoice. | Duty was Paid on:  |                        | Rate of<br>Duty. | Country of<br>Origin. | Import<br>Entry Date<br>and Number<br>or Other<br>Satisfactory<br>Identi-<br>fication. |
|-----------------------------|-----------------------------------------------------------------|--------------------|------------------------|------------------|-----------------------|----------------------------------------------------------------------------------------|
|                             |                                                                 | Value for<br>Duty. | Quantity<br>or Weight. |                  |                       |                                                                                        |
|                             |                                                                 | £   s.   d.        |                        |                  |                       |                                                                                        |

Signature of Owner or Agent.

Substituted by  
1955, No. 15.

## DRAWBACK DESPATCH NOTE.

. 19 .

Wharf  
Airport

Owner

Signature of Owner or Agent.

| Marks and Nos. | Particulars of Goods. | Quantity, Weight or Value. |
|----------------|-----------------------|----------------------------|
|                |                       |                            |

Customs Officer.

. 19 .

Master, Pilot or Owner.

. 19 .





Reg. 8.

FORM 58.

Australian Customs.

Substituted by  
1951, No. 34;  
amended by  
1955, No. 15.

## CARRIAGE LICENCE.

I, \_\_\_\_\_, Collector of Customs for the State of \_\_\_\_\_ hereby license the carriage(s) described in the Schedule hereto, which are owned [or hired] by \_\_\_\_\_ of \_\_\_\_\_, for the carriage within the Commonwealth of goods subject to the control of the Customs, the licence to be subject to the provisions of the *Customs Act* 1901 as from time to time amended and the Regulations made under that Act, and I assign to the carriage(s) the licence number(s) shown in the Schedule.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Collector of Customs.

## THE SCHEDULE.

*Horse-drawn Vehicles.*


---



---

*Motor Vehicles.*

| Make. | Engine No. | Chassis No. | Registration No. | Carriage Licence No. |
|-------|------------|-------------|------------------|----------------------|
|       |            |             |                  |                      |
|       |            |             |                  |                      |
|       |            |             |                  |                      |
|       |            |             |                  |                      |
|       |            |             |                  |                      |
|       |            |             |                  |                      |
|       |            |             |                  |                      |
|       |            |             |                  |                      |
|       |            |             |                  |                      |

Reg. 8.

FORM 59.

Australian Customs.

No. Amended by  
1951, No. 34;  
and 1955,  
No. 15.

## BOAT OR LIGHTER LICENCE.

State of \_\_\_\_\_

Port of \_\_\_\_\_

Whereas \_\_\_\_\_ has applied to me for a Boat or Lighter Licence under the *Customs Act* 1901-1925 and the Regulations thereunder for\* boat or lighter of which he is the owner [or hirer] and has paid the prescribed fee and has given the prescribed security. Now therefore I hereby licence the said boat or lighter for the carriage within the said State of goods subject to the control of the Customs in the Port of \_\_\_\_\_ in the said State such licence to be subject in all respects to the provisions of the said Act and any amendment thereof or any Act passed in substitution therefor and the Regulations for the time being in force thereunder. And I assign to the said boat or lighter the following licence number, viz. \_\_\_\_\_ respectively.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Collector of Customs for the above-mentioned State.

\*Here specify number of boats or lighters to be licensed.

## CUSTOMS ACT

Sec. 205.

FORM 60.

Reg. 169.

Australian Customs.

## NOTICE OF SEIZURE UNDER SECTION 205 OF THE CUSTOMS ACT 1901-1925.

State of \_\_\_\_\_ Port of \_\_\_\_\_ 19 .

To (a)

Take notice that (b) \_\_\_\_\_ has this day been seized as forfeited to His Majesty on account of a contravention of the *Customs Act* 1901-1925, namely, that (c) \_\_\_\_\_

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 .  
Collector.

*Extract from Section 205, "Customs Act 1901-1925."*

. . . . . all ships aircraft boats or goods seized shall be deemed to be condemned and may be sold by the Collector unless the person from whom such ship aircraft boat or goods shall have been seized or the owner shall within one month from the date of seizure give notice in writing to the Collector at the nearest port that he claims them; but if any goods so seized shall be of a perishable nature or shall be live animals the same may be forthwith sold by the Collector.

(a) Insert name of master or owner of the ship, aircraft, boat, or goods seized.

(b) Insert particulars as to the vessel or goods seized.

(c) Insert particulars of offence, e.g., "The said boat has been used in smuggling" or "The said goods are prohibited imports."

Amended by  
1951, No. 71.

Sec. 214.

Reg. 171.

FORM 61.

Australian Customs.

State of \_\_\_\_\_

*Customs Act* 1901-1925, Section 214.

## NOTICE TO PRODUCE DOCUMENTS.

To

Whereas information in writing has been given on oath that goods have by you been unlawfully imported (or exported), undervalued, or entered or illegally dealt with on the \_\_\_\_\_ day of \_\_\_\_\_ (last) or (as the case may be) that it is intended by you to unlawfully import (or export), undervalue, enter, or illegally deal with goods, or (as the case may be); Whereas certain goods, to wit \_\_\_\_\_ imported (or exported or intended to be exported) by you at the port of \_\_\_\_\_ by the ship \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ (last) have been seized (or detained) by an Officer of Customs; Now, therefore, I, the Collector of Customs for the State of \_\_\_\_\_ by virtue of the powers conferred upon me by the *Customs Act* 1901-1925, do hereby require you to produce and hand over to \_\_\_\_\_ an Officer of Customs duly authorized by me on my behalf to receive the same, all books and documents relating to such goods and relating to all other goods imported (or exported) by you at any time within the period of five years immediately preceding this request, and I further require you to produce for the inspection of the said \_\_\_\_\_ an Officer of Customs duly authorized by me for that purpose or such other Officer as I may authorize for the purpose, and allow such Officer to make copies of or extracts from all books or documents of any kind whatsoever wherein any entry or memorandum appears in any way relating to any such goods.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

Collector of Customs,  
State of \_\_\_\_\_

Mr.

Sec. 246.  
Reg. 177.

FORM 62.

Australian Customs.

NOTICE OF ELECTION BY THE DEFENDANT TO HAVE A CUSTOMS  
PROSECUTION TRIED IN A HIGHER COURT.

State of \_\_\_\_\_ Port of \_\_\_\_\_  
In the matter of a Customs prosecution in the \_\_\_\_\_ Court at  
wherein \_\_\_\_\_ is prosecutor, and \_\_\_\_\_ is defendant, and wherein  
the defendant is charged with a contravention of section \_\_\_\_\_ of the *Customs Act*  
1901-1925.

Notice is hereby given that the defendant in the above-named prosecution elects  
pursuant to section 246 of the *Customs Act* 1901-1925, to have the case tried either in  
the High Court of Australia or in the Supreme Court of the State of \_\_\_\_\_ at  
the option of the prosecutor.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
(Signature of Defendant or his Solicitor or Counsel.)

To the above-named Prosecutor and to the Court.

\* \* \* \* \*

Form 63  
repealed by  
1936, No. 49.

Sec. 267.  
Reg. 182.

FORM 64.

Australian Customs.

SUMMONS TO WITNESS.

State of \_\_\_\_\_ Port of \_\_\_\_\_  
In the matter of a dispute between \_\_\_\_\_ an Officer of Customs,  
and \_\_\_\_\_

Part XV., "Customs Act 1901-1925."

Pursuant to the authority delegated to me by the Minister of State administering  
the *Customs Act* 1901-1925, I hereby require you to attend at the Customs House on  
the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at the  
hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, to give evidence in the matter of the above dispute on  
behalf of the said \_\_\_\_\_ and then and there to have and produce  
and all other books, papers, writing, and other documents  
relating to the said dispute which may be in your custody, possession, or power. In  
default of your attendance, you will be liable to a penalty of Twenty pounds under the  
*Customs Act* 1901-1925.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Collector of Customs for the State of \_\_\_\_\_

Sec. 266.  
Reg. 186.

FORM 65.

Australian Customs.

WARRANT OF EXECUTION.

To \_\_\_\_\_  
Whereas by an order dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and  
made under Part XV. of the *Customs Act* 1901-1925, by  
a person to whom the powers of the Minister of State for the Commonwealth of  
Australia administering the Customs were lawfully delegated a penalty of \_\_\_\_\_  
was imposed upon \_\_\_\_\_ of \_\_\_\_\_ and the said  
order has been filed in the court of summary jurisdiction at \_\_\_\_\_ in the State  
of \_\_\_\_\_ And whereas by the said order it was ordered that the said  
penalty be enforced by the levy of execution against the goods and chattels of the said  
\_\_\_\_\_ unless the said penalty is sooner paid; And whereas the  
said penalty has not been paid; Now therefore these are to command you in His  
Majesty's name forthwith to take the goods and chattels of the said  
\_\_\_\_\_ and if within the space of \_\_\_\_\_ days next after taking them the said  
penalty together with the reasonable charges of taking and keeping the said goods  
and chattels is not paid that you then sell the goods and chattels and pay the money  
arising by such sale to \_\_\_\_\_ at \_\_\_\_\_ in the said State,  
and if no goods and chattels can be found that you certify the same to me or some  
other justice of the peace.

Given under my hand at \_\_\_\_\_ in the State of \_\_\_\_\_ in the  
Commonwealth of Australia the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
J.P.

## CUSTOMS ACT

Sec. 54 (*d*).

FORM 66.

Reg. 30.

Australian Customs.

The *Customs Act* 1901-1925, Section 54 (*d*).

## NOTICE TO OWNER.

To

Take notice that by the report of the Official Analyst dated the \_\_\_\_\_ day  
 of \_\_\_\_\_ last, on the \_\_\_\_\_ of tea marked \_\_\_\_\_ and imported  
 by you on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, *ex* \_\_\_\_\_ from  
 the said tea is shown to be a prohibited import.

You are hereby required within fourteen days of the receipt of this notice to satisfy me as Collector that the tea is not a prohibited import, otherwise the tea will be a prohibited import within the meaning of the *Customs Act* 1901-1925, and such proceedings as may be deemed advisable will be taken.

A copy of the above-mentioned report is attached hereto.

Customs House

Collector.  
 19 \_\_\_\_\_.

Regs. 3 and 4.

FORM 67.

The Commonwealth of Australia.

## WHARFS: SECURITY TO THE CUSTOMS.

By this Security the subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of \_\_\_\_\_ subject only to this condition that if—

1. All goods and packages subject to the control of the Customs which at any time during the continuance of this Security are landed from or to be shipped upon any vessel belonging to or under the control of \_\_\_\_\_, or for which the said \_\_\_\_\_ is agent, and are upon or at any wharf at the port of \_\_\_\_\_ in the State of \_\_\_\_\_ are—

- (a) safely and securely kept upon or at the said wharf until such goods and packages are moved therefrom by authority within the meaning of the said Act, and in accordance with the said Act, or cease to be subject to the control of the Customs; and
- (b) whilst upon or at the said wharf dealt with in all respects in accordance with the said Act, and any amendment thereof, to the satisfaction of the Collector of Customs for the said State; and

2. Whenever and as often as—

- (a) any goods which according to any invoice or other commercial document received by an owner within the meaning of the said Act of any such package as aforesaid were or should have been contained in such package; and
- (b) such goods are not contained in the package when or at any time before the package is moved from the said wharf in manner aforesaid; the subscribers prove to the satisfaction of the said Collector that such goods were not in fact contained in the package at the time when the package came upon or to the said wharf;

then this Security shall be thereby discharged.\*

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)".

And it is agreed that for the purpose of this Security "wharf" includes any shed, store, lands or premises attached or adjacent to a wharf, and used for the storage of goods in connexion with the wharf.

Dated at                      the                      day of                      , 19   .

| Names and Descriptions of<br>Subscribers. | Signatures of Subscribers. | Signatures and Addresses<br>of Witnesses. |
|-------------------------------------------|----------------------------|-------------------------------------------|
|                                           |                            |                                           |

Regs. 3 and 4.

FORM 68.

The Commonwealth of Australia.

#### WHARFS: SECURITY TO THE CUSTOMS.

By this security the subscribers are, pursuant to the *Customs Act* 1901-1925 bound to the Customs of the Commonwealth of Australia in the sum of  
subject only to this condition that if—

1. All goods and packages subject to the control of the Customs which at any time during the continuance of this Security are upon or at the wharf known as  
Wharf at the Port of                      in the  
State of                      are—

- (a) safely and securely kept upon or at the said wharf until such goods and packages are moved therefrom by authority within the meaning of the said Act and in accordance with the said Act or cease to be subject to the control of the Customs; and
- (b) whilst upon or at the said wharf dealt with in all respects in accordance with the said Act and any amendment thereof to the satisfaction of the Collector of Customs for the said State; and

2. Whenever and as often as—

- (a) any goods which according to any invoice or other commercial document received by an owner within the meaning of the said Act of any such package as aforesaid were or should have been contained in such package; and
- (b) such goods are not contained in the package when or at any time before the package is moved from the said wharf in manner aforesaid;

the subscribers prove to the satisfaction of the said Collector that such goods were not in fact contained in the package at the time when the package came upon or to the said wharf;

then this Security shall be thereby discharged.\*

And it is agreed that for the purpose of this Security "wharf" includes any shed, store, lands or premises attached or adjacent to the wharf and used for the storage of goods in connexion with the wharf.

Dated at                      the                      day of                      , 19   .

| Names and Descriptions of<br>Subscribers. | Signatures of Subscribers. | Signatures and Addresses<br>of Witnesses. |
|-------------------------------------------|----------------------------|-------------------------------------------|
|                                           |                            |                                           |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

## CUSTOMS ACT

Inserted by  
1947, No. 94;  
substituted by  
1948, No. 156.

Reg. 4A.

FORM 68A.

COMMONWEALTH OF AUSTRALIA.

## AIRCRAFT: SECURITY TO THE CUSTOMS.

By this Security the subscribers are, pursuant to the *Customs Act* 1901-1947, bound to the Customs of the Commonwealth of Australia in the sum of \_\_\_\_\_, subject only to the condition that if—

1. In respect of all goods subject to the control of the Customs of which (hereinafter called the Company) has the custody or control, the Company—
  - (a) deals with those goods in accordance with the said Act and any regulations made thereunder and accounts for those goods to the satisfaction of the Collector; and
  - (b) where the goods are upon or at any aerodrome in the Commonwealth of Australia—keeps those goods safely and securely upon or at that aerodrome;
  - (c) where the goods are received for conveyance upon an aircraft owned by, or under the control of, the Company or for which the Company is agent—loads, conveys and delivers those goods in accordance with the entry made or permit issued; and
  - (d) where the Company makes an entry or obtains a Transit Permit in respect of the goods—deals with those goods in all respects in accordance with the entry made or Transit Permit obtained and safely and securely keeps those goods until delivered in accordance with the entry made or Transit Permit obtained;
2. The subscribers, on demand, pay—
  - (a) an amount equivalent to the duty payable on any such goods not accounted for or delivered to the satisfaction of the Collector;
  - (b) the duty payable on all aircraft stores consumed on any aircraft owned by, or under the control of, the Company or for which the Company is agent; and
  - (c) the amount of any overtime payable under the said Act or regulations in respect of Customs supervision of the operations of the Company; and
3. The provisions of the said Act and regulations are duly complied with, then this Security shall be thereby discharged.\*

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures of Witnesses. |
|----------------------------------------|----------------------------|--------------------------|
|                                        |                            |                          |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only" or "The liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

\* \* \* \* \*

\* \* \* \* \*

Forms 69  
and 70  
omitted by  
1955, No. 15.

Reg. 41.

FORM 71.

Commonwealth of Australia.

SECURITY TO THE CUSTOMS.

By this Security the Subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of subject only to this condition if every obligation provision and condition contained in or imposed by the said Act or any amendment thereof or any regulation thereunder or any Departmental By-law or the relevant entry and applicable to the goods specified hereunder is at all times duly observed performed and complied with to the satisfaction of the Collector of Customs for the State of then this Security shall be thereby discharged.\*

GOODS.

*Entered by*

*Port*

*Ex ship*

*Warrant and Date*

*Marks and Numbers*

| Description of Goods. | Weight or Quantity. | Invoice Value and Origin. |
|-----------------------|---------------------|---------------------------|
|                       |                     |                           |

Dated the                      day of                      19                      .

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|----------------------------------------|----------------------------|----------------------------------------|
|                                        |                            |                                        |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only" or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

## CUSTOMS ACT

Reg. 41.

FORM 72.

Commonwealth of Australia.

## SECURITY TO THE CUSTOMS.

By this Security the Subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of subject only to this condition that if every obligation provision and condition contained in or imposed by the said Act or any amendment thereof or any regulation thereunder or any Departmental By-law or the relevant entry and applicable to the goods specified hereunder is at all times duly observed performed and complied with to the satisfaction of the Collector of Customs for the State of then this Security shall be thereby discharged.\*

GOODS.

All goods entered at the Port of \_\_\_\_\_ by, or on behalf of \_\_\_\_\_ of \_\_\_\_\_ during the period of twelve months from the date hereof "under security" or "subject to security" pursuant to a Departmental By-law made under any item of the *Customs Tariff* 1921-1926 or of that Tariff as subsequently amended.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

| Names and Descriptions of Subscribers.   | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|------------------------------------------|----------------------------|----------------------------------------|
| <br><br><br><br><br><br><br><br><br><br> |                            |                                        |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

Reg. 40.

FORM 73.

The Commonwealth of Australia.

## TRANSHIPMENT (SINGLE TRANSACTION): SECURITY TO THE CUSTOMS.

By this Security the Subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of subject only to this condition that if—

1. All the goods and packages specified in the Schedule hereunder and in respect of which Transhipment Entry dated \_\_\_\_\_ has been made by or on behalf of \_\_\_\_\_ at \_\_\_\_\_ in the State of \_\_\_\_\_ are—

- (a) duly dealt with in accordance in all respects with the Transhipment Entry and with the said Act and any amendment thereof to the satisfaction of the Collector of Customs for the said State; and
- (b) safely and securely kept until shipped in accordance with the said Transhipment Entry; and



2. Whenever and as often as—

(a) any goods which according to any invoice or other commercial document received by an owner within the meaning of the said Act of any such package as aforesaid were or should have been contained in such package; and

(b) such goods are not contained in the package when or at any time before the package is shipped in accordance with the said Transshipment Entry;

the subscribers prove to the satisfaction of the said Collector that such goods were not in fact contained in the package at the time when the said Transshipment Entry was made;

then this Security shall be thereby discharged.\*

SCHEDULE.

Dated at the day of , 19 .

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|----------------------------------------|----------------------------|----------------------------------------|
|                                        |                            |                                        |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only," or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

Reg. 46.

FORM 74.

The Commonwealth of Australia.

TRANSIT PERMIT (SINGLE TRANSACTION): SECURITY TO THE CUSTOMS.

By this Security the Subscribers are, pursuant to the *Customs Act 1901-1925*, bound to the Customs of the Commonwealth of Australia in the sum of subject only to this condition that if—

1. All the goods and packages specified in the Schedule hereunder and for the unshipping and transfer of which to the port of

Transit Permit dated has been issued  
to at  
of are- in the State

(a) duly dealt with in accordance in all respects with the Transit Permit and with the said Act and any amendment thereof to the satisfaction of the Collector of Customs for the said State; and

(b) within a reasonable time duly transferred to and delivered at the said port and until so delivered are at all times safely and securely kept; and

2. Whenever and as often as—

(a) any goods which according to any invoice or other commercial document received by an owner within the meaning of the said Act of any such package as aforesaid were or should have been contained in such package; and

(b) such goods are not contained in the package when or at any time before the package is delivered at the said port;

the subscribers prove to the satisfaction of the said Collector that such goods were not in fact contained in the package at the time when the package was unshipped pursuant to the Transit Permit;

then this Security shall be thereby discharged.\*

SCHEDULE.

Dated at the day of , 19 .

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|----------------------------------------|----------------------------|----------------------------------------|
|                                        |                            |                                        |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

Reg. 46.

FORM 75.

The Commonwealth of Australia.

TRANSIT PERMIT (PERIOD): SECURITY TO THE CUSTOMS.

By this Security the Subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of  
subject only to this condition that if—

1. All goods and packages for the unshipping and transfer of which a Transit Permit is at any time before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ issued to \_\_\_\_\_ at \_\_\_\_\_ in the State of \_\_\_\_\_ are—

- (a) duly dealt with in accordance in all respects with the Transit Permit and with the said Act and any amendment thereof to the satisfaction of the Collector of Customs for the said State; and
- (b) within a reasonable time duly transferred to and delivered at the port to which they are to be so transferred and until so delivered are at all times safely and securely kept; and

2. Whenever and as often as—

- (a) any goods which according to any invoice or other commercial document received by an owner within the meaning of the said Act of any such package as aforesaid were or should have been contained in such package; and

- (b) such goods are not contained in the package when or at any time before the package is delivered at the port to which it is to be so transferred; the subscribers prove to the satisfaction of the said Collector that such goods were not in fact contained in the package at the time when the package was unshipped pursuant to the Transit Permit;

then this Security shall be thereby discharged.\*

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|----------------------------------------|----------------------------|----------------------------------------|
|                                        |                            |                                        |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

**Amended by  
1928, No. 57;  
and by 1936,  
No. 49.**

Regs. 40, 46, 84, 89.

FORM 76.

The Commonwealth of Australia.

**GENERAL SHIPPING: SECURITY TO THE CUSTOMS.**

By this Security the subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of  
**subject only to this condition that if—**

1. Whenever and as often as in the State of  
of

- (a) makes an entry for the exportation or transshipment or removal coastwise or inland or removal locally to a warehouse of; or

any goods or packages subject to the control of the Customs, all such goods and packages are dealt with in all respects in accordance with the entry made or permit obtained therefor and with the said Act and any amendment thereof to the satisfaction of the Collector of Customs for the said State; and

2. All such goods and packages are at all times safely and securely kept until exported shipped or delivered in accordance with the entry made or permit obtained therefor; and

3. Whenever and as often as—

- (a) any goods which according to any invoice or other commercial document received by an owner within the meaning of the said Act of any such package as aforesaid were or should have been contained in such package; and
- (b) such goods are not contained in the package when or at any time before the package is exported shipped or delivered in accordance with the entry made or permit obtained therefor;

the subscribers prove to the satisfaction of the said Collector that such goods were not in fact contained in the package at the time when the entry was made or the permit obtained therefor;

then this Security shall be thereby discharged.\*

Dated at the day of , 19 .

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|----------------------------------------|----------------------------|----------------------------------------|
|                                        |                            |                                        |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)".

Regs. 40, 46, 84, 89.

FORM 77.

Amended by  
1928, No. 57.

The Commonwealth of Australia.

#### GENERAL SHIPPING: SECURITY TO THE CUSTOMS.

By this Security the subscribers are, pursuant to the *Customs Act 1901-1925*, bound to the Customs of the Commonwealth of Australia in the sum of subject only to this condition that if—

1. Whenever and as often as of whether as owner or as agent for the owner and whether personally or by agent—
  - (a) makes an entry for the exportation or transshipment or removal coast-wise or inland or removal locally to a warehouse of; or
  - (b) obtains a Transit Permit for—

any goods or packages subject to the control of the Customs, all such goods and packages are dealt with in all respects in accordance with the entry made or permit obtained therefor and with the said Act and any amendment thereof to the satisfaction of the Collector of Customs for the State in which such entry is made or permit obtained; and

2. All such goods and packages are at all times safely and securely kept until exported shipped or delivered in accordance with the entry made or permit obtained therefor; and

3. Whenever and as often as—

- (a) any goods which according to any invoice or other commercial document received by an owner within the meaning of the said Act of any such package as aforesaid were or should have been contained in such package; and

(b) such goods are not contained in the package when or at any time before the package is exported shipped or delivered in accordance with the entry made or permit obtained therefor;

the subscribers prove to the satisfaction of the said Collector that such goods were not in fact contained in the package at the time when the entry was made or the permit obtained therefor;

then this Security shall be thereby discharged.\*

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

| Names and Descriptions of<br>Subscribers. | Signatures of Subscribers. | Signatures and Addresses<br>of Witnesses. |
|-------------------------------------------|----------------------------|-------------------------------------------|
|                                           |                            |                                           |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)".

Reg. 49.

FORM 78.

The Commonwealth of Australia.

**LICENSED WAREHOUSES: SECURITY TO THE CUSTOMS.**

By this Security the subscribers are, pursuant to the *Customs Act 1901-1925*, bound to the Customs of the Commonwealth of Australia in the sum of \_\_\_\_\_ subject only to this condition that if—

1. The provisions of the said Act and any amendment thereof are at all times during the continuance of this Security complied with to the satisfaction of the Collector of Customs for the State of—

(a) Here insert  
class of  
warehouse.

(a) in respect of the  $\left\{ \begin{array}{l} 1 \\ 2 \\ 3 \\ 4 \end{array} \right\}$  warehouse situation

at \_\_\_\_\_ in the said State and known as \_\_\_\_\_ : and

(b) in respect of all goods and packages subject to the control of the Customs at any time in or at the said warehouse; and

(c) by \_\_\_\_\_, of \_\_\_\_\_, as licensee of the said warehouse; and

2. All goods and packages subject to the control of the Customs at any time in or at the said warehouse are at all times safely and securely kept in the warehouse until moved therefrom by authority within the meaning of the said Act and in accordance with the said Act; and

3. Whenever and as often as—

(a) any goods which according to any invoice or other commercial document received by an owner within the meaning of the said Act of any such package as aforesaid were or should have been contained in such package; and

(b) such goods are not contained in the package when or at any time before the package is moved from the warehouse as aforesaid;

the subscribers prove to the satisfaction of the said Collector that such goods were not in fact contained in the package at the time when the package was received into or at the warehouse;

then this Security shall be thereby discharged.\*

Dated at the day of , 19 .

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|----------------------------------------|----------------------------|----------------------------------------|
|                                        |                            |                                        |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)".

Reg. 61.

FORM 79.

Amended by  
1928, No. 57.

Commonwealth of Australia.

SHOW GROUNDS LICENSED AS GENERAL WAREHOUSES—  
SECURITY TO THE CUSTOMS.

By this security the subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of pounds subject only to this condition, that if the provisions of the *Customs Act* 1901-1925 and the Regulations for the time being in force thereunder are complied with to the satisfaction of the Collector of Customs for the State of in relation to the grounds of the situate at in the said State which grounds have been licensed under the *Customs Act* 1901-1925 as a General Warehouse, and in relation to all goods subject to the control of the Customs stored or exhibited in those grounds, then this Security shall be thereby discharged.\*

Dated at the day of , 19 .

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|----------------------------------------|----------------------------|----------------------------------------|
|                                        |                            |                                        |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)".

\*

\*

\*

\*

\*

Form 80  
omitted by  
1955, No. 15.

## CUSTOMS ACT

Regs. 84 and 89.

FORM 81.

The Commonwealth of Australia.

## REMOVAL FROM WAREHOUSE (SINGLE TRANSACTION): SECURITY TO THE CUSTOMS.

By this Security the subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of  
subject only to this condition that if—

1. All the goods and packages specified in the Schedule hereunder and in respect of which an entry dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, has been made by or on behalf of \_\_\_\_\_, at \_\_\_\_\_, in the State of \_\_\_\_\_, for exportation or removal from a warehouse to \_\_\_\_\_ are—

(a) duly dealt with in accordance in all respects with the said entry and with the said Act and any amendment thereof to the satisfaction of the Collector of Customs for the said State; and

(b) safely and securely kept until shipped or delivered in accordance with the said entry; and

2. Whenever and as often as—

(a) any goods which according to any invoice or other commercial document received by an owner within the meaning of the said Act of any such package as aforesaid were or should have been contained in such package; and

(b) such goods are not contained in the package when or at any time before the package is shipped or delivered in accordance with the said entry;

the subscribers prove to the satisfaction of the said Collector that such goods were not in fact contained in the package at the time when the said entry was made;

then this Security shall be thereby discharged.\*

## SCHEDULE.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|----------------------------------------|----------------------------|----------------------------------------|
|                                        |                            |                                        |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)".

Sec. 179.  
Reg. 151.

## FORM 83.

Commonwealth of Australia.

## GENERAL TRANSIRE: SECURITY TO THE CUSTOMS.

By this Security the subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia, in the sum of subject only to this condition, that if the Master of in respect of which a General Transire under the Customs Regulations is to be issued dating from the day of 19 , shall during the currency of that Transire or during the currency of any Transire or Transires that may thereafter be issued in continuation or substitution of the aforesaid Transire of the comply with the prescribed conditions printed on the back of the said Transire or Transires aforesaid, and if the said Master shall in all other respects comply with the provisions of the said Act and any amendment thereof or any Act passed in substitution therefor and the Regulations for the time being in force thereunder, and, further, shall pay at the Port of all Commonwealth Light Dues which may become due under the *Lighthouses Act* 1911-1919 and any amendment thereof or any Act passed in substitution therefor and the Regulations for the time being in force thereunder, during the currency of any Transire covered by this Security, then this security shall be thereby discharged.\*

Dated at the day of 19 .

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|----------------------------------------|----------------------------|----------------------------------------|
|                                        |                            |                                        |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)".

\* \* \* \* \* Forms 84  
and 85  
omitted by  
1952, No. 96

Sec. 206.  
Reg. 170.

## FORM 86.

Commonwealth of Australia.

## SEIZED GOODS: SECURITY TO THE CUSTOMS.

By this Security the subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of\* subject only to this condition, that if in connexion with the importation (or exportation) of from on the day of 19 contained in cases marked and referred to in entry No. of the 19 any prosecution is instituted in respect of any offence under the *Customs Act* 1901-1925 in respect of the importation (or exportation), entry, description, or otherwise in connexion with the above-mentioned goods, or any of them, and if some such prosecution does not result in any conviction of any person of any offence which would have effect if the said goods had been retained as a condemnation of the goods in respect of which the offence was committed, or if no such prosecution is instituted and if the claimant be required by notice under section 207 of the said Act to enter an action against the Collector for the recovery of all the said goods and do so within four months of the service of the notice and after instituting the said action proceed to trial without unreasonable delay and succeed in such action in recovering the said goods, or if no such prosecution as aforesaid is instituted, and any dispute shall have arisen between any Officer and any person with reference to any contravention of the said Act in respect of the said goods or any portion thereof, their

Amended by  
1951, No. 71.

importation (or exportation), entry, description, or otherwise, and the Minister having, with the written consent of such person, and in the exercise of, or purporting to be in exercise of, the power conferred by section 265 of the said Act, inquired into and determined the dispute, does not impose forfeiture of the said goods, or any portion thereof, then this Security shall be thereby discharged.†

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

| Names and Descriptions of<br>Subscribers. | Signatures of Subscribers. | Signatures and Addresses<br>of Witnesses. |
|-------------------------------------------|----------------------------|-------------------------------------------|
|                                           |                            |                                           |

\* Value of goods, viz., original cost price of the goods, plus 33½ per cent.

† NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)".

Amended by  
1928, No. 57.

Sec. 270 (1.) (e).  
Reg. 188.

FORM 87.

Commonwealth of Australia.

#### RAILWAYS: SECURITY TO THE CUSTOMS.

By this security the subscribers are, pursuant to the *Customs Act* 1901-1925, bound to the Customs of the Commonwealth of Australia in the sum of \_\_\_\_\_ subject only to this condition that if—

1. All goods and packages subject to the control of the Customs which at any time during the continuance of this security are on or in the premises or a vehicle of the subscribers are—

- (a) safely and securely kept on or in the said premises or vehicle until such goods and packages are moved therefrom by authority within the meaning of the said Act and in accordance with the said Act or cease to be subject to the control of the Customs; and
- (b) whilst on or in the said premises or vehicle dealt with in all respects in accordance with the said Act and any amendment thereof to the satisfaction of the Collector of Customs for the State of \_\_\_\_\_ ; and

2. Whenever and as often as—

- (a) any goods which according to any invoice or other commercial document received by an owner within the meaning of the said Act of any such package as aforesaid were or should have been contained in such package; and
- (b) such goods are not contained in the package when or at any time before the package is removed from the said premises or vehicle in manner aforesaid

the subscribers prove to the satisfaction of the said Collector that such goods were not in fact contained in the package at the time when the package came on to or into the said premises or vehicle—

then this security shall be thereby discharged.\*

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

| Names and Descriptions of<br>Subscribers. | Signatures of Subscribers. | Signatures and Addresses<br>of Witnesses. |
|-------------------------------------------|----------------------------|-------------------------------------------|
|                                           |                            |                                           |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of (mentioning subscriber) is limited to (here state amount of limit of liability or mode of ascertaining limit)".



## CUSTOMS (CINEMATOGRAPH FILMS) REGULATIONS.\*

### PART I.—PRELIMINARY.

1. These Regulations may be cited as the Customs (Cinematograph Films) Regulations.\* Citation.

2. The Customs (Cinematograph Films) Regulations (comprising Statutory Rules 1932, No. 24; Statutory Rules 1945, No. 125; Statutory Rules 1949, No. 17; and Statutory Rules 1956, No. 47) are repealed. Repeal.

3. These Regulations are divided into Parts as follows:—

Parts.

Part I.—Preliminary (Regulations 1-8).

Part II.—The Importation of Films, Slides and Advertising Matter (Regulations 9-27).

Part III.—The Exportation of Films and Slides (Regulations 28-34).

Part IV.—Appeals (Regulations 35-39).

Part V.—Miscellaneous (Regulations 40-42).

4.—(1.) In these Regulations, unless the contrary intention appears— Interpretation.

“Censor” means the Chief Censor, a member of the Board or a Deputy Censor;

“advertising matter” means posters, photographs, sketches, programmes and other matter intended for use in connexion with the exhibition of a film;

“film” means a cinematograph film and includes a positive or negative of a cinematograph film;

“member of the Board” includes the Chief Censor;

“slide” means a glass or film slide intended for projection as a still picture by lantern or other type of projector and includes a series of still pictures included in the one strip of glass or film;

“the Act” means the *Customs Act* 1901-1954;

“the Appeal Censor” means the Appeal Censor appointed under these Regulations;

“the Board” means the Censorship Board constituted by regulation 5 of these Regulations;

“the Chief Censor” means the member of the Board appointed to be the Chief Censor under these Regulations.

(2.) A reference in these Regulations to a form by number shall be deemed to be a reference to the form so numbered in the Schedule to these Regulations.

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\* Statutory Rules 1956, No. 94; in force under the *Customs Act* 1901-1954; notified in the *Gazette* and commenced on 14th December, 1956.

Censorship  
Board and  
Appeal Censor.

5.—(1.) For the purposes of these Regulations, there shall be a Censorship Board and an Appeal Censor.

(2.) The Board shall consist of the Chief Censor and four members, one of whom shall be a woman.

(3.) The members of the Board and the Appeal Censor shall be appointed by the Governor-General.

(4.) The members of the Board and the Appeal Censor shall hold office for such period, not exceeding three years, as the Governor-General determines, but are eligible for re-appointment.

(5.) The terms and conditions of appointment of members of the Board and the Appeal Censor are as determined by the Governor-General.

(6.) A member of the Board (not being an officer of the Public Service of the Commonwealth) and the Appeal Censor shall be entitled to such fees and travelling allowances as the Governor-General determines.

(7.) A member of the Board or the Appeal Censor may be removed from office by the Governor-General for misbehaviour or incapacity.

Appointment  
of persons to  
act as  
Chief Censor,  
member or  
Appeal Censor.

6. Where—

- (a) there is a vacancy in the office of Chief Censor, member of the Board or Appeal Censor, or
- (b) the Chief Censor, a member of the Board or the Appeal Censor is, for any reason, unable to carry out the duties of his office,

the Governor-General may appoint a person to act as the Chief Censor, a member of the Board or the Appeal Censor, as the case may be, for a specified period, and a person so appointed shall have the powers, and may perform the duties, of the Chief Censor, a member of the Board or the Appeal Censor, as the case may be.

Deputy  
Censors.

7.—(1.) The Minister may, on the recommendation of the Comptroller, appoint a person to be a Deputy Censor for the purposes of these Regulations.

(2.) A Deputy Censor appointed in pursuance of the last preceding sub-regulation shall hold office during the pleasure of the Minister.

Exercise of  
powers, &c., of  
Censorship  
Board.

8.—(1.) The powers and functions conferred on the Board under these Regulations may be exercised or performed by any two or more members of the Board and may be so exercised or performed notwithstanding that any other two members of the Board are at the same time exercising or performing the powers or functions of the Board.

(2.) Where the members of the Censorship Board dealing with a matter under these Regulations are divided in opinion—

- (a) the decision of the majority shall prevail; or
- (b) if the members are equally divided in opinion, the determination of the matter shall be adjourned until an additional member of the Censorship Board is present.

PART II.—THE IMPORTATION OF FILMS, SLIDES AND ADVERTISING MATTER.

9.—(1.) The importation of a film, slide or advertising matter is prohibited unless a licence to import the film, slide or advertising matter has been granted under these Regulations by the Chief Censor or an officer on behalf of the Chief Censor and the licence is in force.

Importation of films, slides and advertising matter prohibited.

(2.) A licence to import a film slide or advertising matter shall be in a form determined by the Chief Censor.

10. The grant of a licence under these Regulations is subject to the conditions and requirements specified in these Regulations and to such conditions and requirements as are specified in the licence.

Conditions subject to which licence is granted.

11. A film shall not be delivered from the control of the Customs until it has been registered in accordance with this Part.

Film not to be delivered from Customs Control until registered.

12. A slide or advertising matter shall not be delivered from the control of the Customs until it has been passed in accordance with this part.

Slide or advertising matter not to be delivered from the control of the Customs until passed.

13. A film shall not be registered and advertising matter shall not be passed, under this Part if, in the opinion of the Board, or, on appeal, in the opinion of the Appeal Censor—

Bars to registration or passing.

- (a) the film or advertising matter is blasphemous, indecent or obscene;
- (b) the film or advertising matter is likely to be injurious to morality, or to encourage or incite to crime;
- (c) the film or advertising matter is likely to be offensive to the people of a friendly nation or to the people of a part of the Queen's dominions; or
- (d) the film or advertising matter depicts any matter the exhibition of which is undesirable in the public interest.

14.—(1.) An application for the registration of a film shall be made by the importer, shall be in accordance with Form 1 and shall be lodged with a Censor.

Application for registration of a film.

(2.) The importer shall forward to the Censor with whom the application is lodged a synopsis of the story depicted by the film.

(3.) Where an application is made for the registration of a film which contains dialogue or captions in a foreign language, the importer shall, if required by the Censor with whom the application is lodged, lodge a translation fee—

- (a) in the case of 35 millimetre film—of Two shillings for each one thousand feet or part of one thousand feet of film;
- (b) in the case of a 16 millimetre film—of Two shillings for each four hundred feet or part of four hundred feet of film; or
- (c) in any other case—of Two shillings for each two hundred feet or part of two hundred feet of film.

Film or slide to be examined.

**15.**—(1.) A film shall not be registered until the film has been screened in accordance with this Part.

(2.) A slide or advertising matter shall not be passed until it has been examined in accordance with this Part.

Persons before whom screening is to take place or examination is to be made.

**16.**—(1.) The Chief Censor may direct that the screening of a film take place before—

- (a) the Board;
- (b) a member of the Board; or
- (c) subject to the next succeeding sub-regulation—by a Deputy Censor.

(2.) The Chief Censor shall not direct the screening before a Deputy Censor of a film which is—

- (a) a film intended for exhibition in motion picture theatres or by television stations;
- (b) a film of a kind usually exhibited in motion picture theatres or by television stations; or
- (c) a film of a religious and educational character (other than a film intended to be used for projecting the words of a hymn on a screen with musical accompaniment).

(3.) The Chief Censor may direct that the examination of a slide be made by a member of the Board or a Deputy Censor.

Screening of film before a member of the Board or a Deputy Censor.

**17.**—(1.) If the member of the Board or Deputy Censor before whom a film is screened is of opinion that the film is of a kind referred to in paragraph (a), (b), (c) or (d) of regulation 13 of these Regulations, the member or the Deputy Censor shall refer the application for registration to the Chief Censor, but if not of that opinion, shall approve the registration of the film.

(2.) Where a member of the Board or a Deputy Censor refers an application for registration to the Chief Censor under the last preceding sub-regulation, the Chief Censor shall cause the film to be screened before the Board.

Screening before the Board.

**18.** Where a film is screened before the Board in pursuance of regulation 16 of these Regulations or the last preceding regulation, and the Board is of opinion that the film is a film of a kind referred to in paragraph (a), (b), (c) or (d) of regulation 13 of these Regulations, the Board shall refuse the application for registration, but, if the Board is not of that opinion, it shall approve the registration of the film.

Registration may be subject to conditions and to the giving of security.

**19.** The registration of a film may be granted—

- (a) either without conditions or subject to such conditions as the Board, the member of the Board or the Deputy Censor, as the case may be, thinks fit; and
- (b) subject to the importer giving security to the satisfaction of the Collector in an amount determined by the Collector for the observance of the conditions subject to which the registration has been granted and the following conditions:—
  - (i) that the film shall not, unless the consent in writing of the Board has first been obtained, be exhibited in Australia by the importer or any other person in a form other than the form in which the film has been registered;

- (ii) that the film shall not, unless the consent in writing of the Board has first been obtained, be exhibited under a title other than the title under which it has been registered;
- (iii) that advertising matter used in connexion with the film by the importer or any other person shall not refer, directly or indirectly, to any scene, episode or wording not included in the film in the form in which it has been registered; and
- (iv) that advertising matter used in connexion with the film shall not contain any matter which is indecent, obscene or injurious to public morality.

**20.** Where the registration of a film is approved under this Part, Certificate of Registration.  
the Chief Censor shall cause the film to be registered and—

- (a) shall, if the registration is granted subject to conditions, cause a certificate of registration in accordance with Form 2 to be given to the importer; and
- (b) may, in any other case, cause such a certificate to be given to the importer.

**21.** Where an application for the registration of a film is refused, Notice of refusal of registration.  
the Chief Censor shall cause a notice in accordance with Form 3 to be given to the importer.

**22.—(1.)** Where—

- (a) the Board has refused to grant the registration of a film; or
- (b) the Appeal Censor has not, on an appeal under these Regulations, directed the Board to register the film,

Reconstruction of films where application is made by the importer.

the importer may make application for permission to reconstruct the film.

(2.) An application for permission to reconstruct a film shall be made within fourteen days, or within such further time as the Chief Censor in special circumstances allows, after the date of the notice of the refusal of the application for registration or the date of the decision of the Appeal Censor and shall be accompanied by a plan setting out in detail the grounds upon which the importer claims that reconstruction should be permitted and the proposed alterations, deletions or additions to the film.

(3.) The Chief Censor may approve or disapprove of a plan for the reconstruction of a film or so alter or amend the plan as he thinks fit.

(4.) The Board may, on application by the importer, approve of the registration of the film if reconstructed in accordance with the plan as approved, or as altered or amended, by the Chief Censor.

(5.) The Chief Censor may, for the purpose of enabling the film to be so reconstructed, grant permission for the film to be removed to a specified place upon the importer giving security to the satisfaction of the Collector in an amount determined by the Collector for the observance of the following conditions:—

- (a) that the film shall not be screened before any person other than the importer and four *bona fide* representatives of the importer;
- (b) that the film as reconstructed shall, within fourteen days after its removal from the control of the Customs be returned to the control of the Customs at the place from which it was removed; and
- (c) that all matter eliminated from the film in the reconstruction of the film shall be properly tagged, described and forwarded to the Board.

(6.) The importer shall, when forwarding the matter eliminated from the film to the Board, forward one positive print of the eliminated matter which shall be filed by the Board and dealt with in such manner as the Comptroller directs.

(7.) If a positive film has been printed in Australia from a negative film and part of the film is eliminated in the course of the reconstruction of the film, that part of the negative film which has been eliminated shall be forwarded to the Board and dealt with in such manner as the Comptroller directs.

(8.) The matter eliminated from the film in the course of the reconstruction of the film shall, unless it is exported within twenty-eight days after it is forwarded to the Board, be destroyed under the supervision of the Customs.

Screenings of  
films and  
exhibition of  
slides.

**23.—**(1.) A film shall be screened, and a slide shall be exhibited, as and when required by a Censor.

(2.) The screening or exhibition shall be carried out at the risk of the importer.

(3.) The Chief Censor may, at the request of the importer and upon payment of a fee of Two shillings and sixpence for each reel of film, approve of the screening of a film at an office of the Board at such time, and subject to such conditions, as the Chief Censor thinks fit.

(4.) At a screening of a film, the importer, not more than four *bona fide* representatives of the importer and persons approved by the Chief Censor are entitled to be present.

Examination  
before  
Censorship.

**24.—**(1.) The Chief Censor may, with the consent of the Minister, grant approval to an importer who has made application for the registration of a film to remove the film to a specified place in a sealed container or package for the purpose of waxing the film, inspecting the film, repairing the film, making alterations to, or deletions from, the film, or, if the film is a negative film, of printing a positive film from

the film subject to the importer depositing with the Collector the amount of duty payable on the film and giving security to the satisfaction of the Collector in an amount determined by the Collector for the observance of the following conditions:—

- (a) that the importer shall not remove the film unless he has given not less than twenty-four hours' notice to the Collector of the address of the place to which the film is to be removed;
- (b) that the film shall, within twenty-four hours after its removal, be delivered to that place;
- (c) that the film shall be treated, repaired or altered, or, if the film is a negative, the film shall be printed, under the supervision of an officer within forty-eight hours, or such further time as the Collector allows, after the film is delivered to the place;
- (d) that, if the film is a negative film or a soft positive film, not more than one positive film shall be printed from the negative film or soft positive film;
- (e) that the film or a part of the film shall not otherwise be printed, reproduced or copied;
- (f) that, at a screening of the film while it is removed under this regulation, no person other than the importer and not more than four of his *bona fide* representatives shall be present;
- (g) the film and, if a negative film has been delivered, the negative film and the resultant positive film shall be returned within ten days after the removal of the film by the importer under this regulation to the place from which the film was removed or to the office of the Board; and
- (h) all matter eliminated from the film shall be properly tagged and described and shall be returned with the film.

(2.) If the Chief Censor has not granted approval under the last preceding sub-regulation, the importer may, upon payment of the fee prescribed by regulation 23 of these Regulations, arrange for the film to be screened at an office of the Board and may make, under the supervision of a Censor or an officer, such alterations or eliminations as the importer thinks fit.

**25.—**(1.) Application for the passing under this Part of a slide shall be made to a Censor. Slides.

(2.) Where a slide is examined under regulation 16 of these Regulations by a member of the Board or a Deputy Censor and the member or the Deputy Censor is of opinion that—

- (a) the slide is blasphemous, indecent or obscene;
- (b) the slide is likely to be injurious to morality, or to encourage or incite to crime;
- (c) the slide is likely to be offensive to the people of a friendly nation or to the people of a part of the Queen's dominions; or
- (d) the slide depicts any matter the exhibition of which is undesirable in the public interest,

the member or the Deputy Censor shall refer the slide for examination by the Chief Censor, but, if the member or Deputy Censor is not of that opinion, he shall pass the slide.

(3.) Where the Chief Censor is of opinion that the slide is of a kind referred to in paragraph (a), (b), (c) or (d) of the last preceding sub-regulation, the Chief Censor shall refuse to pass the slide, but, if the Chief Censor is not of the opinion, he shall pass the slide.

(4.) The decision of the Chief Censor under this regulation is, subject to regulation 40 of these Regulations, final.

(5.) The Chief Censor shall cause a notification of a decision under this regulation to be forwarded to the importer.

Advertising  
matter.

**26.**—(1.) Advertising matter shall not be delivered from the control of the Customs until it has been passed by the Board or a member of the Board.

(2.) An importer of advertising matter shall lodge with the Board a copy of the advertising matter.

(3.) The Board or a member of the Board may, if it thinks fit, pass, amend or reject the advertising matter.

(4.) Permission for delivery of the advertising matter from the control of the Customs may be granted subject to the importer giving security to the satisfaction of the Collector in a sum determined by the Collector for the observance of the following conditions:—

- (a) that the advertising matter shall not be used in any form other than the form in which it was passed; and
- (b) that the advertising matter shall be used without any addition thereto or comment thereon unless the consent in writing of the Board to the addition or comment has been obtained.

Rejected film  
to be exported  
or destroyed.

**27.** Where a film is not registered, or a slide or advertising matter is not passed, under this Part, the importer shall export the film, slide or advertising matter, or destroy it under the supervision of an officer, within twenty-eight days—

- (a) after the date on which the Board refuses to register the film or to pass advertising matter or the Chief Censor refuses to pass the slide;
- (b) if an appeal is made against the decision of the Board and the decision of the Board is confirmed—after the date of the decision of the Appeal Censor; or
- (c) if the Minister has directed that the matter be referred to him—after the date of the decision of the Minister.

### PART III.—EXPORTATION OF FILMS AND SLIDES.

Exportation of  
films and slides.

**28.** The exportation from Australia of a film or slide produced in Australia is prohibited unless a permit to export the film or slide has been granted under this Part.

Applications.

**29.**—(1.) An application for a permit to export from Australia a film produced in Australia shall be in accordance with Form 4.

(2.) An application for a permit to export from Australia a slide produced in Australia shall be made by lodging the slide with a Censor.



**30.** A permit to export from Australia a film produced in Australia shall not be granted if, in the opinion of the Board, or, on appeal, in the opinion of the Appeal Censor—

Exportation prohibited in certain cases.

- (a) the film is blasphemous, indecent or obscene;
- (b) the film is likely to be injurious to morality, or to encourage or incite to crime;
- (c) the film is likely to be offensive to the people of a friendly nation or to the people of a part of the Queen's dominions;
- (d) the film depicts a matter the exhibition of which is undesirable in the public interest; or
- (e) the film is likely to prove detrimental or prejudicial to the Commonwealth.

**31.—(1.)** A permit to export from Australia a film produced in Australia shall not be granted unless the film has been screened.

Permits to export films.

**(2.)** The Chief Censor may direct that the screening of a film take place before—

- (a) the Board;
- (b) a member of the Board; or
- (c) a Deputy Censor.

**(3.)** If a member of the Board or Deputy Censor before whom a film is screened is of opinion that the film is of a kind referred to in paragraph (a), (b), (c), (d) or (e) of the last preceding regulation, the member or the Deputy Censor shall refer the application for a permit to the Board, but if not of that opinion, shall approve the grant of a permit to export the film from Australia.

**(4.)** Where a film is screened before the Board in pursuance of this regulation and the Board is of opinion that the film is of a kind referred to in paragraph (a), (b), (c), (d) or (e) of the last preceding regulation, the Board shall refuse the application, but, if the Board is not of that opinion, it shall approve of the grant of a permit to export the film from Australia.

**(5.)** A permit to export a film from Australia shall be in accordance with Form 5.

**(6.)** Where an application for a permit to export a film is refused, the Chief Censor shall cause a notification in accordance with Form 6 to be sent to the applicant.

**32.—(1.)** A permit to export from Australia a slide produced in Australia shall not be granted unless the slide has been examined by a member of the Board or a Deputy Censor.

Permits to export slides.

**(2.)** Where the member of that Board or Deputy Censor by whom a slide is examined is of the opinion that—

- (a) the slide is blasphemous, indecent or obscene;
- (b) the slide is likely to be injurious to morality, or to encourage or incite to crime;
- (c) the slide is likely to be offensive to the people of a friendly nation or to the people of a part of the Queen's dominions;
- (d) the slide depicts a matter the exhibition of which is undesirable in the public interest; or
- (e) the slide is likely to prove detrimental or prejudicial to the Commonwealth,

he shall refer the slide for examination by the Chief Censor, but, if not of that opinion, he shall approve the grant of a permit to export the slide from Australia.

(3.) Where the Chief Censor is of opinion that the slide is of a kind referred to in paragraph (a), (b), (c), (d) or (e) of the last preceding sub-regulation, he shall refuse the application but, if not of that opinion, he shall approve of the grant of a permit to export the slide from Australia.

(4.) The decision of the Chief Censor under this regulation is, subject to regulation 40 of these Regulations, final.

(5.) A permit to export a slide from Australia shall be in accordance with Form 5.

(6.) Where an application for a permit to export a slide is refused, the Chief Censor shall cause a notification in accordance with Form 6 to be sent to the applicant.

Packing of  
films for  
export.

**33.** The Collector may require a film or slide which is to be exported in accordance with a permit granted under this Part to be so packed or marked as to make it readily identifiable with the permission.

Delivery of  
export  
permission.

**34.** A permit granted under this Part shall be delivered by the exporter to an officer of Customs at the place of export at the time when the film or slide is brought to the place of export for shipment but, if a film or slide is transferred from one port to another for export, the exporter shall forward the permit immediately to an officer of Customs at the port to which the film or slide is transferred.

#### PART IV.—APPEALS.

Appeal to the  
Appeal Censor.

**35.** An appeal lies to the Appeal Censor from a decision of the Board in a matter arising under these Regulations.

Manner of  
making appeal.

**36.—(1.)** An appeal shall be made by lodging with the Appeal Censor a notice of appeal in accordance with Form 7 and a deposit of Three pounds three shillings.

(2.) The notice shall be lodged within fourteen days after the date of the decision of the Board or within such further time as the Appeal Censor allows.

Hearing of the  
appeal.

**37.—(1.)** The Appeal Censor shall fix a time and place for the hearing of the appeal and shall cause not less than twenty-four hours' notice of the time and place so fixed to be given to the appellant.

(2.) The Appeal Censor may require the film or advertising matter the subject of the appeal to be screened or exhibited before him.

(3.) The screening or exhibition shall be at the risk of the appellant.

(4.) The appellant has the right to be present at the screening of a film or the exhibition of advertising matter.

Decision on  
appeal.

**38.—(1.)** On the hearing of an appeal, the Appeal Censor—

(a) may disallow the appeal; or

(b) may allow the appeal in whole or in part and direct the Board to grant the permission sought by the appellant either without conditions or subject to such conditions as the Appeal Censor thinks fit.

(2.) The Chief Censor shall give effect to a decision of the Appeal Censor.

(3.) If, in the opinion of the Appeal Censor, the appeal is completely or substantially upheld, the deposit lodged with the appeal shall be returned to the appellant.

**39.** Subject to regulation 40 of these Regulations, the decision of the Appeal Censor is final. Decision of Appeal Censor is final.

#### PART V.—MISCELLANEOUS.

**40.**—(1.) The Minister may direct that a matter arising under these Regulations be submitted to him for determination. Powers of the Minister.

(2.) Upon the submission of a matter to the Minister, the Minister may give such directions as he thinks fit and the Chief Censor shall take such action as is necessary to give effect to the directions of the Minister.

**41.** The provisions of these Regulations are in addition to, and do not derogate from, the operation of any other law of the Commonwealth relating to the importation of goods into Australia or the exportation of goods from Australia, as the case may be. Regulations do not derogate from any other law.

**42.** Where, before the commencement of these Regulations, any proceedings have been taken under the Regulations repealed by regulation 2 of these Regulations, the proceedings may be continued under these Regulations as if the proceedings had been commenced under these Regulations. Effect of proceedings under the repealed regulations.

### THE SCHEDULE.

FORM 1.

Regulation 4.

#### *Customs (Cinematograph Films) Regulations.*

#### APPLICATION FOR THE REGISTRATION OF AN IMPORTED FILM.

To the Censorship Board.

I,  
of

hereby apply for the registration, under the abovementioned Regulations, of the film described hereunder.

Title of film:  
Width of film in millimetres:  
Whether sound or silent film:  
Name of producer:  
Class of film:  
Country in which produced:  
Number of reels:  
Total length of film in feet:  
Number of copies to be imported:  
Import ship or other means of importation:

Importer.  
/ /19 .

## CUSTOMS ACT

FORM 2.

Regulation 20.

*Customs (Cinematograph Films) Regulations.*

## CERTIFICATE OF REGISTRATION OF AN IMPORTED FILM.

1. The film described hereunder has been registered under the abovementioned Regulations.

Name of Film:  
Length of Film:  
Number of Reels:  
Name of Producer:  
Name of Importer:

2. The registration is granted—

(a) subject to the following conditions:—  
[here insert conditions]; and

(b) subject to the importer giving security to the satisfaction of the Collector of Customs for the State of \_\_\_\_\_, in an amount determined by the Collector for the observance of those conditions.

or

2. The registration is granted without conditions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Censor.

FORM 3.

Regulation 21.

*Customs (Cinematograph Films) Regulations.*

## CERTIFICATE OF REFUSAL TO REGISTER AN IMPORTED FILM.

The application for the registration of the film described hereunder has been refused.

Name of Film:  
Length of Film:  
Number of Reels:  
Name of Producer:  
Name of Importer:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Censor.

To:

FORM 4.

Regulation 29.

*Customs (Cinematograph Films) Regulations.*

## APPLICATION FOR PERMISSION TO EXPORT A FILM PRODUCED IN AUSTRALIA.

To the Censorship Board,

I,

of

hereby apply for permission to export from Australia the film described hereunder.

Title of film:  
Width of film in millimetres:  
Whether sound or silent film:  
Name of producer:  
Class of film:  
Number of reels:  
Total length of film in feet:  
Number of copies to be exported:  
Export ship or other means of export:  
Port of destination and address of person to whom the film is to be exported:

Intending Exporter.

/ / 19 \_\_\_\_.

FORM 5.

Regulation 32.

*Customs (Cinematograph Films) Regulations.*

PERMISSION TO EXPORT FROM AUSTRALIA A FILM OR SLIDE.

Permission is hereby granted for the export from Australia of the <sup>film</sup> slide described hereunder.

*[Here insert description of film or slide.]*

Dated this                      day of                      , 19                      .

Censor.

FORM 6.

Regulation 32.

*Customs (Cinematograph Films) Regulations.*

REFUSAL OF PERMISSION TO EXPORT FROM AUSTRALIA A FILM OR SLIDE.

The application for permission to export the <sup>film</sup> slide described hereunder is refused.

*[Here insert description of film or slide.]*

Dated this                      day of                      , 19                      .

Censor.

FORM 7.

Regulation 36.

*Customs (Cinematograph Films) Regulations.*

To the Appeal Censor.

I hereby appeal against the following decision of the Censorship Board:—

*[Here insert details of the decision from which the appeal is brought.]*

The grounds upon which this appeal is brought are as follows:—

I lodge herewith the sum of Three pounds three shillings.

Dated this                      day of                      , 19                      .

Appellant.

**CUSTOMS (IMPORT LICENSING) REGULATIONS.\***

1. These Regulations may be cited as the Customs (Import Licensing) Citation. Regulations.\*

2. The Customs (Import Licensing) Regulations, being Statutory Repeal. Rules 1939, No. 163, are repealed.

\* Statutory Rules 1956, No. 93; in force under the *Customs Act* 1901-1954; notified in the *Gazette* and commenced on 14th December, 1956.

*Held* by the Supreme Court of New South Wales that an applicant for the issue to him under the *Customs Act* 1901-1947 and the Customs (Import Licensing) Regulations of a licence to import goods cannot maintain an action against the Commonwealth to recover damages in respect of financial loss caused by negligence on the part of the Minister or his departmental officers whereby the issuing of the licences was unduly delayed, or by the failure of any such officer to hand the licence document to the applicant promptly: *Revesz v. Commonwealth* 51 S.R. (N.S.W.) 63; 68 W.N. (N.S.W.) 95. (Discussed in note, 25 A.L.J. 179).

*Held* by the High Court (*Williams, J.*) that the powers conferred by the regulations on the Minister or his delegate to prohibit goods being imported at any time prior to their actual entry into Australia are administrative in nature and in exercising them the Minister or his delegate, although not entitled to act arbitrarily or capriciously, is nevertheless not bound to act judicially: *Election Importing Co. Pty. Ltd. v. Courtice* (1949) 80 C.L.R. 657; 25 A.L.J. 180.

Licences granted, and applications and exceptions made, before commencement of these Regulations.

3.\*—(1.) A licence which was granted under the Regulations repealed by the last preceding regulation and was in force immediately before the commencement of these Regulations, shall be deemed to be a licence granted under these Regulations and the conditions and requirements, or the conditions or requirements, to which the licence was subject shall be deemed to be the conditions and requirements, or the conditions or requirements, as the case may be, to which the licence is subject under these Regulations.

(2.) An application for a licence under the Regulations repealed by the last preceding regulation which has not been granted or refused before the commencement of these Regulations shall be deemed to have been made under these Regulations.

(3.) Where any goods were, immediately before the commencement of these Regulations, excepted from the application of the Regulations repealed by regulation 2 of these Regulations, those goods shall, subject to sub-regulation (3.) of regulation 17 of these Regulations, be deemed to be excepted from the application of these Regulations.

Definitions.

4. In these Regulations, unless the contrary intention appears—  
 “licence” means a licence granted or deemed to have been granted under these Regulations which is in force;  
 “licensing officer” means an officer authorized by the Minister to act as a licensing officer for the purposes of these Regulations.

Application of Regulations.

5.—(1.) The provisions of these Regulations are in addition to the provisions of any other law of the Commonwealth relating to the importation of goods into Australia.

(2.) The grant of a licence under these Regulations to import goods into Australia or the exception of goods from the application of these Regulations shall not absolve a person from the obligation to comply with any other law relating to the importation of those goods.

Delegation.

6.—(1.) The Minister may, in relation to a matter or a class of matters, or to a State or part of the Commonwealth, by writing under his hand, delegate to a licensing officer any of his powers and functions under these Regulations (except this power of delegation).

(2.) A power or function so delegated may be exercised or performed by the delegate with respect to the matter or to the matters included in a class of matters, or with respect to the State or part of the Commonwealth specified in the instrument of delegation.

(3.) A delegation under this regulation is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister.

Prohibition of the importation of goods.

7. The importation of any goods (not being goods which are excepted from the application of these Regulations) is prohibited unless—

- (a) a licence under these Regulations to import the goods is in force; and
- (b) the conditions and restrictions (if any) to which the licence is subject are complied with.

\* The validity of this regulation was considered by the High Court in *Poole v. Wah Min Chan* (1947) 75 C.L.R. 218; 21 A.L.J. 277; 53 A.L.R. 505.

Held by the High Court (*Williams, J.*) that the word “importation” in this regulation has its ordinary grammatical meaning of bringing goods into Australia from another country and does not include the whole transaction of ordering and shipping the goods after a licence has been granted to import them: *Election Importing Co. Pty. Ltd. v. Courtice* (1949) 80 C.L.R. 657; 25 A.L.J. 180.

8.—(1.) An application for a licence under these Regulations shall be in accordance with such form as the Minister directs. Application for licence.

(2.) The application shall be delivered, in such manner as the Minister directs, to the Collector at the port at which it is proposed to import the goods.

9. Except—

(a) where the Minister otherwise approves; or  
(b) where goods in respect of which the licence is applied for have been exported at the date of the application for the licence, a person shall not apply for a licence to import any goods unless he intends forthwith after the grant of the licence to give to the overseas supplier firm directions for the exportation to Australia of the goods.

Licence not to be applied for unless goods ordered.

10. An applicant for a licence shall supply to a licensing officer such information additional to that required to be supplied in the form of application as the licensing officer requires. Additional information.

11.\* The Minister may—

- (a) grant a licence in respect of all the goods included in an application for a licence;
- (b) grant a licence in respect of part only of the goods so included; or
- (c) refuse to grant a licence.

Grant of licence.

12.†—(1.) The Minister may grant a licence subject to such conditions or requirements to be complied with by the person to whom the licence is granted, either before or after the importation of the goods in respect of which the licence is granted, as are specified in the licence. Conditions of licences.

(2.) After the grant of a licence under these Regulations, the Minister may, by notice in writing—

- (a) where the licence was granted subject to conditions and requirements or conditions or requirements—
  - (i) vary any or all of those conditions or requirements, or
  - (ii) direct that the licence be subject to conditions or requirements additional to those conditions or requirements; or
- (b) where the licence was granted without being subject to conditions or requirements—direct that the licence be subject to specified conditions or requirements.

and the conditions or requirements as so altered or directed are the conditions or requirements to which the licence is subject.

\* Per the High Court (*Williams, J.*): the Minister or his delegate may vary or modify the terms and conditions of licences at any time between the granting of the licence and the actual importation of the goods into Australia and there is nothing in the regulations limiting the power of the Minister or his delegate, in the case of a licence to import a quantity of goods, to vary or modify conditions with respect to the importation of part of such goods provided the part in question has not at the time of the variation or modification been imported into Australia: *Election Importing Co. Pty. Ltd. v. Courtice* (1949) 80 C.L.R. 657; 25 A.L.J. 180.

† Held by the High Court (*Williams, J.*) that the Minister or his delegate may revoke a licence even though it has been acted upon and firm directions for exportation of the goods to Australia have been despatched to the overseas supplier. Held also that the Minister or his delegate may revoke a licence at any time between the granting of the licence and the actual importation of the goods into Australia and there is nothing in the regulations limiting the power of the Minister or his delegate in the case of a licence to import a quantity of goods, to revoke the licence with respect to part of such goods provided the part in question has not at the time of the revocation been imported into Australia: *Election Importing Co. Pty. Ltd. v. Courtice* (1949) 80 C.L.R. 657; 25 A.L.J. 180.

(3.) A copy of a notice under the last preceding sub-regulation shall be served on the person to whom the licence has been granted.

Notification of directions for exportation to Australia.

**13.—**(1.) A person to whom a licence is granted shall, except insofar as the Minister otherwise directs—

- (a) if the firm directions for the exportation to Australia of all of the goods to which the licence relates (other than goods so exported at the date of the grant of the licence) are not despatched to the overseas supplier within one month after that date;
- (b) if firm directions so despatched are countermanded; or
- (c) if all the goods are not imported within the time (if any) specified in the licence,

notify the Collector to whom the application for the licence was made in writing accordingly.

(2.) Where a person fails to comply with the last preceding sub-regulation, the licence shall, by force of this sub-regulation, be deemed to have been revoked.

Security.

**14.** Where a licensing officer so requires, the grant or the continuance in force of a licence shall be subject to the condition that the applicant for, or the holder of, the licence furnishes to the Customs security, in such sum as the licensing officer considers sufficient, for compliance with the *Customs Act* 1901-1954 and for compliance with the conditions or requirements to which the licence is subject.

Revocation of licence.

**15.** The Minister may revoke a licence.

Licence not transferable.

**16.** A licence is not transferable.

Exceptions of goods from application of Regulations.

**17.—**(1.) The Minister may except from the application of these Regulations any goods or any goods included in a class of goods.

(2.) Without limiting the generality of the last preceding sub-regulation, the exception of any goods from the application of these Regulations may be limited to—

- (a) goods produced or manufactured in a country or countries specified by the Minister;
- (b) goods to be imported in a manner, or at or within a time, specified by the Minister; or
- (c) goods to be used for a purpose specified by the Minister.

(3.) The Minister may vary or revoke an exception made in pursuance of this regulation.

Review of decisions by the Minister.

**18.** A person who is dissatisfied with a decision of a licensing officer given in the exercise of a power which has been delegated to him under these Regulations by the Minister may request the Minister to review the decision, and, upon such a request being made, the Minister may affirm, vary or revoke the decision.

Decision of the Minister to be final.

**19.** The decision of the Minister on a matter arising under these Regulations is final.



**CUSTOMS (LITERATURE CENSORSHIP) REGULATIONS.\***

1. These Regulations may be cited as the Customs (Literature Censorship) Regulations.\*

2. In these Regulations, unless the contrary intention appears— Definition.

“the Act” means the *Customs Act* 1901-1936, as amended from time to time;

“the Board” means the Literature Censorship Board constituted under these Regulations.

3. For the purposes of these Regulations, there shall be a Literature Censorship Board to whom the Minister or the Comptroller-General may refer any literature imported in order to determine whether such literature is, in the opinion of the Board, blasphemous, indecent or obscene within the meaning of item 7 of the First Schedule to the Customs (Prohibited Imports) Regulations.

Constitution of Board.

Amended by 1956, No. 92.

4. There shall be four members of the Board consisting of the Chairman, a Deputy Chairman and two other members, who shall be appointed by the Governor-General.

Members of the Board.

Substituted by 1949, No. 75.

5. There shall also be an appeal Censor who shall be appointed by the Governor-General.

Appeal Censor.

6. The members of the Board and the Appeal Censor shall hold office for such periods, not exceeding three years, as the Governor-General determines, and at the expiration of their term of office they shall be eligible for re-appointment.

Term of office of members of Board and Appeal Censor

7. Each of the members of the Board and the Appeal Censor shall receive such honoraria as the Governor-General determines.

Honoraria.

8. Any member of the Board or the Appeal Censor may be removed from office by the Governor-General for misbehaviour or incapacity.

Removal from office.

9. In the case of the illness or absence of any member of the Board or of the Appeal Censor, the Governor-General may appoint another person to act as a deputy of the member or of the Appeal Censor during such illness or absence and that person shall, while so acting, have all the powers and perform all the duties of the member or Appeal Censor, as the case may be.

Appointment of Deputies.

10.—(1.) For the conduct of the business of the Board, the Chairman or Deputy Chairman and one other member of the Board shall form a quorum.

Meetings of the Board.

Sub-reg. (1.) amended by 1949, No. 75.

(2.) At meetings of the Board, the decision of the majority shall prevail.

(3.) The Chairman of the Board shall have a deliberative vote and, in the event of an equality of voting, a second or casting vote.

\* The Customs (Literature Censorship) Regulations in force under the *Customs Act* 1901-1954, comprise the following Statutory Rules:—

| Year and Number.     | Date of Notification in <i>Gazette</i> and of Commencement. |
|----------------------|-------------------------------------------------------------|
| 1937, No. 72 .. .. . | 24th June, 1937                                             |
| 1949, No. 75 .. .. . | 29th September, 1949                                        |
| 1956, No. 92 .. .. . | 14th December, 1956                                         |

Members of  
Board not  
to be sued.

**11.** No action or suit shall be brought or maintained against any person who is, or has been, a member of the Board or occupies, or has occupied, the position of Appeal Censor for any act or omission in connexion with his duties.

Appeal Censor.

**12.**—(1.) Where the Board is of opinion that any literature is blasphemous, indecent or obscene, the importer of such literature may apply to the Minister or the Comptroller-General that the literature be submitted to the Appeal Censor for review and the Minister or the Comptroller-General, as the case may be, shall submit the literature to the Appeal Censor accordingly.

(2.) Any such application shall be made not later than fourteen days, or within such further time as the Minister or Comptroller-General allows, after the date on which the opinion of the Board was notified to the importer and shall set out in writing the grounds of his application for review.

Sub-reg. (3.)  
omitted by  
1956, No. 92.

\* \* \* \* \*

Amended by  
1956, No. 92.

(4.) The Appeal Censor shall review any literature so submitted and determine whether, in his opinion, the literature is blasphemous, indecent or obscene within the meaning of item 7 of the First Schedule to the Customs (Prohibited Imports) Regulations.

### CUSTOMS (PROHIBITED EXPORTS) REGULATIONS.\*

Citation.

**1.** These Regulations may be cited as the Customs (Prohibited Exports) Regulations.\*

Interpretation.

**2.** In these Regulations, a reference to a Schedule by number shall be read as a reference to the Schedule so numbered to these Regulations.

Absolute  
prohibition  
against export.

**3.** The exportation from Australia of the goods specified in the First Schedule is prohibited absolutely.

Prohibition  
against export  
unless consent  
of Minister  
obtained.

**4.** The exportation from Australia of the goods specified in the Second Schedule is prohibited unless the consent in writing of the Minister to the exportation of the goods is first obtained.

\* The Customs (Prohibited Exports) Regulations, in force under the *Customs Act 1901-1954* comprise the following Statutory Rules:—

| Year and Number. |    |    |    |    | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|------------------|----|----|----|----|----------------------------------------------------------------|
| 1953, No. 85     | .. | .. | .. | .. | 1st October, 1953                                              |
| 1954, No. 76     | .. | .. | .. | .. | 10th June, 1954                                                |
| 98               | .. | .. | .. | .. | 23rd September, 1954                                           |
| 1956, No. 53     | .. | .. | .. | .. | 21st June, 1956                                                |
| 82               | .. | .. | .. | .. | 20th November, 1956                                            |

The validity of these regulations was considered by the High Court in *R. v. McLennan; Ex parte Carr* 86 C.L.R. 46; 26 A.L.J. 264; (1952) A.L.R. 704.

5. The exportation from Australia of the goods specified in the Third Schedule is prohibited unless an approval in writing to the exportation of the goods issued by the Department of Commerce and Agriculture is produced to the Collector.

Prohibition against export except with approval of Department of Commerce and Agriculture.

6. The exportation from Australia of the goods specified in the Fourth Schedule is prohibited unless an approval in writing to the exportation of the goods issued by the Department of the Interior is produced to the Collector.

Prohibition against export except with approval of Department of Interior.

\* \* \* \* \*

Reg. 7 repealed by 1956, No. 53.

8. The exportation from Australia of the goods specified in the Sixth Schedule is prohibited unless an approval in writing to the exportation of the goods issued by the Department of Civil Aviation is produced to the Collector.

Prohibition against export except with approval of Department of Civil Aviation.

9. The exportation from Australia of the goods specified in the Seventh Schedule is prohibited unless an approval in writing to the exportation of the goods issued by the Department of Health is produced to the Collector.

Prohibition against export except with approval of Department of Health.

10. The exportation from Australia of the goods specified in the Eighth Schedule is prohibited unless an approval in writing to the exportation of the goods issued by the Department of Supply is produced to the Collector.

Prohibition against export except with approval of Department of Supply.

11. The exportation from Australia of the goods specified in the Ninth Schedule is prohibited unless an approval in writing to the exportation of the goods issued by the Department of National Development is produced to the Collector.

Prohibition against export except with approval of Department of National Development.

12. The exportation from Australia of the goods specified in the Tenth Schedule is prohibited unless an approval in writing to the exportation of the goods issued by the Department of Defence Production is produced to the Collector.

Prohibition against export except with approval of Department of Defence Production.

13. The exportation from Australia of any goods specified in the Eleventh Schedule to a place specified in that Schedule opposite to the description of the goods is prohibited unless the conditions and restrictions also specified in that Schedule opposite to the description of the goods are complied with.

Prohibition against export to certain places except on compliance with conditions.

13A. The exportation from Australia of the goods specified in the Twelfth Schedule is prohibited unless an approval in writing to the exportation of the goods issued by the Australian Atomic Energy Commission is produced to the Collector.

Prohibition against export except with approval of Australian Atomic Energy Commission.

Inserted by 1956, No. 53.

13B. The exportation from Australia of the goods specified in the Thirteenth Schedule is prohibited unless an approval in writing to the exportation of the goods issued by the Department of Trade is produced to the Collector.

Prohibition against export except with approval of Department of Trade.

Inserted by 1956, No. 82.

14. The provisions of these Regulations are in addition to, and do not derogate from the operation of, any other law of the Commonwealth relating to the exportation of goods.

Regulations do not derogate from any other law.

\* \* \* \* \*

Reg. 15 repealed by 1956, No. 53.

## THE SCHEDULES.

Amended by  
1956, No. 53.

## FIRST SCHEDULE.

Reg. 3.

## GOODS THE EXPORTATION OF WHICH IS PROHIBITED ABSOLUTELY.

| Item No. | Description of Goods.                                                                                                                                                                                                                                                            |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Diacetylmorphine (heroin), its salts and preparations containing diacetylmorphine or its salts                                                                                                                                                                                   |
| 2        | Goods and materials (other than flour) intended for human consumption and declared in writing by an officer to be unfit for export by reason of being contained in containers which are soiled, disfigured or damaged                                                            |
| 3        | Goods (including industrial and other capital equipment) received as reparations                                                                                                                                                                                                 |
| 4        | Goods packed in a bag or sack, being goods the weight of which, together with the weight of the bag or sack, exceeds two hundred pounds                                                                                                                                          |
| 5        | Haematite (other than micaceous haematite), magnetite and ores containing either or both of those minerals                                                                                                                                                                       |
| 5A       | Maize contained in second-hand bags                                                                                                                                                                                                                                              |
| 6        | Opium prepared for smoking, including dross and any other form of charred opium                                                                                                                                                                                                  |
| 8        | Wines (fortified and unfortified) and potable spirits (including liqueurs) declared in writing by the Minister to be of such a quality that their exportation would be harmful to the reputation of Australian wine and potable spirits in a country to which they were exported |

Amended by  
1956, No. 53.

## SECOND SCHEDULE.

Reg. 4.

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE  
CONSENT OF THE MINISTER IS FIRST OBTAINED.

## PART I.—GENERAL.

| Item No. | Description of Goods.                                                                                                                                                                                                 |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Animals and birds native to Australia, skins of animals native to Australia and plumage, skins, eggs and eggshells of birds native to Australia                                                                       |
| 2        | Archaeological and anthropological objects and specimens (including articles of ethnological interest) derived from or relating to the aborigines of Australia or of a Territory of the Commonwealth, including Nauru |
| 3        | Birds of Paradise and their plumage                                                                                                                                                                                   |
| 4        | Cinematograph films produced in Australia                                                                                                                                                                             |
| 5        | Coal and coke                                                                                                                                                                                                         |
| 6        | Fortified wine which is less than six months old                                                                                                                                                                      |
| 7        | Fossil material and other geological specimens                                                                                                                                                                        |
| 8        | Goods shipped as ships' stores                                                                                                                                                                                        |
| 9        | Hops                                                                                                                                                                                                                  |
| 10       | Iron-bearing ores and minerals, other than those the exportation of which is prohibited absolutely under Item 5 of the First Schedule                                                                                 |
| 11       | Live pearl shell oysters                                                                                                                                                                                              |
| 11A      | Machinery manufactured or partly manufactured in the United States of America or in Canada, and of the following kinds, namely, agricultural machinery, tractors and earthmoving equipment                            |
| 12       | Mineral lubricating oil                                                                                                                                                                                               |
| 12A      | Motor trucks (including utilities on commercial chassis) manufactured or partly manufactured in the United States of America or in Canada                                                                             |
| 13       | Molasses                                                                                                                                                                                                              |
| 14       | Newsprint                                                                                                                                                                                                             |
| 15       | Preventives of conception, whether chemical or otherwise, and any literature or advertising matter relating to preventives of conception                                                                              |
| 16       | Ships                                                                                                                                                                                                                 |
| 17       | Skeletons, and parts of skeletons, of Australian or Tasmanian aborigines                                                                                                                                              |
| 18       | Sugar, including plain, coloured and flavoured sugar, and sugar syrups                                                                                                                                                |

## SECOND SCHEDULE—continued.

## PART II.—DRUGS.

| Item No. | Description of Goods.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Raw opium, whether powdered or granulated                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2        | Medicinal opium, that is to say, opium in any form, whether mixed with a neutral substance or not, which has undergone the processes necessary to adapt it for medicinal use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3        | Morphine, its salts and— <ul style="list-style-type: none"> <li>(a) any solution or dilution of morphine or its salts in an inert substance, whether liquid or solid, containing any proportion of morphine;</li> <li>(b) any preparation containing more than one-fifth per centum of morphine;</li> <li>(c) esters of morphine and their salts (other than diacetylmorphine and its salts) and any preparation containing any of those esters or salts;</li> <li>(d) ethers of morphine and their salts (including methyilmorphine, ethylmorphine, benzylmorphine and <math>\beta</math>-4-morpholinylethylmorphine and their salts) and any preparation containing any of those ethers or salts;</li> <li>(e) dihydrohydroxycodone (oxycodone), dihydrocodeinone (hydrocodone), dihydromorphinone (hydromorphone), acetyldihydrocodeinone, dihydromorphine, dihydrodesoxymorphine (desomorphine), methyldihydromorphinone (metopon), dihydrocodeine (hydrocodin, paracodine) and acetyldihydrocodeine (acetylcodeone), the salts and esters, and the salts of the esters, of any of those substances, and any preparation containing any of those substances, salts or esters;</li> <li>(f) morphine-N-oxide (genomorphine), the derivatives of morphine-N-oxide, any other pentavalent nitrogen morphine derivatives and any preparation containing any of those substances; and</li> <li>(g) thebaine and its salts, and any preparation containing thebaine or its salts</li> </ul> |
| 4        | Coca leaves, that is to say, the leaves of any plant of the genus of the <i>erythroxylaceae</i> from which cocaine can be extracted either directly or by chemical transformation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5        | Cocaine (including crude cocaine, that is to say, any crude extract of the coca leaf that contains cocaine), its salts and— <ul style="list-style-type: none"> <li>(a) ecgonine (that is to say, laevo-ecgonine and derivatives of laevo-ecgonine capable of being used for the recovery of ecgonine), its salts, its esters, the salts of its esters and any preparation containing ecgonine or any of those salts or esters;</li> <li>(b) any solution or dilution of cocaine or its salts in an inert substance, whether liquid or solid, containing any proportion of cocaine; and</li> <li>(c) any preparation containing more than one-tenth per centum of cocaine</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 6        | Indian hemp (that is to say, the dried flowering or fruiting tops, by whatever name those tops are called, of the pistillate plant known as <i>Cannabis Sativa</i> , being tops from which the resin has not been extracted) and— <ul style="list-style-type: none"> <li>(a) resin obtained from Indian hemp;</li> <li>(b) preparations, such as hashish, esrar, chiras and djamba, of which that resin forms the base; and</li> <li>(c) galenical preparations (extract and tincture) of Indian hemp</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 7        | Synthetic narcotic drugs of the following kinds:— <ul style="list-style-type: none"> <li>(a) Pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester) (also known as Antiduol, Centralgin, D-140, Demerol, Dispadol, Dodonal, Dolautal, Dolantin, Dolantol, Dolaren, Dolarin, Dolatol, Dolental, Dolinal, Dolopethin, Dolosal, Dolvanol, Eudolat, Felidin, Gratidina, Isonipeccaine, Meperidin, Mephedine, Pantalgine, Piridosal, Precedyl, Sauteralgyl) and its salts;</li> <li>(b) Keto-Bemidone (4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone or 1-methyl-4-metahydroxyphenyl-4-metahydroxyphenylpiperidine) (also known as Cliradon, Ketogan) and its salts;</li> <li>(c) Bemidone (1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester or 1-methyl-4-metahydroxyphenyl-piperidine-4-carboxylic acid ethyl ester) and its salts;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## CUSTOMS ACT

SECOND SCHEDULE—*continued.*PART II.—DRUGS—*continued.*

| Item No. | Description of Goods.                                                                                                                                                                                                                                                                                                                                                                  |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | (d) Alphaprodine ( $\alpha$ -1, 3-dimethyl-4-phenyl-4-propionoxy-piperidine) (also known as NU-1196, Nisentil, Nisintil) and its salts;                                                                                                                                                                                                                                                |
|          | (e) Betaprodine ( $\beta$ -1, 3-dimethyl-4-phenyl-4-propionoxypiperidine) (also known as NU-1779) and its salts;                                                                                                                                                                                                                                                                       |
|          | (f) Methadone (4, 4-diphenyl-6-dimethylaminoheptanone-3 or 6-dimethylamino-4, 4-diphenyl-3-heptanone) (also known as Adanon, Amidone, Amidosan, Butalgin, Depridol, Diaminon, Dianone, Dolafin, Dolamid, Dölophine, Dorexol, Heptadon, Heptanal, Hoechst 10820, Ketalgin, Mecodin, Mephenon, Miadone, Moheptan, Physeptone, Physoseptone, Polamidon, Symoron, Turanone) and its salts; |
|          | (g) Iso-methadone (4, 4-diphenyl-5-methyl-6-dimethylamino-hexanone-3 or 6-dimethylamino-5-methyl-4, 4-diphenyl-3-hexanone) and its salts;                                                                                                                                                                                                                                              |
|          | (h) Methadol (4, 4-diphenyl-6-dimethylaminoheptanol-3 or 6-dimethylamino-4, 4-diphenyl-3-heptanol) (also known as N.I.H.-2933) and its salts;                                                                                                                                                                                                                                          |
|          | (i) Methadylacetate (4, 4-diphenyl-6-dimethylamino-3-acetoxyheptane or 6-dimethylamino-4, 4-diphenyl-3-acetoxyheptane) (also known as N.I.H.-2953) and its salts;                                                                                                                                                                                                                      |
|          | (j) Phenadoxone (4, 4-diphenyl-6-morpholinoheptanone-3 or 6-morpholino-4, 4-diphenyl-3-heptanone) (also known as CB-11, Hepagin, Heptalgin, Heptalin, Heptazone) and its salts;                                                                                                                                                                                                        |
|          | (k) $\beta$ -1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine (also known as NU-1932) and its salts;                                                                                                                                                                                                                                                                                   |
|          | (l) Methorphan (3-hydroxy-N-methylmorphinan) (also known as Dromoran, Racemorphan, Levorphan, Dextrophan) and its salts;                                                                                                                                                                                                                                                               |
|          | (m) Racemethorphan (3-methoxy-N-methylmorphinan) (also known as Levomethorphan, Dextromethorphan) and its salts                                                                                                                                                                                                                                                                        |

## PART III.—ARMS, EXPLOSIVES, MILITARY STORES AND NAVAL STORES.

| Item No. | Description of Goods.                                                                                                                                                                 |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Ammunition and cartridges                                                                                                                                                             |
| 2        | Appliances and equipment designed or adapted for use with the goods specified in this Part                                                                                            |
| 3        | Armour plate designed for warlike purposes                                                                                                                                            |
| 4        | Assault bridges                                                                                                                                                                       |
| 5        | Barrage balloons                                                                                                                                                                      |
| 6        | Bayonets                                                                                                                                                                              |
| 7        | Boats designed or adapted for any purpose of war, including assault, landing and storm boats                                                                                          |
| 8        | Cannon, guns, howitzers, mortars and other ordnance                                                                                                                                   |
| 9        | Catapults and other equipment for launching aircraft from warships                                                                                                                    |
| 10       | Deceptive warfare appliances and equipment (including dazzle and decoy devices) and equipment designed or adapted for the making of smoke screens                                     |
| 11       | Explosives and incendiary materials                                                                                                                                                   |
| 12       | Factory and tool equipment designed or adapted for the production and maintenance of the goods specified in this Part                                                                 |
| 13       | Firearms                                                                                                                                                                              |
| 14       | Fire control, sighting and aiming appliances and equipment, including predictors, plotting apparatus, gun sights, bomb sights, fuse setters and equipment for the calibration of guns |
| 15       | Flame throwers                                                                                                                                                                        |
| 16       | Fuses, detonators and other appliances designed or adapted for operating or exploding any arms or explosives specified in this Part                                                   |
| 17       | Gases or liquids designed for the purpose of killing or incapacitating persons, and decontamination appliances and equipment                                                          |

SECOND SCHEDULE—continued.

PART III.—ARMS, EXPLOSIVES, MILITARY STORES AND NAVAL STORES—continued.

| Item No. | Description of Goods.                                                                                                                                                                         |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18       | Grenades, bombs, torpedoes, mines and depth charges, whether charged or not, and appliances and equipment designed or adapted for detecting, removing or destroying those arms and explosives |
| 19       | Gun mountings and gun frames, gun turrets, "blisters", bomb racks, torpedo carriers, torpedo tubes and bomb and torpedo release appliances and equipment                                      |
| 20       | Personal appliances and equipment designed or adapted for the use of members of a military or naval force                                                                                     |
| 21       | Projectiles and missiles designed for any purpose of war                                                                                                                                      |
| 22       | Radar equipment designed or adapted for any purpose of war                                                                                                                                    |
| 23       | Rocket projectors, and appliances and equipment designed or adapted for launching or controlling rockets or self-propelling or guided missiles                                                |
| 24       | Spare and component parts of or for any of the goods specified in this Part                                                                                                                   |
| 25       | Telecommunication and cypher appliances and equipment designed or adapted for any purpose of war                                                                                              |
| 26       | Towed target equipment and camera guns                                                                                                                                                        |
| 27       | Vehicles designed or adapted for any purpose of war, including amphibious vehicles, tanks and armoured cars                                                                                   |

PART IV.—GOODS CAPABLE OF BEING USED FOR PURPOSES OF WAR.

| Item No. | Description of Goods.                                                                                                                                                    |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Aircraft, whether assembled or dismantled, aircraft engines and spare and component parts of aircraft and aircraft engines                                               |
| 2        | Animal and vegetable oils; fats and waxes                                                                                                                                |
| 3        | Bitumen and bituminous products                                                                                                                                          |
| 4        | Chemicals                                                                                                                                                                |
| 5        | Clothing and blankets, and materials from which those goods are manufactured                                                                                             |
| 6        | Drugs, and medicinal and pharmaceutical goods                                                                                                                            |
| 7        | Electrical and wireless telegraphic appliances and equipment, and spare and component parts of those goods                                                               |
| 8        | Foodstuffs                                                                                                                                                               |
| 9        | Glass and glassware other than glassware for domestic use                                                                                                                |
| 10       | Industrial paints and varnishes, and materials from which those goods are manufactured                                                                                   |
| 11       | Machinery and tools (including electrical machinery and tools), and spare and component parts for those goods                                                            |
| 12       | Minerals, ores and mineral concentrates, and bars, blocks and ingots of metal                                                                                            |
| 13       | Motor vehicles, spare and component parts and accessories for motor vehicles and substances used for or in connexion with the propulsion and operation of motor vehicles |
| 14       | Optical, surgical, medical and scientific instruments, and appliances and photographic goods and equipment of all kinds                                                  |
| 15       | Petroleum, and petroleum and shale products                                                                                                                              |
| 16       | Rubber and synthetic rubber, materials used for the processing of rubber or synthetic rubber, and goods manufactured from rubber or synthetic rubber                     |
| 17       | Welding electrodes and welding rods                                                                                                                                      |

Amended by  
1954, No. 98;  
and  
1956, No. 53.

## THIRD SCHEDULE.

Reg. 5.

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE  
APPROVAL OF THE DEPARTMENT OF COMMERCE AND AGRICULTURE  
IS PRODUCED TO THE COLLECTOR.

| Item No. | Description of Goods.                                                                                                                                                                                                                 |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Agricultural machinery of the following kinds (and parts for machinery of those kinds), namely, header harvesters and reaper threshers manufactured in Australia                                                                      |
| 2        | Barley grain                                                                                                                                                                                                                          |
| 3        | Bone dust                                                                                                                                                                                                                             |
| 4        | Bran                                                                                                                                                                                                                                  |
| 5        | Breakfast foods made from or containing wheat                                                                                                                                                                                         |
| 6        | Butter                                                                                                                                                                                                                                |
| 7        | Casein                                                                                                                                                                                                                                |
| 8        | Cattle                                                                                                                                                                                                                                |
| 10       | Cheese                                                                                                                                                                                                                                |
| 11       | Coconut oil                                                                                                                                                                                                                           |
| 12       | Copra                                                                                                                                                                                                                                 |
| 13       | Fertilizers of the following kinds, namely, blood and bone fertilizer and dried blood fertilizer                                                                                                                                      |
| 14       | Flax meal                                                                                                                                                                                                                             |
| 15       | Flour                                                                                                                                                                                                                                 |
| 16       | Iron pyrites ore and concentrates and pyrrhotite ore and concentrates                                                                                                                                                                 |
| 18       | Linseed                                                                                                                                                                                                                               |
| 19       | Margarine, other than margarine produced from animal fat                                                                                                                                                                              |
| 20       | Meal of the following kinds, namely, blood meal, fish meal, liver meal, meat meal, meat and bone meal, and oilseed meal in cake, nut or any other form                                                                                |
| 21       | Meat (other than canned meat) of the following kinds, namely, beef, veal, mutton and lamb, and edible offal of cattle and sheep                                                                                                       |
| 22       | Phosphate rock, phosphate and superphosphate, and fertilizers containing phosphate or superphosphate                                                                                                                                  |
| 23       | Pollard                                                                                                                                                                                                                               |
| 24       | Potatoes                                                                                                                                                                                                                              |
| 25       | Raw jute, and goods manufactured wholly or partly from jute                                                                                                                                                                           |
| 26       | Rice meal                                                                                                                                                                                                                             |
| 26A      | Rice substitutes made from wheat                                                                                                                                                                                                      |
| 27       | Semen                                                                                                                                                                                                                                 |
| 28       | Semolina                                                                                                                                                                                                                              |
| 29       | Sharps                                                                                                                                                                                                                                |
| 30       | Sheep                                                                                                                                                                                                                                 |
| 30A      | Stockfoods and animal and poultry meals or mashes containing one or more of the following, namely, bran, pollard, blood meal, fish meal, liver meal, flax meal, meat meal, meat and bone meal, oilseed meal, rice meal and wheat meal |
| 31       | Sulphate of ammonia and compound fertilizers containing sulphate of ammonia                                                                                                                                                           |
| 32       | Sulphuric acid                                                                                                                                                                                                                        |
| 33       | Wheat                                                                                                                                                                                                                                 |
| 34       | Wheat meal                                                                                                                                                                                                                            |

Amended by  
1956, No. 53.

## FOURTH SCHEDULE.

Reg. 6.

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE  
APPROVAL OF THE DEPARTMENT OF THE INTERIOR IS PRODUCED  
TO THE COLLECTOR.

| Item No. | Description of Goods.                                                                                   |
|----------|---------------------------------------------------------------------------------------------------------|
| 2        | Joinery, including mouldings, made-up doors and windows, door frames, door jambs, box frames and sashes |
| 3        | Timber, dressed or undressed, including logs, poles, piles and railway sleepers                         |
| 4        | Wooden separators for batteries                                                                         |



# Customs (Prohibited Exports) Regulations

1777

Fifth Schedule  
repealed by  
1956, No. 53.

\* \* \* \* \*

## SIXTH SCHEDULE.

Reg. 8.

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE  
APPROVAL OF THE DEPARTMENT OF CIVIL AVIATION IS PRODUCED  
TO THE COLLECTOR.

| Item<br>No. | Description of Goods.                     |
|-------------|-------------------------------------------|
| 1           | Aircraft, whether assembled or dismantled |

## SEVENTH SCHEDULE.

Reg. 9.

Amended by  
1956, No. 53.

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE  
APPROVAL OF THE DEPARTMENT OF HEALTH IS PRODUCED TO  
THE COLLECTOR.

| Item<br>No. | Description of Goods.                                                                                                                                                         |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3           | Insulin                                                                                                                                                                       |
| 4           | Pancreas glands of cattle and pigs and alcoholic extracts from pancreas glands of those animals                                                                               |
| 5           | Raw and processed pituitary glands, and parts of pituitary glands, of pigs, sheep and cattle, and extracts of, and preparations containing, pituitary glands of those animals |

## EIGHTH SCHEDULE.

Reg. 10.

Amended by  
1956, No. 53.

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE  
APPROVAL OF THE DEPARTMENT OF SUPPLY IS PRODUCED TO THE  
COLLECTOR.

| Item<br>No. | Description of Goods. |
|-------------|-----------------------|
| 1           | Mica                  |
| 2           | Tinplate in sheets    |

## NINTH SCHEDULE.

Reg. 11.

Amended by  
1956, Nos. 53  
and 82.

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE  
APPROVAL OF THE DEPARTMENT OF NATIONAL DEVELOPMENT IS  
PRODUCED TO THE COLLECTOR.

| Item<br>No. | Description of Goods.                                                                                                                                                                                |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1           | Aluminium, and alloys of aluminium, in the form of ingots, scrap or sheets                                                                                                                           |
| 2           | Beryllium metal, alloys and compounds, ores and concentrates                                                                                                                                         |
| 2A          | Commercial ores and concentrates of tantalum and columbium                                                                                                                                           |
| 3           | Copper, and alloys of copper, in the form of angles, bars, billets, cakes, castings, concentrates, hollows, ingots, matte, ore, pipes, plates, rods, scrap, sections, sheets, strips, tubes or wires |
| 4           | (1.) Crude or partly refined mineral sands containing zircon, rutile, ilmenite or monazite<br>(2.) Concentrates of zircon, rutile or ilmenite containing monazite                                    |
| 5           | Crude petroleum, diesel oil, fuel oil, kerosene, petrol and solar oil                                                                                                                                |
| 6A          | Lithium ores and concentrates                                                                                                                                                                        |
| 7           | Manganese ores                                                                                                                                                                                       |
| 8           | Ores and concentrates of monazite and other thorium bearing minerals                                                                                                                                 |
| 10          | Tantalum and columbium metals and tantalum and columbium alloys in the form of plates, bars, strips and powders                                                                                      |
| 11          | Tantalum and columbium oxides and tantalum and columbium salts                                                                                                                                       |

## TENTH SCHEDULE.

Reg. 12.

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE APPROVAL OF THE DEPARTMENT OF DEFENCE PRODUCTION IS PRODUCED TO THE COLLECTOR.

| Item No. | Description of Goods.                                                                                                                |
|----------|--------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Diamonds, including diamonds forming a part of other goods                                                                           |
| 2        | Raw piezo electric quartz crystals, crystal oscillator blanks and other articles manufactured from raw piezo electric quartz crystal |

Amended by  
1954, No. 76.

## ELEVENTH SCHEDULE.

Reg. 13.

GOODS THE EXPORTATION OF WHICH TO CERTAIN PLACES IS PROHIBITED UNLESS CERTAIN CONDITIONS AND RESTRICTIONS ARE COMPLIED WITH.

| Item No. | Description of Goods. | Place.         | Conditions and Restrictions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------|-----------------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2        | Liqueurs .. ..        | United Kingdom | <p>The alcoholic strength, as determined by distillation, of a liqueur specified in the following table shall be not less than a strength equal to the percentage of proof spirit specified opposite to the liqueur in that table, or shall be within such margin of tolerance of that strength as the Minister allows:—</p> <p>Advocaat .. 30 per centum</p> <p>Cherry Brandy .. 43 per centum</p> <p>Crème de Cacao,<br/>Crème de Café or<br/>Passion Fruit Liqueur .. 44 per centum</p> <p>Apricot Brandy,<br/>Blackberry Brandy,<br/>Crème de Cassia,<br/>Crème de Menthe,<br/>Maraschino or<br/>Peach Brandy .. 50 per centum</p> <p>Curaçao, White or<br/>Orange .. 55 per centum</p> <p>Kümmel .. 60 per centum</p> |

ELEVENTH SCHEDULE—continued.

GOODS THE EXPORTATION OF WHICH TO CERTAIN PLACES IS PROHIBITED UNLESS CERTAIN CONDITIONS AND RESTRICTIONS ARE COMPLIED WITH.

| Item No. | Description of Goods.                                                                                                                                                                                                                                                           | Place.          | Conditions and Restrictions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2        | Liqueurs . . . .                                                                                                                                                                                                                                                                | United Kingdom  | —continued<br><br>Benedictine,<br>Chartreuse,<br>Cointreau,<br>Grand Marnier or<br>a similar type of<br>liqueur . . . 65 per<br>centum<br><br>Any other liqueur 50 per<br>centum                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 3        | Timber of the following<br>kinds:—<br>(a) timber in the<br>round;<br>(b) heart in timber;<br>(c) sleepers, pole<br>blocks and<br>split fence<br>posts;<br>(d) any other timber<br>free of heart<br>with a cross<br>sectional area<br>of not less than<br>sixty square<br>inches | New Zealand . . | 1. The timber shall be branded<br>with a Government mark or<br>brand indicating that the<br>timber has been examined<br>and, in the opinion of an<br>officer of a Forestry Commis-<br>sion or other like authority<br>of a State—<br>(a) is free from termite<br>and other insect<br>infestation; and<br>(b) conforms in all respects<br>with the specification<br>under which the timber<br>was ordered<br><br>2. At the time of inspection, and<br>pending shipment, the tim-<br>ber shall be stored, on skids<br>or otherwise, so as to be kept<br>off the ground and, where<br>considered necessary by an<br>officer of a Forestry Com-<br>mission or other like autho-<br>rity of a State, termite<br>galleries shall be treated in<br>a manner approved by the<br>officer to ensure the destruc-<br>tion of insects<br><br>3. Except in the case of Aus-<br>tralian turpentine ( <i>Syncarpia<br/>laurifolia</i> ) intended for use<br>as piles, round, hewn or<br>sawn timber shall not have<br>the bark attached<br><br>4. A certificate issued by a<br>responsible officer of a<br>Forestry Commission or<br>other like authority of a<br>State certifying that the<br>foregoing conditions have<br>been complied with shall<br>be in force in respect of the<br>timber |

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE APPROVAL OF THE  
AUSTRALIAN ATOMIC ENERGY COMMISSION IS PRODUCED TO THE COLLECTOR.

| Item No. | Description of Goods.                                                                                                                                                                                                                                                                             |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Accelerating machines, and magnets specifically designed for use in or with those machines, capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or an ion                                                                                                   |
| 2        | Acceleration tubes capable of being used in mass spectrographs and mass spectrometers                                                                                                                                                                                                             |
| 3        | Artificial graphite in the form of blocks or rods from which a cube of 2 inches side or greater can be cut and having a boron content of one part per million or less                                                                                                                             |
| 4        | Bismuth metal and its derivatives                                                                                                                                                                                                                                                                 |
| 5        | (1.) Centrifuges with a peripheral speed of 305 metres per second or more, wholly made of, or lined with, aluminium or nickel or an alloy containing 60 per centum or more of nickel<br>(2.) Centrifugal bowls made of aluminium or nickel or an alloy containing 60 per centum or more of nickel |
| 6        | (1.) Cerium and any of the other rare earth metals<br>(2.) Alloys, compounds and mixtures which contain cerium or any of the other rare earth metals                                                                                                                                              |
| 7        | (1.) Deuterium<br>(2.) Compounds, mixtures and solutions containing deuterium in which the ratio of the number of deuterium atoms to the number of hydrogen atoms exceeds 1 : 5,000                                                                                                               |
| 8        | Electromagnetic ion separators including mass spectrographs, and mass spectrometers, capable of use for any purpose                                                                                                                                                                               |
| 9        | Equipment capable of being used for the separation of isotopes of uranium                                                                                                                                                                                                                         |
| 10       | (1.) Ferro uranium<br>(2.) Mixtures containing ferro uranium                                                                                                                                                                                                                                      |
| 11       | Focusing tubes capable of being used in mass spectrographs and mass spectrometers                                                                                                                                                                                                                 |
| 12       | Leak detecting instruments of the mass spectrometer type                                                                                                                                                                                                                                          |
| 13       | Lithium metal and alloys                                                                                                                                                                                                                                                                          |
| 14       | (1.) Mesothorium compounds<br>(2.) Mixtures containing mesothorium compounds                                                                                                                                                                                                                      |
| 15       | Minerals, raw or treated (including residues and tailings) which contain by weight at least 0.05 per centum of uranium or thorium or uranium and thorium                                                                                                                                          |
| 16       | Nuclear radiation detection instruments and components for those instruments other than—<br>(a) photographic film or equipment containing that film; and<br>(b) medical X-ray equipment                                                                                                           |
| 17       | (1.) Plutonium or uranium enriched in the isotope 233 or in the isotope 235<br>(2.) Material artificially enriched by either the isotope 233 or the isotope 235 and any other fissionable materials                                                                                               |
| 18       | Positive ion sources capable of being used in accelerating machines or mass spectrometers                                                                                                                                                                                                         |
| 19       | (1.) Radium<br>(2.) Mixtures containing radium                                                                                                                                                                                                                                                    |
| 20       | Refractory materials containing 95 per centum or more by weight of—<br>(a) zirconia;<br>(b) beryllium;<br>(c) sintered alumina and magnesia;<br>(d) fused alumina and fused magnesia; or<br>(e) any two or more of the compounds specified in the last four preceding paragraphs                  |
| 21       | (1.) Thorium<br>(2.) Thorium compounds<br>(3.) Mixtures containing thorium or its compounds                                                                                                                                                                                                       |

TWELFTH SCHEDULE—*continued*.

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE APPROVAL OF THE AUSTRALIAN ATOMIC ENERGY COMMISSION IS PRODUCED TO THE COLLECTOR.

| Item No. | Description of Goods.                                                                                                                                                                                                         |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22       | (1.) Uranium<br>(2.) Uranium compounds<br>(3.) Mixtures containing uranium or its compounds                                                                                                                                   |
| 23       | Vacuum diffusion pumps having an internal diameter at the inlet jet of 305 millimetres or greater or capable of a pumping speed in excess of 1,500 litres per second at a pressure of less than 0.0001 millimetres of mercury |
| 24       | Zirconium metal, alloys and compounds                                                                                                                                                                                         |

## THIRTEENTH SCHEDULE.

Reg. 13B. Added by  
1956, No. 82.

GOODS THE EXPORTATION OF WHICH IS PROHIBITED UNLESS THE APPROVAL OF THE DEPARTMENT OF TRADE IS PRODUCED TO THE COLLECTOR.

| Item No. | Description of Goods.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Iron and steel (including cast iron and malleable iron), and alloys of iron and steel in any form, whether finished or unfinished, including—<br>(a) angles, beams, channels, columns, girders, joists, pillars, piling, tees and other sections, bars, rods, billets, blooms, ingots and slabs;<br>(b) fencing posts and droppers;<br>(c) hoops and strips, coated or uncoated;<br>(d) pig iron;<br>(e) pipes and tubes, coated or uncoated;<br>(f) pit props and stays;<br>(g) plates, coated or uncoated;<br>(h) pressings, stampings and spinnings, other than finished articles;<br>(i) rails, and manufactured goods the main components of which are rails or parts of rails; accessories for rails, including chains, crossings, dog spikes, fishplates, bolts for fishplates, points, sleepers, soleplates and switches;<br>(j) scrap, including manufactured goods which are no longer capable of effective use for the purpose for which they were manufactured or which an officer authorized by the Minister of State for Trade to issue certificates for the purposes of this item has certified to be, in his opinion, goods which, if not exported, would be unlikely to be used except as scrap;<br>(k) sheet bar;<br>(l) sheets, coated or uncoated;<br>(m) spring steel;<br>(n) telegraph and telephone posts, including cross-arms;<br>(o) used, deteriorated or obsolete goods of the following kinds, namely, axles, bogies, boilers, compressors, cranes, die blocks, engines and engine blocks, lathes, presses, pumps, tyres and wheels;<br>(p) wire, coated or uncoated, including barbed wire, wire fabric, fencing wire, gauze and wire netting; and<br>(q) wire rods |
| 2        | Portland cement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3        | Wires and cables for the conduction of electricity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## CUSTOMS (PROHIBITED IMPORTS) REGULATIONS.\*

- Citation. 1. These Regulations may be cited as the Customs (Prohibited Imports) Regulations.\*
- Definitions. 2. In these Regulations, unless the contrary intention appears—
- “flash point” means the temperature at which petroleum and shale products (including kerosene) give off an inflammable vapor upon being tested by the Abel Pensky closed test apparatus;
- “pistol” includes any lethal weapon, ordinarily capable of being carried concealed on the person, from which any shot, bullet or missile can be discharged;
- “the British Pharmacopoeia” means—
- (a) the latest edition (being an edition that has taken effect) for the time being of the book called the British Pharmacopoeia published under the direction of the General Medical Council of the United Kingdom; or
- (b) if that book has been added to or amended by additions and amendments that have taken effect—that edition as affected by those additions or amendments.
- Goods the importation of which is prohibited absolutely. 3. The importation into Australia of the goods specified in the First Schedule to these Regulations is prohibited absolutely.
- Goods the importation of which is prohibited unless conditions or restrictions complied with. 4.†—(1.) The importation into Australia of the goods specified in the Second Schedule to these Regulations is prohibited unless the permission in writing of the Minister to import the goods has been granted.
- (2.) The importation into Australia of the goods specified in the second column of the Third Schedule to these Regulations is prohibited unless the conditions, restrictions or requirements specified in the third column of that Schedule opposite to the description of the goods are complied with.
- Importation of certain drugs. 5.—(1.) The importation into Australia of any of the drugs specified in the Fourth Schedule to these Regulations is prohibited—
- (a) unless the person importing the drugs has been granted a licence to import drugs under sub-regulation (3.) of this regulation and the licence is in force; and
- (b) unless the permission in writing of the Collector to each importation of the drugs has been granted and is in force.

\* Statutory Rules 1956, No. 90; in force under the *Customs Act* 1901-1954; notified in the *Gazette* and commenced on 14th December, 1956.

† Held by the High Court (*Latham, C.J., Rich, Starke and McTiernan, JJ., Dixon and Evatt, JJ.* dissenting) that this regulation is valid and that the requirement of the consent of the Minister to the importation of goods is a “condition or restriction” within the meaning of s. 56 of the *Customs Act: Radio Corporation Pty. Ltd. v. Commonwealth* (1938) 59 C.L.R. 170; 11 A.L.J. 522; 44 A.L.R. 146.

(2.) An application for a licence and an application for a permission under this regulation shall be in writing and shall be lodged with the Collector.

(3.) The Collector, in his discretion, may grant or refuse an application for a licence or permission under this regulation and may revoke a licence or permission so granted.

(4.) A licence granted under this regulation is subject to compliance by the person to whom it is granted with the following requirements in relation to each of the drugs specified in the Fourth Schedule to these Regulations which come into his possession:—

- (a) the person shall not dispose of a drug or a substance or mixture in the preparation of which a drug has been used except for use for medical or scientific purposes and after the person has satisfied himself that it will be so used;
- (b) the person shall not dispose of a drug or a substance or mixture in the preparation of which a drug has been used except to a person approved by the Collector;
- (c) the person shall keep all drugs and all substances and mixtures in the preparation of which a drug has been used in safe custody until he disposes of them;
- (d) the person shall record in books kept by him for that purpose—
  - (i) the quantity of each drug and each substance and mixture in the preparation of which a drug has been used, and the name and address of the person from whom he obtained the drug or the substance or mixture;
  - (ii) the quantity of each drug and each substance or mixture in the preparation of which a drug has been used supplied by him to another person, and the name and address of that person; and
  - (iii) the quantity of each drug used by him in the manufacture of substances or mixtures, the quantity of each drug lost, destroyed, evaporated or wasted in that manufacture and the quantity and nature of the substances and mixtures;
- (e) the person shall retain the books so kept by him until the Collector approves of their destruction;
- (f) the person shall, when required by the Collector—
  - (i) produce for examination the books so kept; and
  - (ii) produce for examination all drugs and all substances and mixtures in the preparation of which a drug has been used in his possession.

(5.) A permit granted under this regulation is subject to such conditions (if any) as the Collector specifies in the permission.

(6.) The continuance in force of a licence under this regulation is subject to the condition that the importer furnishes security to the satisfaction of the Collector for compliance with the Act and for compliance with the requirements to which the licence is subject.

(7.) A licence to import drugs issued under the Regulations repealed by regulation 7 of these Regulations and in force immediately before the commencement of these Regulations shall be deemed to be a licence granted under sub-regulation (3.) of this regulation.

Regulations do not derogate from any other law.

6. The provisions of these Regulations are in addition to, and do not derogate from, the operation of any other law of the Commonwealth relating to the importation of goods into Australia.

Repeal.

7. The Customs (Prohibited Imports) Regulations (comprising the Statutory Rules specified in the Fifth Schedule to these Regulations) are repealed.

## THE SCHEDULES.

### FIRST SCHEDULE.

Reg. 3.

#### GOODS THE IMPORTATION OF WHICH IS PROHIBITED ABSOLUTELY.

| Item No. | Description of Goods.                                                                                                                                                                                             |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Absinthe                                                                                                                                                                                                          |
| 2        | Advertising matter relating to any goods covered by this Schedule                                                                                                                                                 |
| 3        | Appliances known as "J.B.L. Cascade" and all appliances of a similar character                                                                                                                                    |
| 4        | Articles or preparations known as "Dolichos", "Dolichos Down", "Dolichos Pubes", "Cowhage", "Cowitch", "Juckpulver", "Cachoo" or "Electric Snuff" and all articles and preparations of a similar character        |
| 5        | Articles comprising the treatment for catarrh, catarrhal deafness and head noises, supplied by the Dr. W. O. Coffee Company, Iowa, United States of America, or by the Dr. W. O. Coffee Company, Ontario, Canada. |
| 6        | Beerine, being a preparation containing picric acid and capable of being used in the manufacture of beverages                                                                                                     |
| 7        | Blasphemous, indecent or obscene works or articles                                                                                                                                                                |
| 8        | Bombs known as "Balkan" or "Suffragette" bombs and all articles of a similar character                                                                                                                            |
| 9        | Cigars and cigarettes containing explosive substances, trick cigars, and articles of a similar nature, which are a danger to the community                                                                        |
| 10       | Counterfeit coin including—<br>(a) coin which is not genuine but resembling or apparently intended to resemble or pass for genuine coin;                                                                          |



## FIRST SCHEDULE—continued.

| Item No. | Description of Goods.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          | <ul style="list-style-type: none"> <li>(b) genuine coin which has been prepared or altered so as to resemble or be apparently intended to resemble or pass for coin of a higher denomination; and</li> <li>(c) genuine coin which has been clipped or filed or the size or weight of which has otherwise been diminished and which has been prepared or altered so as to conceal the clipping, filing or diminution, whether the coin is or is not in a fit state to be used, dealt with or acted upon as if it were genuine and whether the process of preparation or alteration is or is not complete</li> </ul> |
| 11       | Crystal balls for clairvoyant crystal gazing, hypnotic crystals, gazing crystals, mysterious lucky stones, oriental lucky stones, mysterious oracles, and all similar articles                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12       | Diacetylmorphine (heroin) and its salts and preparations containing diacetylmorphine or its salts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 13       | Goods the description of which includes the word "Anzac" or bearing the word "Anzac" or a word so nearly resembling the word "Anzac" as to be likely to deceive                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 14       | Goods imported in any ship or aircraft which is not lawfully registered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 15       | Goods manufactured or produced wholly or in part by prison labour or which have been made within or in connexion with a prison, gaol or penitentiary                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 16       | Goods manufactured by a manufacturer who employs prison labour, which goods are of a like character to— <ul style="list-style-type: none"> <li>(a) any goods, manufactured by the manufacturer, manufactured wholly or in part by prison labour; or</li> <li>(b) any goods, manufactured by the manufacturer, made wholly or in part within or in connexion with a prison, gaol or penitentiary</li> </ul>                                                                                                                                                                                                         |
| 17       | Goods on or in connexion with which there is a false suggestion of a warranty, guarantee or concern as to their production or quality by any person, public officials, Government or country                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 18       | Homeopathic medicines manufactured by Count Cesar Mattei, Italy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 19       | Imitation or counterfeit bank notes, and all articles which, not being bank notes, so nearly resemble bank notes as to be likely to deceive                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 20       | Imitation brandy being— <ul style="list-style-type: none"> <li>(a) spirits which are described as eau de vie, cognac or by any other name or description usually applied to brandy but which are not spirits distilled wholly from wine made from the fermented juice of fresh grapes; or</li> <li>(b) spirits which are coloured and flavoured so as to resemble brandy or so as to be likely to deceive but which are not spirits distilled wholly from wine made from the fermented juice of fresh grapes</li> </ul>                                                                                            |
| 21       | Indian hemp (that is to say, the dried, flowering or fruiting tops, by whatever name those tops are called, of the pistillate plant known as <i>Cannabis Sativa</i> , being tops from which the resin has not been extracted) and— <ul style="list-style-type: none"> <li>(a) resin obtained from Indian hemp;</li> <li>(b) preparations, such as hashish, esrar, chiras and djamba, of which that resin forms the base; and</li> <li>(c) galenical preparations (extract and tincture) of Indian hemp</li> </ul>                                                                                                  |
| 22       | Ketobemidone (4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone or 1-methyl-4-metahydroxyphenyl-4-propionyl-piperidine) and its salts (Cliradon, Ketogan) and preparations containing ketobemidone or its salts                                                                                                                                                                                                                                                                                                                                                                                                |
| 23       | Matches and vestas containing the substance known as white phosphorus or the substance known as yellow phosphorus                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 24       | Opium prepared for smoking, including dross and any other form of charred opium                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 25       | Pipes for use in opium smoking and all parts of and accessories to such pipes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 26       | Silencers for use with firearms                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 27       | Tea which is— <ul style="list-style-type: none"> <li>(a) exhausted;</li> <li>(b) adulterated with spurious leaf or exhausted leaves;</li> <li>(c) unfit for human use; or</li> <li>(d) unwholesome</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                      |

## SECOND SCHEDULE.

Reg. 4 (1.).

GOODS THE IMPORTATION OF WHICH IS PROHIBITED UNLESS THE PERMISSION IN WRITING OF THE MINISTER HAS BEEN GRANTED.

| Item No. | Description of Goods.                                                                                                                                                                                                                                                                                                                                                                          |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Advertising matter (including booklets, pamphlets, leaflets and circulars) relating to preparations, instruments, appliances or other goods intended or alleged to be for therapeutic purposes, and containing any statements or claims which are misleading, false or extravagant                                                                                                             |
| 2        | Ammunition for rifles of a military type, being of a calibre larger than .22 of an inch                                                                                                                                                                                                                                                                                                        |
| 3        | Animals of all kinds and the semen of animals                                                                                                                                                                                                                                                                                                                                                  |
| 4        | Bank notes which are, or have at any time been, legal tender in any part of the United Kingdom                                                                                                                                                                                                                                                                                                 |
| 5        | Birds of all kinds                                                                                                                                                                                                                                                                                                                                                                             |
| 6        | Chaff bags or bran bags of a net weight of less than twenty ounces each                                                                                                                                                                                                                                                                                                                        |
| 7        | Chemical warfare gas and devices and apparatus designed for use with that gas                                                                                                                                                                                                                                                                                                                  |
| 8        | Confectionery—<br>(a) which contains more than two per centum of proof spirit; or<br>(b) the consumption of which would, in the opinion of the Minister, be injurious to the health of a person consuming it                                                                                                                                                                                   |
| 9        | Essence of port, essence of sherry, and any other essence of wine or essence having the aroma or flavour of wine, whether natural or artificially compounded                                                                                                                                                                                                                                   |
| 10       | Essences of whisky, rum, brandy, cognac, maraschino, absinthe, curacao, gin, hollands, kirsch, kirschwasser, and oil of cognac and any other essences having the aroma or flavour of any of those spirits, whether natural or artificially compounded                                                                                                                                          |
| 11       | Fireworks                                                                                                                                                                                                                                                                                                                                                                                      |
| 12       | Food and drink for human consumption which contains glycol or a derivative of glycol and preparations, including essences and extracts, for use in the manufacture or preparation of food and drink for human consumption, and medicines to be taken orally by man which contain glycol or a derivative of glycol                                                                              |
| 13       | Golden syrup                                                                                                                                                                                                                                                                                                                                                                                   |
| 14       | Goods packed in a bag or sack being goods the weight of which, together with the weight of the bag or sack, exceeds two hundred pounds                                                                                                                                                                                                                                                         |
| 15       | Goods to which, or to the coverings of which, there is applied a representation of the Arms, a flag or a seal of the Commonwealth or of a State or Territory of the Commonwealth or a representation so nearly resembling the Arms, a flag or a seal of the Commonwealth or of a State or Territory of the Commonwealth as to be likely to deceive                                             |
| 16       | Goods to which, or to the coverings of which, there is applied a representation of the Royal Arms or a representation so nearly resembling the Royal Arms as to be likely to deceive                                                                                                                                                                                                           |
| 17       | Goods which are alleged or intended to produce a therapeutic effect by electric or magnetic influences, or by the presence of radio-active elements                                                                                                                                                                                                                                            |
| 18       | Goods which, in the opinion of the Minister, are of a dangerous character and a menace to the community                                                                                                                                                                                                                                                                                        |
| 19       | Indian hemp ( <i>Cannabis Sativa</i> ) seeds                                                                                                                                                                                                                                                                                                                                                   |
| 20       | Literature in which—<br>(a) the overthrow by force or violence of the established government of the Commonwealth or of any State or of any other civilized country;<br>(b) the overthrow by force or violence of all forms of law;<br>(c) the abolition of organized government;<br>(d) the assassination of public officials; or<br>(e) the unlawful destruction of property,<br>is advocated |
| 21       | Literature wherein a seditious intention (as defined by section 24A of the <i>Crimes Act 1914-1955</i> ) is expressed or a seditious enterprise (as defined by section 24B of the <i>Crimes Act 1914-1955</i> ) is advocated                                                                                                                                                                   |

SECOND SCHEDULE—continued.

| Item No. | Description of Goods.                                                                                                                                                                                                            |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22       | Literature which, by words or pictures or partly by words and partly by pictures, in the opinion of the Minister—<br>(a) unduly emphasizes matters of sex, horror, violence or crime; or<br>(b) is likely to encourage depravity |
| 23       | Live fish and the spawn of fish                                                                                                                                                                                                  |
| 24       | Medicinal preparations known as "Cantassium"                                                                                                                                                                                     |
| 25       | Medicinal preparations which purport to be a remedy for drunkenness, alcoholic habit, tobacco habit or drug habit                                                                                                                |
| 26       | Opium poppy ( <i>Papaver Somniferum</i> ) seeds                                                                                                                                                                                  |
| 27       | Pistols and any parts of pistols                                                                                                                                                                                                 |
| 28       | Plain clear sheet glass                                                                                                                                                                                                          |
| 29       | Potatoes for food purposes                                                                                                                                                                                                       |
| 30       | Rifles of a military type, being of a calibre larger than .22 of an inch, and parts for those rifles                                                                                                                             |
| 31       | Secondhand cornsacks                                                                                                                                                                                                             |
| 32       | Treacle                                                                                                                                                                                                                          |

THIRD SCHEDULE.

Reg. 4 (2).

GOODS THE IMPORTATION OF WHICH IS PROHIBITED UNLESS SPECIFIED CONDITIONS, RESTRICTIONS OR REQUIREMENTS ARE COMPLIED WITH.

| Item No. | Description of Goods.                                                                                                                                                                                                                                                                            | Conditions, Restrictions and Requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Aircraft, airframes and aircraft engines                                                                                                                                                                                                                                                         | The importer shall produce to the Collector the permission in writing of the Director-General of Civil Aviation to import the goods                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2        | Articles to which, or to any covering or container of which, there is applied any marking (including, in addition to words, any contraction, abbreviation or any substitute for words) in a language other than the language ordinarily used by the people of the country of origin of the goods | There shall be applied to the articles or to the covering or container thereof, as the case may be, in conjunction with the marking referred to, wherever such marking appears, and in conspicuous and legible characters, a definite qualifying statement in the English language indicating the country in which the articles were made or produced, unless the Minister directs that the application of the statement to any particular articles, coverings or containers is unnecessary, when the application of the statement shall not be required |
| 3        | Chloramphenicol (chloromycetin), dihydrostreptomycin, penicillin and streptomycin, their salts and any preparation containing any of those substances or their salts                                                                                                                             | <ol style="list-style-type: none"> <li>1. The goods shall conform with the standard constituted by the statements in the respective monographs on those substances in the British Pharmacopoeia</li> <li>2. The goods shall be accompanied by a certificate, signed by or on behalf of the exporter of the goods, certifying that the goods conform with that standard</li> </ol>                                                                                                                                                                        |
| 4        | Cigarettes                                                                                                                                                                                                                                                                                       | <p>The goods shall be imported only in packages containing not less than fifteen pounds net weight unless the Collector is satisfied—</p> <ol style="list-style-type: none"> <li>(a) that the goods are samples;</li> <li>(b) that the goods are intended for private use by the importer; or</li> <li>(c) that the goods are surplus ships' or aircraft's stores,</li> </ol> <p>and the goods are entered for home consumption</p>                                                                                                                      |

THIRD SCHEDULE—*continued.*

| Item No. | Description of Goods.                                                                                                                      | Conditions, Restrictions and Requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5        | Cigars .. ..                                                                                                                               | <p>The goods shall be imported only in packages containing not less than twenty pounds net weight unless the Collector is satisfied—</p> <ul style="list-style-type: none"> <li>(a) that the goods are samples;</li> <li>(b) that the goods are intended for private use by the importer; or</li> <li>(c) that the goods are surplus ships' or aircraft's stores,</li> </ul> <p>and the goods are entered for home consumption</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 6        | Clinical thermometers ..                                                                                                                   | <ul style="list-style-type: none"> <li>1. Each thermometer shall be marked with the name of the country in which it was manufactured</li> <li>2. The goods shall not be imported unless the Comptroller has granted permission in writing to import the goods</li> <li>3. In the case of a thermometer other than a thermometer— <ul style="list-style-type: none"> <li>(a) which bears the monogram of the National Physical Laboratory of Great Britain; or</li> <li>(b) which the Comptroller is satisfied has been subjected to tests similar to the tests applied by the National Physical Laboratory of Great Britain and which complies as to accuracy of the scale with the requirements of the British Standard Specification for Clinical Maximum Thermometers No. 691—1936 or, where the requirements of that Standard Specification have been amended or substituted, the requirements of that Standard Specification as so amended or substituted,</li> </ul> </li> </ul> <p>a permission so granted shall be subject to the requirement that unless the thermometer passes such test as the Comptroller directs it shall be immediately re-exported or destroyed under Customs supervision</p> |
| 7        | Cornsacks .. ..                                                                                                                            | <ul style="list-style-type: none"> <li>1. The goods shall be of the following standard:— <ul style="list-style-type: none"> <li>Size—41 inches by 23 inches</li> <li>Weight when baled—2½ pounds</li> <li>Substance—8 porter, 9 shot</li> </ul> </li> <li>2. The bales containing the goods shall be plainly branded or marked with the trade name, measurement, weight, porter and shot of the cornsacks</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 8        | Eggs (not in shell), in liquid form, whites and yolks combined, and whites and yolks separately, when imported for use in articles of food | <p>A certificate to the satisfaction of the Collector from the health authority of the district in which the material is prepared that the eggs used are clean and sound, that the material is prepared and packed under such conditions as to premises and methods as are considered hygienically satisfactory and that such material is free from preservative shall be produced to the Collector</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

THIRD SCHEDULE—continued.

| Item No. | Description of Goods.                                                                                                                                                                                                                                                                                                                   | Conditions, Restrictions and Requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9        | Goods imported in any ship or aircraft which has not her certificate of registration on board                                                                                                                                                                                                                                           | The absence of the certificate must be accounted for to the satisfaction of the Collector                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 10       | Goods to which is attached the seed of any plant the importation of which is prohibited under the <i>Quarantine Act</i> 1908-1950                                                                                                                                                                                                       | <ol style="list-style-type: none"> <li>1. The goods shall not be imported unless the permission in writing of the Chief Quarantine Officer (Plants Division) of the State into which it is proposed to import them has been granted</li> <li>2. The goods shall be treated to the satisfaction of that officer for the purpose of rendering the seed ungerminative</li> <li>3. The expenses of treatment and of the supervision of treatment shall be borne by the importer</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 11       | Instruments for indicating specific gravity in accordance with Baumé's scale                                                                                                                                                                                                                                                            | <p>The instruments shall be—</p> <ol style="list-style-type: none"> <li>(a) marked with the temperature and modulus of standardization; and</li> <li>(b) accurate to within one sub-division of gradation</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 12       | <p>Insulating electric conductors in the form of cable or flexible cord—</p> <ol style="list-style-type: none"> <li>(a) designated, or, in the opinion of an officer, classifiable, as two hundred and fifty volt grade or six hundred and sixty volt grade; and</li> <li>(b) of a sectional area of one square inch or less</li> </ol> | <ol style="list-style-type: none"> <li>1. The exterior of the cable or cord shall, at intervals of not more than one yard along its length, bear a legible and indelible mark or marks sufficient to identify the manufacturer of the cable or cord</li> <li>2. A tag or label shall be attached to each coil or reel of cable or cord showing in respect of the cable or cord— <ol style="list-style-type: none"> <li>(a) the name, registered trade name or registered mark, of the manufacturer;</li> <li>(b) its rated working voltage;</li> <li>(c) the sectional area of the conductor;</li> <li>(d) the type of insulation and protection; and</li> <li>(e) in the case of cable or cord insulated other than with vulcanized rubber, vulcanized rubber compound or Polyvinyl Chloride or Copolymer— <ol style="list-style-type: none"> <li>(i) the insulation resistance per thousand yards at sixty degrees Fahrenheit after twelve hours' immersion in water, while still immersed, and after one minute's electrification at five hundred volts; and</li> <li>(ii) the voltage test which the cable or cord is guaranteed to withstand</li> </ol> </li> </ol> </li> <li>3. The importer of the cable or cord shall satisfy an officer that the cable or cord complies with such of the conditions and requirements specified in any Approval and Test Specification of the</li> </ol> |

THIRD SCHEDULE—*continued.*

| Item No.              | Description of Goods.                                                                                                                                                                                                                                                                 | Conditions, Restrictions and Requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12—<br><i>cont'd.</i> | Insulating electric conductors in the form of cable or flexible cord— <i>continued.</i>                                                                                                                                                                                               | Standards Association of Australia as are applicable to the cable or cord and relate to—<br>(a) voltage tests;<br>(b) minimum insulation resistance;<br>(c) dimensions, resistances and types of conductor; and<br>(d) such other matters as an officer directs<br>4. In the case of cable or cord to which no Approval and Test Specification of the Standards Association of Australia applies, the importer of the cable or cord shall have obtained the consent in writing of the Minister to the importation of the cable or cord |
| 13                    | Kerosene .. .. .                                                                                                                                                                                                                                                                      | The kerosene shall have a flash point of not less than 73 degrees Fahrenheit                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 14                    | Lucerne seed .. .. .                                                                                                                                                                                                                                                                  | The seed shall contain mixed with it and uniformly distributed throughout its bulk not less than ten per centum of the seed which has been stained a distinct red colour by treatment with a solution of suitable red dye                                                                                                                                                                                                                                                                                                              |
| 15                    | Manure containing calcium cyanamide or arsenic, or any other irritant poisonous substance or any other similar poisonous substance in a proportion sufficient to render the manure poisonous if it comes into contact with the mucous membranes or skin of human beings or is inhaled | 1. The manure shall be so packed as to allow the packages to be handled without escape of any of the contents<br>2. Each package shall be clearly labelled or marked with a statement indicating that the contents are—<br>(a) poisonous; and<br>(b) that care must be taken to prevent the contents from coming into contact with the mucous membranes or the skin of human beings and to prevent the possibility of inhalation                                                                                                       |
| 16                    | Margarine and other similar butter substitutes ..                                                                                                                                                                                                                                     | 1. The goods shall be coloured a distinct pink colour by the addition of alkanet root<br>2. The packages in which the goods are imported shall be distinctly branded with the name of the contents                                                                                                                                                                                                                                                                                                                                     |
| 17                    | Meat products, and cooked meat and cooked edible parts of animals contained in hermetically sealed cans or tins                                                                                                                                                                       | The goods shall be accompanied by an official meat inspection certificate issued by a qualified person duly appointed for the examination of meat in the country of export showing that the goods have been examined and found by <i>ante mortem</i> and <i>post mortem</i> examination to be free from disease and suitable for human consumption                                                                                                                                                                                     |
| 18                    | Money or coin of the Queen's dominions                                                                                                                                                                                                                                                | The money or coin shall conform to the established standard in weight or fineness                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 19                    | Organic compounds of lead for use in internal combustion engines                                                                                                                                                                                                                      | The compounds shall be in containers built so strongly as to prevent the possibility of breakage and leakage of the contents<br>2. Each container shall be clearly labelled or marked with a statement indicating—<br>(a) that the contents are poisonous; and                                                                                                                                                                                                                                                                         |

THIRD SCHEDULE—continued.

| Item No.              | Description of Goods.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Conditions, Restrictions and Requirements.                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19—<br><i>cont'd.</i> | Organic compounds of lead for use in internal combustion engines— <i>continued.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | (b) that care must be taken to prevent the liquid from coming into contact with the skin of human beings and to prevent the possibility of inhalation of vapours from the liquid                                                                                                                                                                                                                                      |
| 20                    | Petroleum and shale products having a flash point of less than 73 degrees Fahrenheit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1. The goods, unless imported in a tanker, shall be contained in cans, drums or packages so constructed as not to be likely to be broken in handling or to become defective or insecure while being conveyed, or to allow the goods to escape or to be unintentionally opened<br>2. The cans, drums and packages shall be plainly marked with the name of their contents together with the words "Highly Inflammable" |
| 21                    | Plumage and skins of—<br>(a) Birds of Paradise, family <i>Paradisæidae</i> ;<br>(b) Humming Birds, family <i>Trochilidae</i> ;<br>(c) Pheasants, whole family <i>Phasianidae</i> and their hybrids;<br>(d) Crowned Pigeon, family <i>Columbidae</i> ;<br>(e) Any of the several species of large-crested pigeons of the genus <i>Goura</i> , inhabiting New Guinea and the adjacent islands;<br>(f) Owls, family <i>Strigidae</i> ;<br>(g) Kingfishers, family <i>Alcedinidae</i> ;<br>(h) Macaws, order <i>Psittaci</i> ;<br>(i) Any parrot of the genus <i>Sittace</i> or <i>Macrocerus</i> ;<br>(j) Stork tribe, family <i>Ciconiidae</i> ;<br>(k) Heron Tribe, family <i>Ardeidae</i> ;<br>(l) Ibises and Spoonbills, family <i>Plataleidae</i> ;<br>(m) Todies, family <i>Todidae</i> ;<br>(n) Cock of the Rock, <i>Rupicola aurantia</i> ;<br>(o) Quezal, or Resplendent Trogon, <i>Phoramacrus mocinno</i> ; and<br>(p) Any members of the Grebe family ( <i>Podicipidae</i> ) | The Collector shall be satisfied that the plumage or skins are being imported for educational or scientific purposes                                                                                                                                                                                                                                                                                                  |
| 22                    | Poliomyelitis Vaccine                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The importer shall produce to the Collector the permission in writing of the Director-General of Health to import the goods                                                                                                                                                                                                                                                                                           |
| 23                    | Radioactive material and substances, including Radium and Radioactive Isotopes, and articles containing radioactive material or substances                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The importer shall produce to the Collector the permission in writing of the Director-General of Health to import the goods                                                                                                                                                                                                                                                                                           |

THIRD SCHEDULE—*continued.*

| Item No. | Description of Goods.                                      | Conditions, Restrictions and Requirements.                                                                                                                                                                                                                                                                                                                                             |
|----------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24       | Ships .. ..                                                | The importer shall produce to the Collector the permission in writing of the Minister of State for Shipping and Transport to import the ships                                                                                                                                                                                                                                          |
| 25       | Snuff .. ..                                                | The goods shall be imported only in packages containing not less than ten pounds net weight, unless the Collector is satisfied—<br>(a) that the goods are samples;<br>(b) that the goods are intended for private use by the importer; or<br>(c) that the goods are surplus ships' or aircraft's stores,<br>and the goods are entered for home consumption                             |
| 26       | Spirits in bulk .. ..                                      | The goods shall be imported only in packages containing not less than five gallons, unless the Collector is satisfied—<br>(a) that the goods are samples;<br>(b) that the goods are intended for private use by the importer; or<br>(c) that the goods are surplus ships' or aircraft's stores,<br>and the goods are entered for home consumption                                      |
| 27       | Spirits in cases (not being perfumed or medicinal spirits) | The goods shall be imported only in packages containing not less than two reputed gallons unless the Collector is satisfied—<br>(a) that the goods are samples;<br>(b) that the goods are intended for private use by the importer; or<br>(c) that the goods are surplus ships' or aircraft's stores,<br>and the goods are entered for home consumption                                |
| 28       | Tea .. ..                                                  | The goods shall be of the following standards of strength and purity:—<br>(a) the tea shall have a soluble extract of not less than thirty per centum by weight, calculated on a moisture free basis;<br>(b) the total ash shall not be more than eight parts per centum; and<br>(c) the soluble ash shall not be less than three parts per centum calculated on a moisture free basis |
| 29       | Thyroid and preparations containing thyroid                | 1. The goods shall conform with the standard constituted by the statements in the respective monographs on those substances in the British Pharmacopoeia<br>2. The goods shall be accompanied by a certificate, signed by or on behalf of the exporter of the goods, certifying that the goods conform with that standard                                                              |
| 30       | Tobacco whether manufactured or unmanufactured             | The goods shall be imported only in packages containing not less than twenty pounds net weight, unless the Collector is satisfied—<br>(a) that the goods are samples;<br>(b) that the goods are intended for private use by the importer; or<br>(c) that the goods are surplus ships' or aircraft's stores,<br>and the goods are entered for home consumption                          |



THIRD SCHEDULE—continued.

| Item No. | Description of Goods.                                                                                                                                                                                                                                                 | Conditions, Restrictions and Requirements.                                                                                                                                                                             |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 31       | Uniforms or badges being naval, military, police or other official uniforms or badges or any uniform or badge so nearly resembling an official uniform or badge as to be calculated to deceive or any goods to which is applied a representation of an official badge | The Collector shall be satisfied that the delivery of such goods to the importer is authorized by the proper official authority of the Commonwealth or of a State or Territory of the Commonwealth, as the case may be |

FOURTH SCHEDULE.

Reg. 5 (1.).

DRUGS THE IMPORTATION OF WHICH IS PROHIBITED UNLESS SPECIFIED CONDITIONS, RESTRICTIONS OR REQUIREMENTS ARE COMPLIED WITH.

| Item No. | Description of Drugs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1        | Coca leaves, being the leaves of any plant of the genus of the <i>erythroxylaceae</i> from which cocaine can be extracted either directly or by chemical transformation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2        | Cocaine (including crude cocaine, being any crude extract of the coca leaf that contains cocaine) its salts and— <ol style="list-style-type: none"> <li>(1) ecgonine (being laevo-ecgonine and derivatives of laevo-ecgonine capable of being used for the recovery of ecgonine), its salts, its esters and salts of those esters, and any preparation containing ecgonine, its salts, its esters or the salts of its esters</li> <li>(2) solutions or dilutions of cocaine or its salts in an inert substance, whether liquid or solid, containing any proportion of cocaine</li> <li>(3) preparations of cocaine or its salts containing more than the equivalent of one-tenth per centum of cocaine</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3        | Medicinal opium, being opium in any form, whether mixed with a neutral substance or not, which has undergone the processes necessary to adapt it for medicinal use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4        | Morphine, its salts and— <ol style="list-style-type: none"> <li>(1) solutions or dilutions of morphine or its salts in an inert substance, whether liquid or solid, containing any proportion of morphine or its salts</li> <li>(2) preparations of morphine or its salts containing more than the equivalent of one-fifth per centum of anhydrous morphine</li> <li>(3) esters of morphine and their salts (other than diacetylmorphine and its salts) and preparations containing any of those esters or salts</li> <li>(4) ethers of morphine, namely— <ol style="list-style-type: none"> <li>(i) methylmorphine (codeine) and its salts and ethylmorphine and its salts (dionine); and</li> <li>(ii) other ethers of morphine (including benzyl-morphine) and their salts, and preparations containing any of those ethers or their salts</li> </ol> </li> <li>(5) acetyldihydrocodeine (acetylcodeine) and its salts, dihydrocodeine (paracodine) and its salts, <math>\beta</math>-4-morpholinylethylmorphine (pholcodine) and its salts, and myristyl ester of benzylmorphine and its salts</li> <li>(6) dihydrohydroxycodone (oxycodone) and its salts (eucodal), dihydrocodeinone (hydrocodone) and its salts (dicodid), dihydromorphinone (hydromorphone) and its salts (dilaudid), acetyldihydrocodeinone (acetyldimethyldihydrothebaine) and its salts, dihydromorphine and its salts, dihydrodesoxymorphine (desomorphine) and its salts, the esters of any of those substances, the salts of those esters, and preparations containing any of those substances, their salts, their esters or the salts of their esters</li> </ol> |

## FOURTH SCHEDULE—continued.

| Item No.             | Description of Drugs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| 4—<br><i>cont'd.</i> | Morphine, its salts and— <i>continued.</i><br>(7) morphine-N-oxide (genomorphine), the derivatives of morphine-N-oxide, any other pentavalent nitrogen morphine derivatives and preparations containing any of those substances<br>(8) thebaine and its salts, and any preparation containing thebaine or its salts<br>(9) metopon (methyldihydromorphinone) and its salts and preparations containing metopon or its salts<br>(10) 6-methyl- $\Delta$ 6-desoxymorphine and its salts and preparations containing 6-methyl- $\Delta$ 6-desoxymorphine or its salts<br>(11) 6-methyldihydromorphine and its salts and preparations containing 6-methyldihydromorphine or its salts<br>(12) dihydrohydroxymorphinone and its salts and preparations containing dihydrohydroxymorphinone or its salts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5                    | Raw opium, including non-medicinal, powdered and granulated forms of raw opium                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 6                    | Synthetic narcotic drugs of the following kinds:—<br>(1) pethidine (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester) and its salts (Antiduol, Biphenal, Centralgin, Demerol, Dispadol, Dodonal, Dolantal, Dolantin, Dolantol, Dolaren, Dolarin, Dolatol, Dolental, Dolinal, Dolisan, Dolisina, Dolo-pethin, Dolosal, Dolsin, Dolvanol, Eudolat, Felidin, Gratidina, Isonipeccaine, Meperidin, Mephedine, Merperidine, Pantalgine, Pethanal, Piridosal, Precedyl, Sauteralgyl, Suppolosal) and preparations containing pethidine or its salts<br>(2) methadone (4, 4-diphenyl-6-dimethylaminoheptanone-3 or 6-dimethylamino-4, 4-diphenyl-3-heptanone) and its salts (Adanon, Algidon, Algil, Algolsin, Amidone, Amidosan, Butalgin, Depridol, Diaminon, Dianone, Dolafin, Dolamid, Dolcsona, Dolophine, Dorexol, Heptadol, Heptadon, Heptanal, Hoechst 10820, Ketalgil, Levadone, Mecodin, Mepecton, Mephenon, Miadone, Moheptan, Physeptone, Physopeptone, Polamidon, Sin-Algin, Symoron, Synthanal, Turanone) and preparations containing methadone or its salts<br>(3) phenadoxone (4, 4-diphenyl-6-morpholinoheptanone-3 or 6-morpholino-4, 4-diphenyl-3-heptanone) and its salts (Hepagin, Heptalgil, Heptalin, Heptazone) and preparations containing phenadoxone or its salts<br>(4) racemorphan and levorphan (3-hydroxy-N-methylmorphinan) and their salts (Cetarin, Dromoran, Methorphan, NU2206, Morphinan) and preparations containing racemorphan or levorphan or their salts<br>(5) racemethorphan and levomethorphan (3-methoxy-N-methylmorphinan) and their salts and preparations containing racemethorphan or levomethorphan or their salts<br>(6) alphaprodine ( $\alpha$ -1, 3-dimethyl-4-phenyl-4-propionoxypiperidine) and its salts (Nisentil, Nisintil) and preparations containing alphaprodine or its salts<br>(7) betaprodine ( $\beta$ -1, 3-dimethyl-4-phenyl-4-propionoxypiperidine) and its salts and preparations containing betaprodine or its salts<br>(8) alphameprodine ( $\alpha$ -1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine) and its salts and preparations containing alphameprodine or its salts<br>(9) betameprodine ( $\beta$ -1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine) and its salts (NU.1932) and preparations containing betameprodine or its salts<br>(10) methadol (4, 4-diphenyl-6-dimethylaminoheptanol-3 or 6-dimethylamino-4, 4-diphenyl-3-heptanol) and its salts and preparations containing methadol or its salts<br>(11) alphamethadol ( $\alpha$ -6-dimethylamino-4, 4-diphenyl-3-heptanol) and its salts and preparations containing alphamethadol or its salts<br>(12) betamethadol ( $\beta$ -6-dimethylamino-4, 4-diphenyl-3-heptanol) and its salts and preparations containing betamethadol or its salts |

## FOURTH SCHEDULE—continued.

| Item No.      | Description of Drugs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 6—<br>cont'd. | <p>Synthetic narcotic drugs—continued.</p> <p>(13) bemidone (hydroxypethidine) (1-methyl-4-(3-hydroxy-phenyl)-piperidine-4-carboxylic acid ethyl ester or 1-methyl-4-metahydroxyphenylpiperidine-4-carboxylic acid ethyl ester) and its salts and preparations containing bemidone or its salts</p> <p>(14) isomethadone (4, 4-diphenyl-5-methyl-6-dimethyl-aminohexanone-3 or 6-dimethylamino-5-methyl-4, 4-diphenyl-3-hexanone) and its salts (isoamidone) and preparations containing isomethadone or its salts</p> <p>(15) methadyl acetate (acetyl-methadol) (4, 4-diphenyl-6-dimethyl-amino-3-acetoxyheptane or 6-dimethylamino-4, 4-diphenyl-3-acetoxyheptane) and its salts and preparations containing methadyl acetate or its salts</p> <p>(16) alpha-acetylmethadol (<math>\alpha</math>-6-dimethylamino-4, 4-diphenyl-3-acetoxyheptane) and its salts and preparations containing alpha-acetylmethadol or its salts</p> <p>(17) beta-acetylmethadol (<math>\beta</math>-6-dimethylamino-4, 4-diphenyl-3-acetoxyheptane) and its salts and preparations containing beta-acetylmethadol or its salts</p> <p>(18) ethylmethylthiambutene (3-ethylmethylamino-1, 1-di-(2'-thienyl)-1-butene) and its salts and preparations containing ethylmethylthiambutene or its salts</p> <p>(19) dimethylthiambutene (3-dimethylamino-1, 1-di-(2-thienyl)-1-butene) and its salts and preparations containing dimethylthiambutene or its salts</p> <p>(20) diethylthiambutene (3-diethylamino-1, 1-di-(2'-thienyl)-1-butene) and its salts (<i>Themalon</i>) and preparations containing diethylthiambutene or its salts</p> <p>(21) 4, 4-diphenyl-6-piperidino-3-heptanone and its salts and preparations containing 4, 4-diphenyl-6-piperidino-3-heptanone or its salts</p> <p>(22) isopropyl ester and other esters of 1-methyl-4-phenylpiperidine-4-carboxylic acid and their salts and preparations containing the isopropyl ester or other esters of 1-methyl-4-phenylpiperidine-4-carboxylic acid or their salts</p> <p>(23) 4, 4-diphenyl-6-dimethylamino-3-hexanone and its salts and preparations containing 4, 4-diphenyl-6-dimethylamino-3-hexanone or its salts</p> <p>(24) 1, 3-dimethyl-4-phenyl-4-propionoxyhexamethyleneimine and its salts and preparations containing 1, 3-dimethyl-4-phenyl-4-propionoxyhexamethyleneimine or its salts</p> <p>(25) 3-hydroxy-N-phenethylmorphinan and its salts and preparations containing 3-hydroxy-N-phenethylmorphinan or its salts</p> <p>(26) 4-morpholino-2, 2-diphenyl ethyl butyrate and its salts and preparations containing 4-morpholino-2, 2-diphenyl ethyl butyrate or its salts</p> <p>(27) 4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane and its salts</p> |
| 7             | <p>Any drug of whatever kind which is or is likely to be productive, if improperly used, or is capable of being converted into a substance which is or is likely to be productive, if improperly used, of ill effects substantially of the same character or nature as, or analogous to, those produced by morphine or cocaine</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## FIFTH SCHEDULE.

Reg. 7.

## STATUTORY RULES REPEALED.

Statutory Rules 1934, No. 152.  
Statutory Rules 1935, No. 19.  
Statutory Rules 1936, No. 18.  
Statutory Rules 1936, No. 38.  
Statutory Rules 1936, No. 59.  
Statutory Rules 1936, No. 69.  
Statutory Rules 1936, No. 86.  
Statutory Rules 1936, No. 92.  
Statutory Rules 1936, No. 97.  
Statutory Rules 1936, No. 104.  
Statutory Rules 1936, No. 136.  
Statutory Rules 1936, No. 162.  
Statutory Rules 1936, No. 166.  
Statutory Rules 1937, No. 2.  
Statutory Rules 1938, No. 7.  
Statutory Rules 1938, No. 40.  
Statutory Rules 1938, No. 49.  
Statutory Rules 1938, No. 72.  
Statutory Rules 1938, No. 85.  
Statutory Rules 1939, No. 9.  
Statutory Rules 1939, No. 22.  
Statutory Rules 1939, No. 37.  
Statutory Rules 1939, No. 138.  
Statutory Rules 1939, No. 161.  
Statutory Rules 1940, No. 146.  
Statutory Rules 1940, No. 168.  
Statutory Rules 1940, No. 210.  
Statutory Rules 1941, No. 84.  
Statutory Rules 1942, No. 323.  
Statutory Rules 1943, No. 11.  
Statutory Rules 1945, No. 34.  
Statutory Rules 1945, No. 144.  
Statutory Rules 1946, No. 59.  
Statutory Rules 1946, No. 77.  
Statutory Rules 1946, No. 169.  
Statutory Rules 1947, No. 66.  
Statutory Rules 1947, No. 81.  
Statutory Rules 1947, No. 119.  
Statutory Rules 1947, No. 164.  
Statutory Rules 1948, No. 35.  
Statutory Rules 1948, No. 145.  
Statutory Rules 1949, No. 18.  
Statutory Rules 1949, No. 87.  
Statutory Rules 1949, No. 94.  
Statutory Rules 1951, No. 5.  
Statutory Rules 1951, No. 75.  
Statutory Rules 1951, No. 141.  
Statutory Rules 1952, No. 114.  
Statutory Rules 1953, No. 10.  
Statutory Rules 1953, No. 56.  
Statutory Rules 1953, No. 77.  
Statutory Rules 1956, No. 40.

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**CUSTOMS TARIFF (INDUSTRIES PRESERVATION)  
ACT 1921-1956**

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**CUSTOMS TARIFF (INDUSTRIES PRESERVATION) REGULATIONS  
1924.\***

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1. These Regulations may be cited as the Customs Tariff (Industries Preservation) Regulations 1924.\*

2. In these Regulations, unless the contrary intention appears,  
“The Act” means the *Customs Tariff (Industries Preservation)  
Act 1921-1922*;

“The Minister” means the Minister of State for Trade and Customs.

3. The following goods are exempted from dumping duty under section 4 of the Act:—

All goods in respect of which the difference between the fair market value and the export price does not exceed five per centum of the fair market value, except such goods or classes of goods as the Minister may specifically direct shall not be so exempted.

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\* Statutory Rules 1924, No. 99; in force under the *Customs Tariff (Industries Preservation) Act 1921-1956*; notified in the *Gazette* on 12th July, 1924; commenced on 10th July, 1924.

## DAIRY PRODUCE EXPORT CHARGES ACT 1924-1937

## DAIRY PRODUCE EXPORT CHARGES REGULATIONS.\*

**Citation.** 1. These Regulations may be cited as the Dairy Produce Export Charges Regulations.\*

**Repeal.** 2. The Dairy Produce Export Charges Regulations (comprising Statutory Rules 1937, No. 117; Statutory Rules 1939, Nos. 80 and 141; Statutory Rules 1940, No. 180; Statutory Rules 1941, No. 211; Statutory Rules 1948, No. 141; Statutory Rules 1951, Nos. 60 and 137; and Statutory Rules 1952, Nos. 41 and 85) are repealed.

**Officer to whom moneys to be paid.** 3. The officer to whom moneys payable under section 3 of the *Dairy Produce Export Charges Act 1924-1937* shall be paid is the officer holding or occupying in a State the office specified in the following table in respect of that State:—

| State.              | Designation of Office.                                                   |
|---------------------|--------------------------------------------------------------------------|
| New South Wales . . | Collector of Public Moneys, Department of Primary Industry,<br>Sydney    |
| Victoria . . . .    | Collector of Public Moneys, Department of Primary Industry,<br>Melbourne |
| Queensland . . .    | Collector of Public Moneys, Department of Primary Industry,<br>Brisbane  |
| South Australia . . | Collector of Customs, Adelaide                                           |
| Western Australia   | Collector of Customs, Perth                                              |
| Tasmania . . . .    | Collector of Customs, Hobart                                             |

\* Statutory Rules 1956, No. 81; in force under the *Dairy Produce Export Charges Act 1924-1937*; notified in the *Gazette* and commenced on 20th November, 1956.

## DAIRY PRODUCE EXPORT CONTROL ACT 1924-1954

|                                                                      | PAGE. |
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| DAIRY PRODUCE EXPORT CONTROL REGULATIONS .. ..                       | 1799  |
| DAIRY PRODUCE EXPORT CONTROL (BANKING) REGULATIONS ..                | 1799  |
| DAIRY PRODUCE EXPORT CONTROL (ELECTION OF BOARD) REGULATIONS .. .. . | 1800  |
| DAIRY PRODUCE EXPORT CONTROL (LICENCES) REGULATIONS ..               | 1819  |

## DAIRY PRODUCE EXPORT CONTROL REGULATIONS.\*

1. These Regulations may be cited as the Dairy Produce Export Control Regulations.\*

2. For the purposes of the *Dairy Produce Export Control Act 1924-1947*, the expression "dairy produce" includes casein, being a dairy product derived from milk. Definition of "dairy produce".

## DAIRY PRODUCE EXPORT CONTROL (BANKING) REGULATIONS.†

1. These Regulations may be cited as the Dairy Produce Export Control (Banking) Regulations.† Short title.

2. In these Regulations, unless the contrary intention appears, "the Act" means the *Dairy Produce Export Control Act 1924*. Definition.

3. Cheques referred to in section twenty-four of the Act shall be signed by two members of the Board and countersigned by the Secretary to the Board or an Assistant Secretary to the Board. Signing of cheques.  
Substituted by 1956, No. 106.

\* Statutory Rules 1951, No. 97; in force under the *Dairy Produce Export Control Act 1924-1954*; notified in the *Gazette* and commenced on 10th September, 1951.

The form of introductory words used to make those Statutory Rules was as follows:—

"WHEREAS by section 3 of the *Dairy Produce Export Control Act 1924-1947* it is provided that the expression 'dairy produce' means butter and cheese and includes such other dairy products derived from milk or the constituent parts of milk (whether or not any other substance is added thereto) as are prescribed:

Now therefore, I, the Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following regulations under the *Dairy Produce Export Control Act 1924-1947*."

† The Dairy Produce Export Control (Banking) Regulations in force, under the *Dairy Produce Export Control Act 1924-1954*, comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in Gazette. | Date of Commencement. |
|---------------------|----------------------------------|-----------------------|
| 1930, No. 143 .. .. | 11th December, 1930 .. ..        | 8th May, 1925         |
| 1956, No. 106 .. .. | 14th December, 1956 .. ..        | 14th December, 1956   |

# DAIRY PRODUCE EXPORT CONTROL (ELECTION OF BOARD) REGULATIONS.\*

## PART I.—PRELIMINARY.

Citation.

1. These Regulations may be cited as the Dairy Produce Export Control (Election of Board) Regulations.\*

Repeal.

2. The Dairy Produce Export Control (Election of Board) Regulations (being Statutory Rules 1925, No. 23, as amended by Statutory Rules 1925, Nos. 28, 40 and 43; 1927 No. 19; and 1929 No. 23) are hereby repealed.

Parts.

3. These Regulations are divided into Parts, as follows†:—

- Part I.—Preliminary.
- Part II.—Enrolment of voters.
- Part III.—Nominations.
- Part IV.—Voting.
- Part V.—Scrutiny.
- Part VI.—Disputed elections.
- Part VII.—Miscellaneous.

Interpretation.  
Amended by  
1948, No. 25.

4.—(1.) In these Regulations, unless the contrary intention appears—

- “candidate” means any person nominated for election as a member of the Board;
- “Deputy Returning Officer” means a Deputy Returning Officer appointed under regulation 5;
- “election” means an election of one or more representatives in pursuance of paragraph (b) or (c) of sub-section (2.) of section 4 of the Act, as the case may be;
- “member” means a member of the Board;
- “poll” means a poll taken in pursuance of regulation 20;
- “producer” includes a person who is a party to a share-farming agreement;
- “Returning Officer” means the Returning Officer referred to in regulation 5;
- “roll” means a roll prepared in pursuance of these Regulations;
- “the Act” means the *Dairy Produce Export Control Act 1924-1935*;
- “the Chief Electoral Officer” means the Chief Electoral Officer for the Commonwealth;
- “voter” means a person whose name has been placed on a roll.

\* The Dairy Produce Export Control (Election of Board) Regulations, in force under the *Dairy Produce Export Control Act 1924-1954*, comprise the following Statutory Rules:—

| Year and Number.     | Date of Notification in <i>Gazette</i> and of Commencement. |
|----------------------|-------------------------------------------------------------|
| 1936, No. 19 .. .. . | 20th February, 1936                                         |
| 1946, No. 13 .. .. . | 21st January, 1946                                          |
| 1948, No. 25 .. .. . | 26th February, 1948                                         |

† The regulations contained in the various Parts of these Regulations are as follows:—

- Part I., rr. 1-6;
- Part II., rr. 7-13;
- Part III., rr. 14-20;
- Part IV., rr. 21-28;
- Part V., rr. 29-42;
- Part VI., rr. 43-58;
- Part VII., rr. 59-66.



(2.) In these Regulations, any reference to a regulation shall be read as a reference to a regulation contained in these Regulations, and any reference to a Form shall be read as a reference to a Form contained in the Schedule to these Regulations.

5.—(1.) The Chief Electoral Officer shall be the Returning Officer for the purpose of each election and shall be charged with the duty of giving effect to the provisions of these Regulations in so far as they relate to the election. Returning Officer and Deputy Returning Officers.

(2.) The Returning Officer may appoint Deputy Returning Officers, who may, subject to the control of the Returning Officer, exercise all the powers of the Returning Officer.

6. Elections shall be held whenever the Minister so directs by notice published in the *Gazette*. Elections.

## PART II.—ENROLMENT OF VOTERS.

7. The Returning Officer shall prepare, or cause to be prepared, in respect of each election, a roll of persons who are entitled to vote at that election. Preparation of rolls.

\* \* \* \* \*

Reg. 8  
repealed by  
1948, No. 25.

9.—(1.) In the case of an election of a representative in pursuance of paragraph (b) of sub-section (2.) of section 4 of the Act to represent co-operative butter and cheese factories, all producers who, during the year ended on the thirtieth day of June last preceding the election, supplied milk or cream to any co-operative butter or cheese factory in the State in respect of which any representative is to be elected shall be entitled to vote at the election of that representative: Elections under s. 4 (2.) (b) of the Act.  
Sub-reg. (1.) amended by 1946, No. 13; and 1948, No. 25.

Provided that, where a producer, who ordinarily supplies milk or cream to a co-operative butter or cheese factory in the State in respect of which any such representative is to be elected, is, or has been, by reason of transport restrictions arising out of the war, required to supply milk or cream to a proprietary or privately owned butter or cheese factory, he shall not, by reason of that fact only, cease to be entitled to vote at the election of that representative.

\* \* \* \* \*

Sub-reg. (2.)  
added by  
1946, No. 13;  
omitted by  
1948, No. 25.

9A. In the case of an election of representatives in pursuance of paragraphs (b) of sub-section (2.) of section 4 of the Act, each butter factory and cheese factory shall, on or before a date fixed by the Minister, lodge with the Returning Officer a list of the names and addresses of all producers who, during the year ended on the thirtieth day of June last preceding the election, supplied milk or cream to that factory, and those lists shall be deemed to be the roll for that election. Roll for election under s. 4 (2.) (b) of the Act.  
Inserted by 1946, No. 13; amended by 1948, No. 25.

10.—(1.) The owner of a butter factory or cheese factory shall not be entitled to have his name placed on a roll in respect of an election under paragraph (c) of sub-section (2.) of section 4 of the Act unless he lodges with the Returning Officer, or a Deputy Returning Officer, on or before Claims for enrolment.  
Sub-reg. (1.) substituted by 1946, No. 13.

the date, or later date (if any) fixed in pursuance of sub-regulation (2.) of this regulation, a claim for enrolment in accordance with Form A completed and attested in accordance with the directions set out in the claim for enrolment.

Inserted by  
1946, No. 13;  
amended by  
1948, No. 25.

(1A.) A person who is—

- (a) a party to a share-farming agreement and whose name is not recorded at a butter factory or cheese factory; or
- (b) a producer who ordinarily supplies milk or cream to a co-operative butter or cheese factory and who is, or has been, by reason of transport restrictions arising out of the war, required to supply milk or cream to a proprietary or privately-owned butter or cheese factory,

shall not be entitled to have his name placed on a roll in respect of an election under paragraph (b) of sub-section (2.) of section 4 of the Act unless he lodges with the Returning Officer, or a Deputy Returning Officer, on or before the date, or later date (if any), fixed in pursuance of the next succeeding sub-regulation, a claim for enrolment in accordance with Form B completed and attested in accordance with the directions set out in the claim for enrolment.

(2.) The Minister shall fix a date on or before which claims for enrolment shall be lodged with the Returning Officer or a Deputy Returning Officer, and, if at any time after fixing that date, the Minister is satisfied that circumstances exist which render it necessary or desirable to alter the date so fixed, the Minister may fix a later date on or before which claims for enrolment shall be lodged with the Returning Officer or a Deputy Returning Officer, and that later date shall be substituted for the date originally fixed.

(3.) The Minister shall notify in the *Gazette*—

- (a) the address, or addresses, at which claims for enrolment shall be lodged; and
- (b) the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation.

(4.) Where any claim for enrolment is posted to the Returning Officer or a Deputy Returning Officer, but the postage thereon is wholly unpaid or insufficiently pre-paid, the Returning Officer or Deputy Returning Officer shall refuse to accept that claim for enrolment, and that claim for enrolment shall be deemed not to have been lodged with the Returning Officer or Deputy Returning Officer within the meaning of this regulation.

Particulars to  
be included in  
rolls for  
purposes of  
election under  
s. 4 (2.) (c)  
of Act.

Amended by  
1948, No. 25.

11. There shall be included in any roll in respect of an election, under paragraph (c) of sub-section (2.) of section 4 of the Act, of representatives of proprietary butter and cheese factories and privately-owned butter and cheese factories a statement showing the total quantity of butter and the total quantity of cheese manufactured during the year ended the thirtieth day of June last preceding the date of the election, by each factory owned by a person whose name appears on the roll.

Roll to be  
used at  
election.

12. Each roll shall be certified by the Returning Officer or a Deputy Returning Officer, by writing under his hand, to be correct, and shall thereupon be conclusive evidence of the right of the persons named therein to vote at the election, and, in the case of a roll to which the last preceding regulation applies, of the statements included therein.

13. A person shall not be entitled to vote at an election unless his name appears on the roll prepared in respect of that election.

Persons  
entitled to  
vote.

### PART III.—NOMINATIONS.

14. A person shall not be capable of being elected as a member of the Board unless that person has been duly nominated.

Candidates  
must be  
nominated.

15.—(1.) A nomination for the election of a member under paragraph (c) of sub-section (2.) of section 4 of the Act shall be in accordance with Form D, and shall be signed by at least three persons entitled to vote at the election.

Mode of  
nomination.  
Sub-reg. (1.)  
substituted by  
1948, No. 25.

(2.) A nomination for the election of a member under paragraph (b) of sub-section (2.) of section 4 of the Act shall be in accordance with Form E, and shall be signed by at least three persons, each of whom shall be Chairman of the Board of Directors of a co-operative butter or cheese factory or a person appointed by the Chairman or by the Directors to act in that behalf. If any nomination is signed by a person so appointed, satisfactory evidence of his appointment shall be forwarded with the nomination.

Amended by  
1948, No. 25.

\* \* \* \* \*

Sub-reg. (3.)  
omitted by  
1948, No. 25.

16.—(1.) A nomination shall not be valid unless—

Requisites  
for nomination.

- (a) the person nominated consents to act, if elected; and
- (b) the nomination is received by the Returning Officer or a Deputy Returning Officer on or before the date, or later date (if any), fixed by the Minister in pursuance of this regulation.

(2.) The Minister shall fix a date on or before which nominations shall be lodged, and, if, at any time after fixing that date, the Minister is satisfied that circumstances exist which render it necessary or desirable to alter the date so fixed, the Minister may fix a later date on or before which nominations shall be lodged, and that later date shall be substituted for the date originally fixed.

(3.) The Minister shall notify in the *Gazette* the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation, and the address of the Returning Officer, or Deputy Returning Officer, as the case may be, with whom the nominations are to be lodged.

17. The consent of the person nominated to act, if elected, shall be sufficient if he signs the form of consent at the foot of the nomination paper, but the Returning Officer or Deputy Returning Officer may accept any other form of consent whether accompanying the nomination paper or not, that he deems satisfactory, and that acceptance shall be final.

Form of  
consent to act.

18. As soon as practicable after the date fixed by the Minister as the last date for receiving nominations, the Returning Officer shall publish in the *Gazette* the name, place of residence, and occupation of each person nominated.

Declaration of  
nominations.

19. Any candidate may withdraw his consent to his nomination at any time on or before the date fixed for receiving nominations, by lodging with the Returning Officer or a Deputy Returning Officer with whom his nomination was lodged a notice of withdrawal bearing his personal signature and witnessed by a Justice of the Peace.

Withdrawal of  
consent to  
nominate.

Proceedings on  
nomination day.

**20.**—(1.) If the number of candidates nominated in respect of any election is not greater than the number of candidates required to be elected, the Returning Officer shall declare the candidate or candidates nominated duly elected and shall publish notice thereof in the *Gazette*.

(2.) If the number of candidates nominated in respect of any election is greater than the number of candidates required to be elected a poll shall be taken to decide the election.

#### PART IV.—VOTING.

Voting to be  
by post.

**21.** Voting at a poll shall be carried out by post.

Number of  
votes.

**22.**—(1.) Subject to the next succeeding sub-regulation, each voter shall be entitled to one vote only in respect of any election.

(2.) In the case of an election, in pursuance of paragraph (c) of subsection (2.) of section 4 of the Act, of representatives of owners of proprietary butter and cheese factories and privately owned butter and cheese factories, each voter shall be entitled, at that election, to a number of votes determined in the following manner:—

(a) Where the factory or factories owned by the voter manufactured, during the year ended the thirtieth day of June last preceding the date of the election—

- (i) 20 tons of butter—one vote;
- (ii) exceeding 20 tons of butter but not exceeding 100 tons—two votes; and
- (iii) exceeding 100 tons of butter—one vote (in addition to the votes provided for by sub-paragraph (ii) of this paragraph) for every 100 tons or portion thereof exceeding 100 tons.

(b) Where the factory or factories owned by the voter manufactured, during the year ended the thirtieth day of June last preceding the date of the election—

- (i) 10 tons of cheese—one vote;
- (ii) exceeding 10 tons of cheese but not exceeding 100 tons—two votes; and
- (iii) exceeding 100 tons of cheese—one vote (in addition to the votes provided for by sub-paragraph (ii) of this paragraph) for every 100 tons or portion thereof exceeding 100 tons.

(c) Where a voter owns a factory or factories which manufactured, during the year referred to in paragraphs (a) and (b) of this sub-regulation both butter and cheese, the number of votes shall be the aggregate of the votes in respect of butter so manufactured and cheese so manufactured.

Date of close  
of poll.

**23.**—(1.) The Minister shall fix a date on which the poll shall close, and if, at any time after fixing that date, the Minister is satisfied that circumstances exist which render it necessary or desirable to alter the date so fixed, the Minister may fix a later date as the date on which the poll shall close, and that later date shall be substituted for the day originally fixed.

(2.) The Minister shall notify in the *Gazette* the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation.

(3.) The poll shall close at four o'clock in the afternoon on the date fixed by the Minister in accordance with this regulation.

**24.**—(1.) As soon as practicable after the date for the close of the poll has been fixed, the Returning Officer, or a Deputy Returning Officer, shall initial and transmit by post to each voter, at the postal address of the voter set out in his claim for enrolment, or if a voter appears by the roll to be entitled to more votes than one, so many ballot-papers as are equal to the number of votes to which that voter appears to be entitled, together with an envelope having printed thereon a form of declaration in accordance with Form H or Form I, as the case requires.

Voting papers and form of declaration.  
Sub-reg. (1.) amended by 1948, No. 25.

(2.) A ballot-paper shall be in accordance with Form J.

(3.) The names of candidates shall be set out on the ballot-papers in such order and with such descriptions or additions (if any) as the Returning Officer thinks fit.

**25.** Before posting the ballot-papers and envelopes bearing the voters' forms of declaration, the Returning Officer or Deputy Returning Officer shall insert in each ballot-paper in the space provided for the purpose, the date fixed for the close of the poll, and shall initial each ballot-paper in the space provided for the purpose and, in the form of declaration on each envelope he shall insert—

Particulars to be inserted in voting-papers and declarations.

(a) the Christian names in full (if known), or the initials, and the surname of the voter;

(b) the place of residence or place of business of the voter; and

(c) the date fixed for the close of the poll.

**26.** Each voter shall sign in his own handwriting the declaration on the envelope in the presence of a witness, who shall sign his name in his own handwriting in the place provided for the purpose and add the date on which the declaration is witnessed.

Voter to make declaration.

**27.** Each voter shall record his vote in accordance with the directions set out on the ballot-paper, and shall send the envelope containing the ballot-paper, by post or otherwise, to the Returning Officer or Deputy Returning Officer to whom the envelope is addressed.

Manner of voting.

**28.** If a voter makes and transmits to the Returning Officer or a Deputy Returning Officer a statement in writing setting out his full name and address and that he has not received a ballot-paper or envelope, or that any ballot-paper or envelope received by him has been lost or destroyed, and that he has not already voted at the poll, the Returning Officer or Deputy Returning Officer may post to the voter a ballot-paper and envelope, or a further ballot-paper and envelope, as the case may be.

Ballot-papers not received or lost or destroyed.

#### PART V.—SCRUTINY.

**29.**—(1.) The Returning Officer and each Deputy Returning Officer shall, in respect of each election—

Ballot-papers to be kept in ballot-box under scrutiny.

- (a) keep a locked and sealed ballot-box having marked thereon the words "Australian Dairy Produce Board Ballot-box—Ballot-papers received from Voters" and such additional words as are, in his opinion, necessary to indicate the particular election for which the ballot-box is to be used; and
- (b) place and keep in the ballot-box until the scrutiny all the envelopes containing ballot-papers relating to that election which are received by him before the time fixed for the close of the poll.

(2.) Where the envelope containing any ballot-paper is posted to the Returning Officer or a Deputy Returning Officer, but the postage thereon

is wholly unpaid or unsufficiently prepaid, the Returning Officer or Deputy Returning Officer shall refuse to accept that envelope and ballot-paper, and that envelope and ballot-paper shall be deemed not to have been received by the Returning Officer or the Deputy Returning Officer within the meaning of this regulation.

Ballot-papers  
received after  
close of  
election.

**30.** A ballot-paper received by the Returning Officer or a Deputy Returning Officer after four o'clock in the afternoon of the day fixed for the close of the poll shall not be admitted to the scrutiny.

Scrutineers at  
the scrutiny.

**31.** Each candidate may, by notice in writing, signed by the candidate, or by telegram addressed to the Returning Officer or a Deputy Returning Officer, and setting out the name and address of the scrutineer, appoint one scrutineer to represent him at the scrutiny.

Scrutiny of  
votes and  
declarations.

**32.** The Returning Officer, and any Deputy Returning Officer directed in that behalf by the Returning Officer, shall, as soon as practicable after four o'clock in the afternoon of the day fixed for the close of the poll for any election—

- (a) open the ballot-box and produce unopened all envelopes containing ballot-papers contained therein;
- (b) examine each envelope, and if the declaration is, in the opinion of the Returning Officer or Deputy Returning Officer, signed by a person whose name is on the roll and who has not previously voted at the poll, and is duly attested, accept the vote or votes (as the case may be) for further scrutiny but if any declaration is not so signed or attested he shall disallow the ballot-paper without opening the envelope;
- (c) place the envelopes containing the disallowed ballot-papers in a parcel, seal the parcel, endorse it "Australian Dairy Produce Board Election—Election of representative of [*here insert appropriate description of persons or body to be represented*]"—Votes rejected at Preliminary Scrutiny" and add his signature and the date;
- (d) number consecutively (from one onwards, on the address side of the envelope) each envelope accepted for further scrutiny, and place them on a table before him with the address side of each envelope uppermost;
- (e) withdraw from each envelope each ballot-paper contained therein and without unfolding it or inspecting the vote or permitting any other person to do so, place thereon a number corresponding with that placed on the envelope from which it was withdrawn, and forthwith place each ballot-paper in a locked and sealed ballot-box provided for the purpose of holding ballot-papers relating to that election; and
- (f) place the envelopes in a parcel, seal the parcel and endorse it "Australian Dairy Produce Board Election—Election of representative of [*here insert appropriate description of persons or body to be represented*]"—Envelopes from which Ballot-papers have been withdrawn", and add his signature and the date.

Further  
scrutiny.

**33.** The Returning Officer or a Deputy Returning Officer shall open each ballot-box referred to in paragraph (e) of the last preceding regulation, and a further scrutiny shall be conducted in accordance with regulation 34 or regulation 35, as the case may be.

**34.**—(1.) In the case of a poll for the election of representatives of proprietary butter and cheese factories and privately-owned butter and cheese factories, the scrutiny shall be conducted in accordance with the succeeding sub-regulations of this regulation.

(2.) The Returning Officer, or such Deputy Returning Officer as the Returning Officer appoints in that behalf, shall, in the presence of any persons approved by the Returning Officer or the Deputy Returning Officer, and of such scrutineers appointed in pursuance of regulation 31 as attend, count the first preference votes given for each candidate on all ballot-papers not rejected as informal.

Counting of votes for co-operative factories in New South Wales, Victoria, and Queensland, and for proprietary and privately-owned factories. Sub-reg. (1.) amended by 1948, No. 25.

(3.) The first vacancy shall be filled in the following manner:—

(a) The candidate who has received the greatest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.

(b) If no candidate has received an absolute majority of first preference votes, the Returning Officer or the Deputy Returning Officer, as the case may be, shall proceed with the scrutiny and the counting of the votes as follows:—

(i) The candidate who has received the least number of first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in the order of the voter's preference.

(ii) If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the least number of votes and counting each of his ballot-papers to the continuing candidate next in the order of the voter's preference, shall be repeated until one candidate has received an absolute majority of votes.

(iii) The candidate who has received an absolute majority of votes shall be elected.

(4.) The second vacancy shall be filled in the following manner:—

(a) The Returning Officer or a Deputy Returning Officer, as the case may be, shall rearrange all the ballot-papers under the names of the respective candidates in accordance with the first preferences indicated thereon, except that each ballot-paper on which a first preference for the elected candidate is indicated shall be placed in the parcel of the candidate next in order of the voter's preference, and shall then count the ballot-papers in each parcel.

(b) If a candidate then has an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the scrutiny shall proceed as provided in sub-paragraphs (i) and (ii) of paragraph (b) of the last preceding sub-regulation until one candidate has received an absolute majority of votes: Provided that, in the application of sub-paragraph (i) of that paragraph, any reference to first preference votes shall be read as a reference to all the votes counted to a candidate in pursuance of this sub-regulation.

(c) The candidate who has received an absolute majority of votes shall be elected.

(5.) If on any count two or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer shall decide which shall be excluded. If, on the final count for filling any vacancy, two candidates have an equal number of votes, the Returning Officer shall decide which shall be elected.

(6.) In this regulation—

“absolute majority” means a number greater than one-half of the whole number of ballot-papers other than informal ballot-papers;

“continuing candidate” means a candidate not already elected or excluded from the count.

Counting of  
votes for  
Federal  
Council;  
Co-operative  
factories in  
South Australia,  
Western  
Australia and  
Tasmania,  
and for the  
producers’  
representatives.

35.—(1.) In the case of a poll for an election other than an election to which the last preceding regulation applies, the scrutiny shall be conducted in accordance with the succeeding sub-regulations of this regulation.

(2.) The Returning Officer, or such Deputy Returning Officer as the Returning Officer appoints in that behalf, shall, in the presence of any persons approved by the Returning Officer or the Deputy Returning Officer, and of such scrutineers appointed in pursuance of regulation 31 as attend, count the first preference votes given for each candidate on all ballot-papers not rejected as informal.

(3.) The candidate who has received the greatest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.

(4.) If no candidate has received an absolute majority of first preference votes, the Returning Officer or the Deputy Returning Officer, as the case may be, shall proceed with the scrutiny and the counting of the votes as follows:—

(a) The candidate who has received the least number of first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in order of the voter’s preference.

(b) If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the least number of votes and counting each of his ballot-papers to the continuing candidate next in order of the voter’s preference, shall be repeated until one candidate has received an absolute majority of votes.

(c) The candidate who has received an absolute majority of votes shall be elected.

(5.) If on any count two or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer shall decide which shall be excluded. If on the final count two candidates have an equal number of votes, the Returning Officer shall decide which shall be elected.

(6.) In this regulation—

“absolute majority” means a number greater than one-half of the whole number of ballot-papers other than informal ballot-papers;

“continuing candidate” means a candidate not already excluded from the count.



**36.**—(1.) The Returning Officer shall make out a statement showing the result of the election and the names of the candidates elected and shall publish notice of the result in the *Gazette*. Declaration of election.

(2.) The notice published in the *Gazette* shall, subject to these Regulations, be conclusive evidence of the result of the election.

**37.**—(1.) At any time before the publication in the *Gazette* of the result of an election, the Returning Officer may, if he thinks fit, on the written request of any candidate setting forth the reasons for the request, or of his own motion, direct a recount of the ballot-papers. Recount of votes.

(2.) If the Returning Officer refuses, on the request of a candidate, to direct a recount of any ballot-papers, the candidate may appeal in writing to the Minister to direct a recount of those ballot-papers, and the Minister may, as he thinks fit, either direct a recount of the ballot-papers or refuse to direct a recount.

**38.**—(1.) The Returning Officer or Deputy Returning Officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance and admission or disallowance and rejection of any ballot-paper. Powers of Returning Officer conducting recount.

(2.) The Deputy Returning Officer conducting a recount may, and at the request of any scrutineer shall, reserve any ballot-paper for the decision of the Returning Officer.

(3.) The Returning Officer shall decide whether any ballot-paper reserved for his decision in pursuance of the last preceding sub-regulation shall be allowed and admitted or disallowed and rejected.

**39.** A ballot-paper shall be informal if—

- (a) it is not initialled by the Returning Officer or a Deputy Returning Officer;
- (b) it has no vote marked on it;
- (c) it is so imperfectly marked that the intention of the voter is uncertain; or
- (d) it is not marked in accordance with the directions on the ballot-paper.

Informal voting papers.

**40.** The Returning Officer or a Deputy Returning Officer shall place in separate parcels— Voting papers to be placed in parcels.

- (a) all the ballot-papers received by the Returning Officer or a Deputy Returning Officer which have been rejected as informal;
- (b) all the unrejected ballot-papers received by the Returning Officer or a Deputy Returning Officer; and
- (c) the copy of the roll used for the election,

and shall endorse on each parcel a description of the contents thereof, add his signature and the date, and retain the parcels until the authority of the Returning Officer has been obtained for the destruction of the contents thereof.

**41.** At the expiration of six months from the date of publication of the result of the election, the Returning Officer shall cause the ballot-papers and the voters' declarations to be destroyed. Destruction of papers.

Intruders.

42. A person, not being authorized in pursuance of these Regulations to be present at the scrutiny, shall not—

- (a) wilfully intrude into the room in which the examination of the voting papers is being conducted; or
- (b) refuse or fail to leave the room when so requested by the Returning Officer or a Deputy Returning Officer.

Penalty: Fifty pounds.

#### PART VI.—DISPUTED ELECTIONS.

Disputing  
validity of  
election  
statement.

43. The validity of an election or of any statement or notice showing the voting at, or the result of, an election may be disputed by a candidate at the election or by a person who was qualified to vote thereat by petition addressed to the High Court in the prescribed manner and not otherwise.

Requisites of  
petition.

44. The petition disputing the election, statement or notice shall—

- (a) set out the facts relied on to invalidate the election, statement or notice;
- (b) contain a prayer asking for the relief to which the petitioner claims to be entitled;
- (c) be signed by the petitioner;
- (d) be attested by two witnesses, whose occupations and addresses shall be stated; and
- (e) be filed in the Principal Registry of the High Court, or in the District Registry of that Court in the capital city of the State in which the petitioner resides, within thirty days after the publication in the *Gazette* of the notice of the result of the election.

Jurisdiction  
High Court.

45. The High Court shall have jurisdiction to entertain and hear and determine any petition which complies with the requirements of these Regulations.

Security for  
costs.

46. At the time of filing the petition, the petitioner shall deposit with the Principal Registrar or District Registrar, as the case may be, of the High Court, the sum of Ten pounds as security for costs.

Notice of  
petition.

47. The petitioner shall, within seven days after filing the petition, notify the fact in the *Gazette*, and post a copy of the petition to the Secretary of the Department of Commerce.

Joinder of  
parties.

48. The High Court may, on the application of the Minister or of any voter, order the Minister or that voter, as the case may be, to be joined as a party petitioning or responding, as the case may be.

Powers of  
Court.

49.—(1.) The High Court when hearing a petition shall sit as an open Court, and its powers shall include the following:—

- (a) to adjourn;
- (b) to compel the attendance of witnesses and the production of documents;
- (c) to grant to any party to a petition leave to inspect, in the presence of an officer of the Department of Commerce, the roll or any other document (except ballot-papers) used at or in connexion with the election and to take, in the presence of the officer, extracts from the roll and document;

- (d) to examine witnesses on oath;
- (e) to declare that any person who was returned as elected was not duly elected;
- (f) to declare any candidate duly elected who was not returned as elected;
- (g) to declare any election absolutely void;
- (h) to dismiss or uphold the petition in whole or in part; and
- (i) to award costs against any party to the petition.

(2.) The Court may exercise all or any of its powers under this regulation on such grounds as the Court in its discretion thinks just and sufficient.

(3.) Without limiting the powers conferred by this regulation, the power of the Court to declare that any person who was returned as elected was not duly elected, or to declare an election absolutely void, may be exercised on the ground that illegal practices were committed in connexion with the election.

**50.** The High Court shall, on hearing of a petition, inquire whether or not the petition is duly signed, and so far as rolls and voting are concerned, may inquire into the identity of persons, and whether their votes were improperly admitted or rejected, assuming the roll to be correct, but the Court shall not inquire into the correctness of any roll. Inquiries by Court.

**51.** The High Court shall, on the hearing of a petition, be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities, or whether the evidence before it is in accordance with the law of evidence or not. Technicalities to be disregarded.

**52.** On the hearing of any petition, the High Court shall not admit the evidence of any voter that he was not permitted to vote in any election unless the witness satisfies the Court— Evidence that person not permitted to vote.

- (a) that he claimed to vote, in the election, pursuant to these Regulations; and
- (b) that he complied with the requirements of these Regulations relating to voting in so far as he was permitted so to do.

**53.** All decisions of the High Court under this Part shall be final and conclusive and without appeal and shall not be questioned in any way. Decisions to be final.

**54.—(1.)** A party to the petition shall not, except by consent of all parties, or by leave of the Court, be represented by counsel or solicitor. Counsel or Solicitor.

(2.) In no case shall more than one counsel or one solicitor appear on behalf of any party.

**55.** If costs are awarded to any party against the petitioner, the deposit referred to in regulation 46 shall be applicable in payment, or part payment, of the sum ordered, but otherwise the deposit shall be repaid to the petitioner. Deposit applicable for costs.

**56.** All costs awarded by the High Court, including any balance above the deposit payable by the petitioner, shall be recoverable as if the order of the Court were a judgment of the Court and payment may be enforced accordingly. Award of costs to have effect of a judgment.

Effect of  
decision.

**57.** Effect shall be given to any decision of the Court as follows:—

- (a) If any person returned as elected is declared not to have been duly elected, he shall cease to be a member of the Board.
- (b) If any person not returned as elected is declared to have been duly elected, he shall become a member of the Board.
- (c) If any election is declared absolutely void, a new election shall be held.

Procedure on  
petition.

**58.** The procedure in relation to a petition shall, subject to these Regulations, be as prescribed by Rules of Court, or, in default of Rules of Court, as directed by the High Court or a Justice thereof.

#### PART VII.—MISCELLANEOUS.

Ministerial  
errors not to  
vitiate poll  
or election.

**59.**—(1.) An election, or any statement or notice showing the voting at an election, shall not be avoided on account of any delay in relation to the taking of the votes of the voters, or in relation to the making of any statement or notice, or on account of the absence, error or omission by an officer, if the Court is satisfied that that delay, absence, error or omission did not affect the result of the election.

(2.) An election shall not be disputed by reason of any defect in the title, or any want of title of, any Returning Officer or Deputy Returning Officer, if that person in fact acted as such at the election, or by reason of any formal error or defect in any statement, notice, instrument or publication made under or in pursuance of these Regulations, or intended to be so made, or by reason of any act or thing not being done at or within the prescribed time.

Failure of  
election.

**60.**—(1.) Whenever an election wholly or partially fails a new election shall be held.

(2.) An election shall be deemed to have wholly failed if no person is nominated or no candidate is returned as elected.

(3.) An election shall be deemed to have partially failed if one candidate is returned as elected, but not the full number required to be elected.

Misfeasance.

**61.** Every person acting as Returning Officer or Deputy Returning Officer at the election, who is guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of these Regulations, shall be guilty of an offence.

Penalty: Fifty pounds.

Untrue  
statements in  
declarations,  
&c.

**62.** A person shall not make any untrue statement in any declaration, or in answer to any question under these Regulations, or in any information supplied to the Returning Officer or any Deputy Returning Officer for the purpose of obtaining a ballot-paper or a further ballot-paper.

Penalty: Fifty pounds.

Duty of  
witness.

**63.** A person shall not witness the signature of any person to any claim for enrolment or declaration under these Regulations unless—

- (a) he has satisfied himself as to the identity of that person;
- (b) he has seen the person sign the claim for enrolment or declaration in his own handwriting; and

- (c) he knows that the statements contained in the claim for enrolment or declaration are true, or has satisfied himself, by inquiry from the person, or otherwise, that the statements contained in the claim for enrolment or declaration are true.

Penalty: Fifty pounds.

**64.** Except where expressly authorized by these Regulations, a person (other than the voter to whom a ballot-paper has been issued) shall not make any mark or writing on that ballot-paper. Making marks on voting papers.

Penalty: Twenty pounds.

**65.** A person shall not—

- (a) falsely impersonate any person to secure a ballot-paper to which the personator is not entitled; Offences in connexion with polling.  
 (b) personate any other person for the purpose of voting at an election;  
 (c) fraudulently destroy or deface any ballot-paper;  
 (d) except where authorized by these Regulations, vote more than once at an election.

Penalty: Fifty pounds.

**66.** Strict compliance with the Forms in the Schedule to these Regulations shall not be necessary, and substantial compliance shall be sufficient. Forms.

## THE SCHEDULE.

Regulation 10.

FORM A.

### COMMONWEALTH OF AUSTRALIA.

*Dairy Produce Export Control (Election of Board) Regulations.*

#### CLAIM FOR ENROLMENT BY OWNER OF A BUTTER OR CHEESE FACTORY.

*Directions.*—This claim must be completely filled in by the owner and signed by him in the presence of an elector, or person qualified to be an elector, of the Commonwealth, who must sign the claim as witness. The claim must be lodged with the Returning Officer or a Deputy Returning Officer on or before the 19<sup>th</sup>, otherwise the owner will not be entitled to vote at the election.

If this claim for enrolment is sent to the Returning Officer or a Deputy Returning Officer by post the postage thereon must be fully prepaid, otherwise the Returning Officer or Deputy Returning Officer will refuse to accept the claim for enrolment.

TO THE RETURNING OFFICER or DEPUTY RETURNING OFFICER—

I, (a).....claim to have my name placed on the roll of owners of (b).....butter and cheese factories and I declare:—

- (1) That I am the owner, within the meaning of the *Dairy Produce Export Control Act 1924-1935*,\* of the following (b).....butter and cheese factories in the State of (c).....and that the total amounts of butter and cheese manufactured by each such factory during the period of 12 months ended 30th June, 19.....were as specified in columns 3 and 4 of the Table hereunder respectively.

(a) Insert full name (in block letters) of "owner", e.g., Chairman of the Board of Directors, or person appointed by the Chairman or by the Directors to act as Chairman; or partner of the firm owning the factories; or sole owner.

(b) Insert whether proprietary or privately-owned.

(c) Insert name of State in which the factories are situated.

(d) State whether Chairman of Board of Directors, or person appointed by the Chairman or by the Directors to act in that behalf, or a partner or firm who are the owners, or sole owner.

## DAIRY PRODUCE EXPORT CONTROL ACT

- (2) That I am (d).....of the factories referred to below.
- (3) That the statements made in this claim are true and correct in every particular.

TABLE.

| Name of each Factory. | Address of each Factory. | Quantity manufactured during year ended 30th June, 19..... |                |
|-----------------------|--------------------------|------------------------------------------------------------|----------------|
|                       |                          | Butter (tons).                                             | Cheese (tons). |
| 1.                    | 2.                       | 3.                                                         | 4.             |
|                       |                          |                                                            |                |
|                       |                          | tons                                                       | tons           |

The address to which ballot-papers are to be forwarded is. ....

Dated the.....day of.....19 ..

(Signature of claimant in his own handwriting).

(Signature of witness in his own handwriting, and address of witness)†

Date.....19....

\* "Owner", in relation to any election under the *Dairy Produce Export Control Act 1924-1935* means—

- (i) in the case of a proprietary butter or cheese factory—the Chairman of the Board of Directors of that butter and cheese factory; or a person appointed by the Chairman or by the Directors to act in that behalf; and
- (ii) in the case of a privately-owned butter or cheese factory owned by a firm—any one partner of the firm appointed by the firm to act in that behalf.

† The witness must be an elector or a person qualified to be an elector of the Commonwealth.

NOTE.—The *Dairy Produce Export Control Act 1924-1935* provides that the Australian Dairy Produce Board, constituted under that Act, shall include two representatives elected by the owners of proprietary butter and cheese factories and privately-owned butter and cheese factories.

Regulations 62 and 63 of the *Dairy Produce Export Control (Election of Board) Regulations* read as follows:—

"62. A person shall not make any untrue statement in any declaration, or in answer to any question under these Regulations, or in any information supplied to the Returning Officer or Deputy Returning Officer for the purpose of obtaining a ballot-paper or a further ballot-paper.

Penalty: Fifty pounds."

"63. A person shall not witness the signature of any person to any claim for enrolment or declaration under these Regulations unless—

- (a) he has satisfied himself as to the identity of that person;
- (b) he has seen the person sign the claim for enrolment or declaration in his own handwriting; and
- (c) he knows that the statements contained in the claim for enrolment or declaration are true, or has satisfied himself, by inquiry from the person, or otherwise, that the statements contained in the claim for enrolment or declaration are true.

Penalty: Fifty pounds."

Regulation 10.

COMMONWEALTH OF AUSTRALIA.

FORM B.

Amended by  
1946, No. 13;  
and  
1948, No. 25.*Dairy Produce Export Control (Election of Board) Regulations.*

## CLAIM FOR ENROLMENT BY PRODUCER.

*Directions.*—Each producer who during the year ended 30th June, 19 , supplied milk or cream to any butter or cheese factory should complete and sign this form (in the presence of a witness). The claim must be lodged with the Returning Officer or Deputy Returning Officer on or before the day of 19 otherwise the producer shall not be entitled to vote at the election.

If this claim for enrolment is sent to the Returning Officer or Deputy Returning Officer by post the postage thereon must be fully prepaid, otherwise the Returning Officer or Deputy Returning Officer will refuse to accept the claim for enrolment.

To THE RETURNING OFFICER or DEPUTY RETURNING OFFICER—

Surname of producer.....  
(In block letters.)Christian names of producer.....  
(In block letters.)

Full postal address.....

\* \* \* \* \*

*Section 2: Election of Representatives of Co-operative Factories.*

I, the above-named producer, hereby claim to have my name placed on the roll of producers in the State of.....to enable me to vote at the election of one representative of co-operative butter and cheese factories in that State on the Australian Dairy Produce Board, and I declare—

(a) that during the period of twelve months ended 30th June, 19 , I supplied milk or cream to the following butter and cheese factories:—

(b) that the milk or cream was produced on my farm situated at.....  
.....in the State of.....

(c) that the statements made in this section of my claim are true and correct in every particular.

Dated this.....day of.....19....

.....  
(Signature of producer in his own  
handwriting.)

.....  
(Signature of witness in his own handwriting, and  
address of witness.)†

Date.....19....

† The witness must be an elector or a person qualified to be an elector of the Commonwealth.

Regulations 62 and 63 of the Dairy Produce Export Control (Election of Board) Regulations read as follows:—

“62. A person shall not make any untrue statement in any declaration, or in answer to any question under these Regulations, or in any information supplied to the Returning Officer or any Deputy Returning Officer for the purpose of obtaining a ballot-paper or a further ballot-paper.

Penalty: Fifty pounds.

“63. A person shall not witness the signature of any person to any claim for enrolment or declaration under these Regulations unless—

(a) he has satisfied himself as to the identity of that person;

(b) he has seen the person sign the claim for enrolment or declaration in his own handwriting; and

(c) he knows that the statements contained in the claim for enrolment or declaration are true, or has satisfied himself, by inquiry from the person, or otherwise, that the statements contained in the claim for enrolment or declaration are true.

Penalty: Fifty pounds.”

\* \* \* \* \*

Form C  
omitted by  
1948, No. 25.

## DAIRY PRODUCE EXPORT CONTROL ACT

Regulation 15.

FORM D.

COMMONWEALTH OF AUSTRALIA.

*Dairy Produce Export Control (Election of Board) Regulations.*

## NOMINATION FOR ELECTION OF REPRESENTATIVES OF PROPRIETARY AND PRIVATELY-OWNED BUTTER AND CHEESE FACTORIES.

A nomination will not be valid unless received by the Returning Officer or Deputy Returning Officer (as the case may be) on or before the..... 19....

TO THE RETURNING OFFICER or DEPUTY RETURNING OFFICER.

We, the undersigned, being \*owners of proprietary or privately-owned butter and cheese factories entitled to vote at the election of two representatives of those factories on the Australian Dairy Produce Board, hereby nominate the following person as a candidate for that election:—

Christian name or names in full.....  
(In block letters.)

Surname.....  
(In block letters.)

Place of residence..... Occupation.....

| Signature of Nominator. | Place of Residence. | Full name and address of butter and cheese factory of which nominator is the owner and state whether factory is proprietary or privately-owned. | Date of signature. | Witness to signature. |
|-------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
| 1.                      |                     |                                                                                                                                                 |                    |                       |
| 2.                      |                     |                                                                                                                                                 |                    |                       |
| 3.                      |                     |                                                                                                                                                 |                    |                       |

I, ....., of ....., consent to act if elected.

Signature of candidate.....

Signature of witness.....

Address of witness.....

Date..... 19....

NOTE.—The candidate's consent to the nomination may be made in a separate paper and in any form, but if given on the nomination paper in the above form its sufficiency will not be questioned.

A nomination must be signed by not less than three owners of proprietary or privately-owned butter and cheese factories entitled to vote at the election for which the candidate is nominated.

An owner is not entitled to vote at the election unless his name appears on the roll pursuant to a claim made for enrolment and received by the Returning Officer or the Deputy Returning Officer (as the case may be) on or before..... 19....

\* "Owner" is defined by the *Dairy Produce Export Control Act 1924-1935* as follows:—

"Owner", in relation to any election under this Act means—

- (i) in the case of a proprietary butter or cheese factory—the Chairman of the Board of Directors of that butter or cheese factory; or a person appointed by the Chairman or by the Directors to act in that behalf; and
- (ii) in the case of a privately-owned butter or cheese factory owned by a firm—any one partner of the firm appointed by the firm to act in that behalf.



Regulation 15.

FORM E.

COMMONWEALTH OF AUSTRALIA.

*Dairy Produce Export Control (Election of Board) Regulations.*

## NOMINATION FOR ELECTION OF REPRESENTATIVE OF CO-OPERATIVE BUTTER AND CHEESE FACTORIES.

A nomination will not be valid unless received by the Returning Officer or Deputy Returning Officer (as the case may be) on or before the.....19....

TO THE RETURNING OFFICER or DEPUTY RETURNING OFFICER—

We, the undersigned, hereby nominate the following person as a representative of co-operative butter and cheese factories on the Australian Dairy Produce Board for the State of.....:—

Christian name or names in full.....

(In block letters.)

Surname.....

(In block letters.)

Place of residence..... Occupation.....

And each of us hereby declares—

(a) that he is a person authorized under regulation 15 of the above-mentioned regulations to sign this nomination, and

(b) that, during the period of twelve months ended 30th June, 19 , the factory or factories specified opposite his signature in the third column of the table hereunder manufactured not less than 20 tons of butter or 10 tons of cheese.

| Signature of Nominator. | Place of Residence. | Full name and address of co-operative butter or cheese factory of which nominator is the Chairman of Directors or appointee. | Date of signature. | Witness to signature. |
|-------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
| 1.                      |                     |                                                                                                                              |                    |                       |
| 2.                      |                     |                                                                                                                              |                    |                       |
| 3.                      |                     |                                                                                                                              |                    |                       |

I, ....., of ....., consent to act if elected.

Signature of candidate.....

Signature of witness.....

Address of witness.....

Date..... 19....

NOTE.—The candidate's consent to the nomination may be on a separate paper and in any form, but if given on the nomination paper in the above form its sufficiency will not be questioned.

\* Sub-regulation (2.) of regulation 15 reads as follows:—

“(2.) A nomination for the election of a member under paragraph (d) of subsection (2.) of section 4 of the Act shall be in accordance with Form E, and shall be signed by at least three persons, each of whom shall be the Chairman of the Board of Directors of a co-operative butter or cheese factory or a person appointed by the Chairman or by the Directors to act in that behalf. If any nomination is signed by a person so appointed, satisfactory evidence of his appointment shall be forwarded with the nomination.”

\* \* \* \* \*

Forms F and G  
omitted by  
1948, No. 25.

## DAIRY PRODUCE EXPORT CONTROL ACT

Regulation 24.

FORM H.

COMMONWEALTH OF AUSTRALIA.

*Dairy Produce Export Control (Election of Board) Regulations.*ELECTION OF TWO REPRESENTATIVES OF PROPRIETARY AND PRIVATELY-OWNED  
BUTTER AND CHEESE FACTORIES.

## DECLARATION TO BE MADE BY VOTER.

I, ....., of ....., declare that I am the owner of a proprietary or privately-owned butter and cheese factory and that I am entitled to ..... votes at the election of two representatives of proprietary and privately-owned butter and cheese factories the poll for which closes on ..... 19.... under the provisions of the *Dairy Produce Export Control Act 1924-1935*, and I also declare that I have not previously voted in connexion with the said election.

Personal signature of voter.....

Signed before me the.....day of

.....19....

Signature of witness.....

Address of witness.....

NOTE.—Regulations 62 and 63 of the Dairy Produce Export Control (Election of Board) Regulations read as follows:—

“62. A person shall not make any untrue statement in any declaration, or in answer to any question under these Regulations, or in any information supplied to the Returning Officer or any Deputy Returning Officer for the purpose of obtaining a ballot-paper or a further ballot-paper.

Penalty: Fifty pounds.

“63. A person shall not witness the signature of any person to any claim for enrolment or declaration under these Regulations unless—

(a) he has satisfied himself as to the identity of that person;

(b) he has seen the person sign the claim for enrolment or declaration in his own handwriting; and

(c) he knows that the statements contained in the claim for enrolment or declaration are true, or has satisfied himself, by inquiry from the person, or otherwise, that the statements contained in the claim for enrolment or declaration are true.

Penalty: Fifty pounds.”.

Amended by  
1948, No. 25.

Regulation 24.

FORM I.

COMMONWEALTH OF AUSTRALIA.

*Dairy Produce Export Control (Election of Board) Regulations.*ELECTION OF REPRESENTATIVES OF CO-OPERATIVE BUTTER AND CHEESE FACTORIES  
AND OF REPRESENTATIVES OF PRODUCERS.

## DECLARATION TO BE MADE BY VOTER.

I, ....., of ....., declare that I am entitled to vote at the election the poll for which closes on ..... 19.... under the provisions of the *Dairy Produce Export Control Act 1924-1935* in respect of the election of one representative of co-operative butter and cheese factories in the State of ..... and I also declare that I have not previously voted in connexion with the said election or elections.

Personal signature of voter.....

Signed before me the.....day of

.....19....

Signature of witness.....

Address of witness.....

NOTE.—Regulations 62 and 63 of the Dairy Produce Export Control (Election of Board) Regulations read as follows:—

“62. A person shall not make any untrue statement in any declaration, or in answer to any question under these Regulations, or in any information supplied to the Returning Officer or any Deputy Returning Officer for the purpose of obtaining a ballot-paper or a further ballot-paper.

Penalty: Fifty pounds.

“63. A person shall not witness the signature of any person to any claim for enrolment or declaration under these Regulations unless—

(a) he has satisfied himself as to the identity of that person;

(b) he has seen the person sign the claim for enrolment or declaration in his own handwriting; and

(c) he knows that the statements contained in the claim for enrolment, or declaration are true, or has satisfied himself, by inquiry from the person, or otherwise, that the statements contained in the claim for enrolment or declaration are true.

Penalty: Fifty pounds.”.

Regulation 27.

FORM J. Amended by  
1948, No. 25.

## COMMONWEALTH OF AUSTRALIA.

*Dairy Produce Export Control (Election of Board) Regulations.*

## BALLOT-PAPER.

Election of (here insert "two representatives of proprietary and privately-owned butter and cheese factories" or "one representative of co-operative butter and cheese factories for the State of....." as the case may be) on the Australian Dairy Produce Board.

*Directions to Voter.*—The voter must make his vote on this ballot-paper by placing the number 1 in the square opposite the name of the candidate for whom he votes as his first preference and must place the numbers 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

## CANDIDATES.

☐ .....  
☐ .....  
☐ .....

## FURTHER DIRECTIONS TO VOTER.

After marking his vote, the voter must fold the ballot-paper and place it in the envelope bearing his declaration (duly signed and witnessed), securely fasten the envelope, and forthwith send the envelope, by prepaid post or otherwise, to the Returning Officer or Deputy Returning Officer (as the case may be) to whom the envelope is addressed.

NOTE.—If this ballot-paper is sent to the Returning Officer or Deputy Returning Officer by post, the postage thereon must be fully prepaid, otherwise the voting paper will not be accepted by the Returning Officer or Deputy Returning Officer.

Unless the vote is marked on this ballot-paper and is received by the Returning Officer or Deputy Returning Officer at or before four o'clock in the afternoon of the day fixed for the close of the poll (namely the.....day of.....19....), it will not be admitted to the scrutiny.

**DAIRY PRODUCE EXPORT CONTROL (LICENCES) REGULATIONS.\***

1. These Regulations may be cited as the Dairy Produce Export Control (Licences) Regulations.\* Citation.

2. These Regulations shall come into operation on the first day of Commence-  
July, 1955. ment.

3.—(1.) The Dairy Produce Export Control (Licences) Regulations (comprising Statutory Rules 1936, No. 102; Statutory Rules 1938, No. 53; Statutory Rules 1948, No. 53; and Statutory Rules 1951, No. 25) are repealed. Repeal.

(2.) Notwithstanding the repeal effected by the last preceding sub-regulation, the Dairy Produce Export Control (Licences) Regulations as in force immediately before the commencement of these Regulations shall continue to apply after the commencement of these Regulations to and in relation to the export to the United Kingdom of butter and cheese produced before the commencement of these Regulations.

\* Statutory Rules 1955, No. 38 in force under the *Dairy Produce Export Control Act 1924-1954* notified in the *Gazette* on 2nd June, 1955; commenced on 1st July, 1955 (See Reg. 2).

The form of introductory words used to make those Statutory Rules was as follows:—

"WHEREAS by section fourteen of the *Dairy Produce Export Control Act 1924-1954* it is enacted that the regulations may prohibit the export from the Commonwealth of dairy produce—

(a) except by a person who holds a licence granted as prescribed; and

(b) except in accordance with such conditions and restrictions as are prescribed after recommendation to the Minister by the Australian Dairy Produce Board;

And whereas the Board has recommended to the Minister that the conditions and restrictions applying to the export from the Commonwealth of dairy produce should be the conditions and restrictions set forth in the following Regulations:

Now therefore 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 *Dairy Produce Export Control Act 1924-1954*."

**Interpretation.**

- 4.—(1.) In these Regulations, unless the contrary intention appears—  
 “authorized person”, in relation to the exercise of a power or the performance of a duty or function under these Regulations, means a person authorized for that purpose by the Board;  
 “export” means export from the Commonwealth;  
 “licensee” means the holder of a licence to export dairy produce in force under these Regulations;  
 “the Board” means the Australian Dairy Produce Board constituted under the *Dairy Produce Export Control Act 1924-1954* and, in relation to a power or function of the Board which the Executive Committee of the Board is authorized to exercise or perform, includes the Executive Committee;  
 “the Secretary” means the Secretary to the Board, and includes a person for the time being acting as Secretary to the Board.

(2.) In these Regulations, a reference to a Form by letter shall be read as a reference to the Form so lettered in the Schedule to these Regulations.

(3.) Strict compliance with a Form in the Schedule to these Regulations is not necessary and substantial compliance is sufficient.

**Regulation of export.**

5. The export of dairy produce is prohibited—  
 (a) except by licensees; and  
 (b) except in accordance with the conditions and restrictions prescribed by these Regulations.

**Issue of licences.**

6.—(1.) The Minister or a person authorized in writing by the Minister to grant licences under these Regulations may, upon the recommendation of the Board, grant a licence to export dairy produce.

(2.) A licence granted in pursuance of the last preceding sub-regulation shall, subject to the next succeeding sub-regulation, be in force for the period specified in the licence.

(3.) Where the Minister is satisfied, on a report by the Board, that a licensee has failed to comply with a provision of these Regulations the Minister may, by notice served on the licensee, cancel the licence or suspend the licence for such period as he thinks fit.

(4.) A licence to export dairy produce shall be in accordance with Form A.

**Licences in force under the *Dairy Produce Export Control Act 1924-1953*.**

7. Where, immediately before the date of commencement of the *Dairy Produce Export Control Act 1954*, a licence to export dairy produce was in force under the *Dairy Produce Export Control Act 1924-1953*, not being a licence issued for a period which expired on that date, that licence shall, upon the commencement of these Regulations, be deemed to be a licence to export dairy produce granted and in force under these Regulations.

**Conditions and restrictions—general.**

8. A licensee shall not export dairy produce unless—  
 (a) the dairy produce has been produced at a factory the proprietor of which participates, in respect of dairy produce produced at the factory, in an equalization scheme approved by the Minister;

- (b) the dairy produce is insured with a person approved by the Board;
- (c) the dairy produce is exported on a ship, or a ship included in a class of ships, approved by the Board; and
- (d) the licensee has obtained from the Secretary or an authorized person a certificate in accordance with Form B (which certificate has not been revoked) certifying that the export is authorized by the Board, and the export is in accordance with the particulars shown in the certificate.

**9.** Except with the approval of the Board, a person shall not export dairy produce to the United Kingdom unless an arrangement has been made between the Board and the person for the sale and disposal of the dairy produce in the United Kingdom by the Board on behalf of the person.

Conditions and restrictions—  
United Kingdom.

**10.** A licensee shall not export dairy produce to a country other than the United Kingdom unless—

Conditions and restrictions—  
countries other than the United Kingdom.

- (a) the dairy produce has been sold before export, or is consigned, upon terms and conditions approved by the Board; and
- (b) the export of the dairy produce is in accordance with any directions of the Board with respect to the quantities of dairy produce which may be exported by the licensee either generally or to particular places.

**11.—(1.)** A licensee shall, upon demand in writing by the Secretary or an authorized person—

Furnishing of information on demand.

- (a) furnish to the Board or to the authorized person, as the case may be, such information as is required in relation to the sale, disposal or export, or the intended sale, disposal or export, by the licensee of dairy produce, or in relation to dairy produce at any time owned by, or in the custody, possession or control of, the licensee; and
- (b) produce to the Board or to the authorized person, as the case may be, all or any books, letters, copies of letters, accounts, statements, balance-sheets, vouchers and other documents in his custody, possession or control relating to the sale, disposal or export, or the intended sale, disposal or export, by the licensee of dairy produce, or relating to dairy produce which has been exported and was at any time owned by, or in the custody, possession or control of, the licensee.

(2.) A licensee shall, upon demand by the Secretary or an authorized person, permit an authorized person to take samples of any dairy produce produced in the Commonwealth and owned by, or in the custody, possession or control of, the licensee, whether the dairy produce is in the Commonwealth or overseas.

Penalty: Fifty pounds.

**12.—(1.)** Subject to the next succeeding sub-regulation, a licensee shall, not later than the twelfth day of each month of the year—

Return as to butter and cheese.

- (a) furnish to the Board a return in duplicate in accordance with Form C showing particulars of the butter and cheese exported by the licensee during the month immediately preceding the month in which the return is furnished; or

## DAIRY PRODUCE EXPORT CONTROL ACT

(b) where the licensee has not so exported butter or cheese—  
furnish to the Board a statement to that effect.

Penalty: Fifty pounds.

(2.) A reference in the last preceding sub-regulation to butter or cheese does not include a reference to butter or cheese which was owned by the Board at the time of export.

Notices.

**13.** A notice or other document may, for the purposes of these Regulations, be served on a licensee by post at his address specified in his licence.

False  
information.

**14.** A person shall not, for the purposes of these Regulations, make a statement, or furnish information, which is false or misleading.

Penalty: Fifty pounds.

### THE SCHEDULE.

FORM A.

Regulation 6.  
No. .

COMMONWEALTH OF AUSTRALIA.

*Dairy Produce Export Control (Licences) Regulations.*

#### LICENCE TO EXPORT DAIRY PRODUCE.

In pursuance of regulation 6 of the Dairy Produce Export Control (Licences) Regulations, I,

(a) Strike out  
whichever is  
inapplicable.

(a) the Minister of State for Commerce and Agriculture,  
(a) a person authorized by the Minister of State for Commerce and Agriculture  
to grant licences under those Regulations,  
upon the recommendation of the Australian Dairy Produce Board, hereby grant  
to of a licence to export dairy produce  
from the Commonwealth, subject to those Regulations, during the period com-  
mencing on , 19 , and ending on , 19 .

Dated this

day of

, 19 .

(a) Minister of State for Commerce and Agriculture.

(a) An authorized person.

FORM B.

Regulation 8.

COMMONWEALTH OF AUSTRALIA.

*Dairy Produce Export Control (Licences) Regulations.*

#### CERTIFICATE OF AUTHORITY TO EXPORT DAIRY PRODUCE.

This is to certify that of , the holder  
of Licence No. under the Dairy Produce Export Control (Licences)  
Regulations, is authorized by the Australian Dairy Produce Board to export before  
, 19 , to each importer at  
named in the first column of the following table the dairy produce particulars  
of which are set out in that table opposite to the name of that importer:—

| Importer. | Particulars of Dairy Produce. |              |
|-----------|-------------------------------|--------------|
|           | Quantity.                     | Description. |
|           |                               |              |
|           |                               |              |
|           |                               |              |

Dated this

day of

, 19 .

(a) Strike out  
whichever is  
inapplicable.

(a) Secretary.

(a) An authorized person.

FORM C.

Regulation 12.

## COMMONWEALTH OF AUSTRALIA

*Dairy Produce Export Control (Licences) Regulations.*

## RETURN OF BUTTER AND CHEESE EXPORTED.

To—

The Secretary,

Australian Dairy Produce Board,

In pursuance of regulation 12 of the Dairy Produce Export Control (Licences) Regulations, I, \_\_\_\_\_ of \_\_\_\_\_, the holder of Licence No. \_\_\_\_\_ under those Regulations, hereby furnish the following particulars of the butter and cheese exported by me during the month of \_\_\_\_\_, 19\_\_\_\_ :—

| Date of Shipment.               | Port of Shipment. | Name of Vessel. | Destination. | Australian Dairy Produce Board Permit Number. | Weight in Pounds. |         |                              |          |            |        |
|---------------------------------|-------------------|-----------------|--------------|-----------------------------------------------|-------------------|---------|------------------------------|----------|------------|--------|
|                                 |                   |                 |              |                                               | Butter.           |         |                              | Cheese.  |            |        |
|                                 |                   |                 |              |                                               | Bulk or Pats.     | Tinned. | Ghee and Butter Concentrate. | Cheddar. | Processed. | Fancy. |
|                                 |                   |                 |              |                                               |                   |         |                              |          |            |        |
| Total Exports (in pounds) . . . |                   |                 |              |                                               |                   |         |                              |          |            |        |

I declare that the particulars shown in this return are true and correct in every particular.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signature of Licensee.)

## DAIRYING INDUSTRY ACT 1952

## DAIRYING INDUSTRY REGULATIONS.\*

- Citation.** 1. These Regulations may be cited as the Dairying Industry Regulations.\*
- Definition.** 2. In these Regulations "the Act" means the *Dairying Industry Act* 1952.
- Returns.** 3.—(1.) Bounty is not payable to the proprietor of a factory which produces butter or cheese or butter and cheese in any month unless, within seven days after the end of that month, the proprietor furnishes to the equalization body which administers the equalization scheme in which the proprietor participates a return in respect of the production of butter or cheese or butter and cheese, as the case requires, in that factory in that month.
- (2.) The return shall set forth particulars of—
- (a) the quantity of butter fat on hand in the factory at the beginning of the month and the quantity of butter fat on hand at the end of the month;
  - (b) the quantity of butter fat obtained from milk and cream received in the factory during the month;
  - (c) the quantity of butter fat (other than butter fat recovered from whey) used in the manufacture of butter or cheese during the month;
  - (d) the quantity of butter fat (other than butter fat recovered from whey) disposed of during the month otherwise than in the manufacture of butter or cheese;
  - (e) the quantity of butter fat recovered from whey during the month;
  - (f) the quantity of butter fat recovered from whey and used in the manufacture of butter or cheese during the month;
  - (g) the quantity of butter fat recovered from whey and disposed of during the month otherwise than in the manufacture of butter or cheese;
  - (h) the quantities of butter or cheese or butter and cheese produced during the month other than butter or cheese manufactured from whey;
  - (i) the quantities of butter or cheese manufactured from whey;
  - (j) the total amount credited during the month to suppliers of milk and cream by way of bounty and otherwise; and
  - (k) bounty payments received by the proprietor and not paid by him at the end of the month, including the amounts represented in cheques which have been outstanding for twelve months or longer.

\* Statutory Rules 1954, No. 15; in force under the *Dairying Industry Act* 1952; notified in the *Gazette* and commenced on 26th February, 1954.



(3.) The return shall be furnished by a proprietor in accordance with such form as the Minister notifies to be the form to be furnished for the purposes of the Act to the equalization body which administers the equalization scheme in which the proprietor participates.

4. The proprietor of a cheese factory shall keep a record in permanent form in which he shall enter daily in respect of each vat, referring to the vat by number, particulars of—

Proprietor of cheese factory to keep daily record.

- (a) the quantity of milk (measured in pounds) placed in that vat;
- (b) the quantity of butter fat (measured in pounds) contained in the milk in that vat;
- (c) the percentage of butter fat;
- (d) the number of various types of cheese manufactured; and
- (e) the total weight of cheese manufactured.

Penalty: Fifty pounds.

5.—(1.) In order to determine the quantity of cheese produced in respect of which bounty is to be paid in accordance with the Act, each pound of butter fat in the milk used in the manufacture of cheese shall be deemed to yield 2.55 pounds of cheese.

Determination of quantity of cheese produced.

(2.) For the purposes of the last preceding sub-regulation, every manufacturer of cheese shall, unless the Minister otherwise directs, weigh the quantity of milk to be used for the manufacture of cheese, take a representative sample of that milk and test the sample for butter fat.

6.—(1.) The proprietor of a factory shall keep from day to day such records as are necessary to enable the returns which he is required to furnish under these Regulations to be fully and completely prepared.

Records to be kept.

(2.) The proprietor of a factory shall not destroy any records which he is required to keep under these Regulations until authorized to do so by the equalization body which administers the equalization scheme in which the proprietor participates.

Penalty: Fifty pounds.

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## DEFENCE ACT 1903-1956

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## ARMY (CANTEENS SERVICE) REGULATIONS.\*

## Citation.

1. These Regulations may be cited as the Army (Canteens Service) Regulations.\*

## Definitions.

2. In these Regulations, unless the contrary intention appears—  
 “Australia” means the Commonwealth of Australia;  
 “military installation” means any military camp, barracks, fort, post or base;  
 “the Board” means the Army Canteens Service Board constituted under these Regulations;  
 “the Chairman” means the Chairman of the Board;  
 “the Deputy Chairman” means the Deputy Chairman of the Board.

\* The Army (Canteens Service) Regulations, in force under the *Defence Act* 1903-1956, comprise the following Statutory Rules:—

| Year and Number.      | Date of Notification in <i>Gazette</i> and of Commencement. |
|-----------------------|-------------------------------------------------------------|
| 1951, No. 148 .. .. . | 22nd November, 1951                                         |
| 1953, No. 23 .. .. .  | 19th March, 1953                                            |
| 58 .. .. .            | 25th June, 1953                                             |
| 1956, No. 21 .. .. .  | 15th March, 1956                                            |

3.—(1.) There shall be an Army Canteens Service for the supply, <sup>Army Canteens Service.</sup> within and beyond Australia, of goods and refreshments to, and for the entertainment, recreation and accommodation on leave of, members of the Military Forces and persons employed in military installations, for the sale of goods to, and the provision of amenities for, prisoners of war and internees in the custody of the Military Forces, and for such other purposes of a similar nature as the Military Board directs.

(2.) The Army Canteens Service shall be established, maintained and operated in accordance with these Regulations.

4. The Army Canteens Service shall be under the general control <sup>Control of Army Canteens Service.</sup> of the Military Board, which may issue orders and instructions of either general or particular application in relation to the establishment, maintenance, supervision, management, inspection, conduct, control and closing of canteens and clubs, and in relation to the exercise of the powers, duties, functions and obligations of the Army Canteens Service Board, and for the purpose of regulating the meetings and the procedure of that Board.

5.—(1.) The Military Board may, in relation to any matter or class <sup>Delegation by Military Board.</sup> of matters, delegate all or any of its powers and functions under these Regulations (except this power of delegation), so that the delegated powers or functions may be exercised or performed by the delegate with respect to the matter or class of matters specified in the instrument of delegation.

(2.) Every delegation under this regulation is revocable at will and no delegation prevents the exercise or performance of any power or function by the Military Board.

6.—(1.) Except as provided by the next succeeding sub-regulation, <sup>Proper Authority.</sup> the Proper Authority for the purposes of these Regulations is—

- (a) in relation to the Army Canteens Service Board or an Army Canteens Service Representative—the Military Board; and
- (b) in relation to an Overseas Representative—the General Officer Commanding the body of the Military Forces in the area for which the Overseas Representative is appointed.

(2.) The Military Board may, in its discretion, by writing, appoint an officer to be the Proper Authority in relation to such Overseas Representative or Army Canteens Service Representative as the Military Board specifies in the instrument of appointment.

7.—(1.) For the purposes of the Army Canteens Service, there <sup>Army Canteens Service Board.</sup> shall be a Board which shall be known as the Army Canteens Service Board.

(2.) Subject to these Regulations, the Board has and may exercise the rights, powers, authorities and functions conferred upon it by these Regulations and is charged with and shall perform the duties and obligations imposed upon it by these Regulations.

(3.) The Board is a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of real and personal property and is capable of suing and being sued in its corporate name.

(4.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document and shall presume that it was duly affixed.

(5.) The exercise of the rights, powers, authorities or functions, or the performance of the duties or obligations, of the Board is not affected by reason only of there being a vacancy in the office of a member of the Board.

Constitution  
of Board.  
Substituted by  
1953, No. 53.

8.—(1.) The Board shall consist of a Chairman, a Deputy Chairman and five other members, one of whom shall be the Director of the Canteens Service.

(2.) The Chairman, the Deputy Chairman and one other member of the Board shall be appointed by the Minister.

(3.) Of the three members other than the members appointed by the Minister and the Director of the Canteens Service, two shall be officers appointed to be members by the Military Board, and one shall be a person appointed to be a member by the Treasurer.

Executive  
authority of  
the Board.

9.—(1.) Subject to these Regulations, the executive authority of the Board is vested in the Chairman or, during the absence of the Chairman, whether through illness or otherwise, in the Deputy Chairman.

(2.) Subject to the directions of the Board, the Deputy Chairman shall assist the Chairman in the discharge of the duties and functions of the Chairman.

Meetings of  
Board.

10.—(1.) The Chairman, or, in his absence, the Deputy Chairman, shall preside at meetings of the Board.

(2.) At meetings of the Board three members shall form a quorum.

(3.) All questions before the Board shall be decided by a majority of votes.

(4.) Each member present at a meeting of the Board shall have a deliberative vote and, in the event of an equality of votes on any question, the person presiding at the meeting shall have, in addition, a casting vote.

General  
powers, duties  
and functions  
of the Board.

11. The Board has power to establish, maintain and operate the Army Canteens Service and, for the purpose of establishing and in the course of maintaining and operating that Service, may—

(a) purchase, lease, hire or otherwise acquire property;

(b) sell goods and merchandise and supply and provide, either directly or through committees of members of the Military Forces or of persons employed in military installations, services, entertainment and other amenities;

- (c) accept gifts and donations of money and other property;
- (d) open, conduct and close canteens, officers' and other ranks' clubs, cinemas and other institutions and facilities;
- (e) dispose of any land, buildings, stock, plant, equipment and other property acquired by, or vested in, the Board;
- (f) act as the agent, in the establishment and operation of a canteens service, of such Department of the Commonwealth, and upon such terms, as the Military Board, with the approval of the Minister, directs;
- (g) invest moneys in securities of, or guaranteed by, the Government of the Commonwealth; and
- (h) do anything which is incidental to any of its powers.

**12.**—(1.) Subject to these Regulations, the Board shall control the <sup>Finance.</sup> finances of the Army Canteens Service and may allocate from time to time to the Director of the Canteens Service, an Overseas Representative or an Army Canteens Service Representative so much of the funds of the Army Canteens Service as the Board, in its discretion, considers necessary for the administration and conduct of the part of that Service for which he is the agent of the Board.

(2.) For the purposes of sub-regulation (1.) of this regulation, "funds" means—

- (a) moneys deposited with or otherwise owing by the Commonwealth or any Department thereof;
- (b) moneys in hand or at credit in any fixed deposit or current account with any bank; or
- (c) drafts, bills of exchange and other negotiable instruments, but does not include stock in trade, plant, machinery, other property, book debts, rights of action, claims or demands appertaining to or arising out of the conduct of the Army Canteens Service, unless and until they are converted into money.

(3.) The Board may, with the approval of the Treasurer, borrow moneys from the Commonwealth Bank of Australia or from other sources for the purposes of establishing, maintaining and operating the Army Canteens Service.

(4.) The Treasurer may, for and on behalf of the Commonwealth, guarantee the repayment to the Commonwealth Bank of Australia, or to any other person, of any loan, advance or overdraft, including interest and other charges thereon, made or granted by that Bank or person to the Board for the purpose of establishing, maintaining or operating the Army Canteens Service.

(5.) Any liability of the Board arising, or which has arisen, from the negotiation by a bank or any other person in favour of the Board of drafts, bills of exchange or other negotiable instruments shall be deemed to be a loan for the purposes of the last preceding sub-regulation.

**13.**—(1.) The Board shall open and maintain a banking account <sup>Bank account.</sup> with the Commonwealth Bank of Australia or the Commonwealth Savings Bank of Australia, or, if facilities therefor are not available, with such other bank as the Board determines, and all moneys received by the Board shall be paid to the credit of that banking account.

(2.) All payments by the Board shall be made through its banking account, except in the case of petty cash payments, which may be made by means of petty cash account.

Director of the  
Canteens  
Service.

**14.—(1.)** The Military Board may appoint a person to be the Director of the Canteens Service.

Sub-reg. (1.)  
amended by  
1953, No. 58.

(2.) The Director of the Canteens Service shall carry out such duties in connexion with the Army Canteens Service as the Military Board, after consulting with the Army Canteens Service Board, directs.

Overseas  
Representa-  
tives.

**15.—(1.)** The Board may appoint a person to be an Overseas Representative for any area outside Australia in which members of the Military Forces are stationed.

(2.) An Overseas Representative shall, in the exercise and performance of such powers, duties and functions as are delegated to him in pursuance of regulation 25 of these Regulations and in accordance with the instructions of the Board, but not otherwise, act as the agent of the Board in the establishment of canteens and in the conduct, management, administration and control of canteens established in the area for which he is appointed.

Army  
Canteens  
Service  
Representative.

**16.—(1.)** The Board may appoint a person to be an Army Canteens Service Representative in and for any area in Australia.

(2.) An Army Canteens Service Representative shall, in the exercise and performance of such powers, duties and functions as are delegated to him in pursuance of regulation 25 of these Regulations and in accordance with the instructions of the Board, but not otherwise, act as the agent of the Board in the establishment of canteens and in the conduct, management, administration and control of canteens established in the area for which he is appointed.

Staff officers  
to assist  
representatives.

**17.** The Proper Authority may appoint a staff officer to assist an Overseas Representative or an Army Canteens Service Representative, and the staff officer shall carry out such duties in connexion with the Army Canteens Service in the area for which he is appointed as are allotted to him by the Proper Authority.

Advisory  
Committees.

**18.** The Proper Authority may appoint an Advisory Committee, consisting of such persons as the Proper Authority thinks fit, to advise an Overseas Representative or an Army Canteens Service Representative on matters relating to the administration, management and control of canteens in the area for which the Representative has been appointed.

Staff of  
Army Canteens  
Service.

**19.—(1.)** The Board may employ such persons as it considers necessary for the purposes of these Regulations.

Sub-reg. (2.)  
substituted by  
1956, No. 21.

(2.) An employee of the Board shall be paid at such rates and employed under such conditions as the Board determines, and, in determining these rates and conditions, the Board shall have regard to the rates of pay and conditions of employment provided by any industrial award, order, determination or agreement for persons employed in the trade and calling in which the employee of the Board is employed.

Sub-reg. (3.)  
omitted by  
1956, No. 21.

\* \* \* \* \*

20.—(1.) Subject to these Regulations, the forms and financial records to be used, kept and maintained, and the financial statements to be furnished, by the Board, each Army Canteens Service Representative and each Overseas Representative shall be as directed by the Board.

Financial records and audit.

(2.) The financial records shall be audited by a public accountant, or a firm of public accountants, appointed by the Minister.

(3.) In time of war, the financial records of a canteen established by the Board in an area outside Australia or of an Overseas Representative may be audited by any other person appointed by the Minister.

(4.) A profit and loss account and an audited balance-sheet to the end of the months of June and December, respectively, in each year shall be furnished to the Board as soon as practicable after the end of the six months' period to which they relate by—

- (a) the Chairman, in respect of the business of the Board; and
- (b) each Army Canteens Service Representative and each Overseas Representative, in respect of the business of the Army Canteens Service in the area for which he is appointed.

(5.) The Chairman shall prepare, or cause to be prepared, to the end of the months of June and December, respectively, in each year, an audited profit and loss account and balance-sheet in respect of the whole operation of the Army Canteens Service inside and outside Australia, and shall forward a copy of each to the Minister, the Military Board and the Auditor-General, respectively.

(6.) The Chairman shall, on behalf of the Board, whenever required by the Military Board, furnish to the Military Board a certificate showing—

- (a) the profits derived by the Army Canteens Service between such dates as the Military Board specifies; and
- (b) the amount of profits and surplus funds available for distribution in accordance with the next succeeding regulation at a date specified by the Military Board.

21.—(1.) Subject to this regulation, the Military Board, with the approval of the Minister, may—

Disposal of profits.  
Sub-reg. (1.) amended by 1953, No. 23.

- (a) direct the manner of disposal of the profits and surplus funds of the Army Canteens Service;
- (b) direct the Board to pay such sums as the Military Board decides to the trustees of the Australian Military Forces Relief Trust Fund for the purposes of that fund;
- (ba) direct the Board to pay, from the profits and surplus funds of the Army Canteens Service, such sums as the Military Board decides to such persons as the Military Board determines, to be applied, subject to such terms and conditions as are approved from time to time by the Military Board, by those persons in paying the expenses incurred in the establishment, registration, administration and operation, or for the purposes, of a society established for purposes of providing financial assistance to those members and former members of the Military Forces and those persons employed or formerly

employed in military installations who become members of the society and to the dependants of those members and persons who incur expenses for medical and surgical treatment and in the provision of comforts, appliances and requisites arising out of medical and surgical treatment; and

- (c) direct the Board to pay, from the profits of the Army Canteens Service derived during the last preceding half of a financial year, such sums to such authorities, organizations or persons as are determined in pursuance of paragraph (f) of regulation 11 of these Regulations.

(2.) For the purpose of providing—

- (a) for the repayment of moneys borrowed by the Board in accordance with these Regulations;
- (b) for the repayment of moneys, the repayment of which is guaranteed by the Treasurer in accordance with these Regulations; and
- (c) adequate funds for the maintenance and operation of the Army Canteens Service,

the Board shall retain such proportion of the profits and surplus funds of that Service as is determined by the Minister after consultation with the Military Board and with the concurrence of the Treasurer.

Amended by  
1956, No. 21.

(3.) The Board may, subject to such terms and conditions as are approved from time to time by the Military Board, distribute to units of the Military Forces such sums as are recommended by the Military Board and approved by the Minister.

(4.) An amount in excess of such portion of the net profits of the Army Canteens Service available for distribution as is estimated by the Board to have been derived from trading with officers of the Military Forces during the last preceding half of a financial year shall not be used or directed to be used for the benefit of officers in any half of a financial year.

(5.) Except as provided by this regulation, expenditure shall not be made or directed to be made from the moneys of the Army Canteens Service for ordinary military purposes or in aid of a religious or philanthropic institution or for any purpose other than for the benefit of—

- (a) officers, warrant-officers, non-commissioned officers and private soldiers in the Military Forces; and
- (b) persons employed in military installations.

Closing  
canteens.

**22.** Upon the closing of a canteen or club of the Army Canteens Service, the assets of that canteen or club which are not immediately required for the purposes of that Service shall be realized and paid into the banking account of the Board.

Exemption  
from certain  
laws.

**23.** It is not necessary, under or by reason of any law of a State or of a Territory of the Commonwealth, to obtain or have any licence or permission for—

- (a) keeping;
- (b) supplying, on sale or otherwise, to members of the Military Forces or of persons employed in military installations;



- (c) supplying, at the expense of members of the Military Forces or of persons employed in military installations, to their guests; or
- (d) permitting the consumption of, intoxicating liquor at any canteen or club established in pursuance of these Regulations, if the intoxicating liquor is the property of the Board, of the members of the Military Forces or of the persons employed in military installations.

**24.** The Board may, upon such terms and conditions as it determines, grant to any person a licence to trade in a military installation for the purpose of rendering a service not catered for in that installation by the Army Canteens Service. Licences.

**25.**—(1.) The Board may, in relation to any particular matter or class of matters, or to any particular place, by writing under its seal, delegate to the Chairman, the Deputy Chairman, an Overseas Representative, an Army Canteens Service Representative or an Advisory Committee any of its powers or functions under these Regulations (except this power of delegation), so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters, or to the place, specified in the instrument of delegation. Delegation of powers by the Board.

(2.) Every delegation under this section is revocable at will and no delegation prevents the exercise of any power or function by the Board.

**26.\***—(1.) Except as provided by this regulation, a member of the Board or of an Advisory Committee is not entitled to be paid in respect of any services performed by him under these Regulations. Remuneration. Substituted by 1953, No. 58.

(2.) The Chairman, the Deputy Chairman, the member of the Board appointed by the Minister and the Director of the Canteens Service are entitled to be paid from the funds of the Board such remuneration for their services under these Regulations as the Minister directs.

(3.) Where the Chairman, the Deputy Chairman, the member of the Board appointed by the Minister or the Director of the Canteens Service is a member of the Military Forces, he shall not be entitled to receive pay and allowances as a member of the Military Forces for a period in respect of which he receives a remuneration in pursuance of the last preceding sub-regulation.

(4.) Nothing in this regulation—

- (a) prevents the reimbursement from the funds of the Board of a member of the Board or of an Advisory Committee for any out of pocket expenses which he has reasonably incurred in respect of any services performed by him under these Regulations; or
- (b) except as provided by the last preceding sub-regulation, affects the right of any such member who is a member of the Military Forces to receive the pay and allowances due to him as a member of the Military Forces.

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\* This regulation was substituted by Statutory Rules 1953, No. 58. Regulation 4 of those Statutory Rules reads as follows:—

“4. The Director of the Canteens Service shall be deemed in respect of the period from his appointment in that capacity to the commencement of these Regulations—

- (a) to have been entitled to receive such remuneration for his services in that capacity as the Minister has, from time to time, directed be paid to him; and
- (b) not to have been entitled to pay and allowances as a member of the Military Forces.”.

## AUSTRALIAN MILITARY REGULATIONS.\*

## PART I.—INTRODUCTORY.

Short Title of Regulations.

1. These Regulations may be cited as the Australian Military Regulations.\*

\* The Australian Military Regulations, in force under the *Defence Act* 1903-1956, comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|---------------------|------------------------------------------|-----------------------|
| 1927, No. 149 .. .. | 15th December, 1927 .. ..                | 31st December, 1927   |
| 1928, No. 23 .. ..  | 15th March, 1928 .. ..                   | 15th March, 1928      |
| 28 .. ..            | 5th April, 1928 .. ..                    | 5th April, 1928       |
| 126 .. ..           | 29th November, 1928 .. ..                | See NOTE below        |
| 1929, No. 123 .. .. | 14th November, 1929 .. ..                | 14th November, 1929   |
| 1930, No. 26 .. ..  | 20th March, 1930 .. ..                   | 20th March, 1930      |
| 67 .. ..            | 20th June, 1930 .. ..                    | 20th June, 1930       |
| 92 .. ..            | 21st August, 1930 .. ..                  | 1st July, 1930        |
| 1931, No. 13 .. ..  | 5th February, 1931 .. ..                 | 5th February, 1931    |
| 1932, No. 80 .. ..  | 5th August, 1932 .. ..                   | 5th August, 1932      |
| 87 .. ..            | 25th August, 1932 .. ..                  | 1st June, 1932        |
| 125 .. ..           | 10th November, 1932 .. ..                | 10th November, 1932   |
| 1933, No. 49 .. ..  | 6th April, 1933 .. ..                    | 1st September, 1932   |
| 77 .. ..            | 22nd June, 1933 .. ..                    | 22nd June, 1933       |
| 1934, No. 26 .. ..  | 1st March, 1934 .. ..                    | 1st March, 1934       |
| 80 .. ..            | 12th July, 1934 .. ..                    | 12th July, 1934       |
| 1935, No. 99 .. ..  | 17th October, 1935 .. ..                 | 17th October, 1935    |
| 109 .. ..           | 14th November, 1935 .. ..                | 14th November, 1935   |
| 1936, No. 21 .. ..  | 20th February, 1936 .. ..                | 20th February, 1936   |
| 44 .. ..            | 8th April, 1936 .. ..                    | 8th April, 1936       |
| 100 .. ..           | 30th July, 1936 .. ..                    | 30th July, 1936       |
| 1937, No. 45 .. ..  | 29th April, 1937 .. ..                   | 29th April, 1937      |
| 1938, No. 75 .. ..  | 4th August, 1938 .. ..                   | 4th August, 1938      |
| 90 .. ..            | 15th September, 1938 .. ..               | 15th September, 1938  |
| 93 .. ..            | 15th September, 1938 .. ..               | 15th September, 1938  |
| 1939, No. 31 .. ..  | 20th April, 1939 .. ..                   | 20th April, 1939      |
| 51 .. ..            | 22nd June, 1939 .. ..                    | 22nd June, 1939       |
| 58 .. ..            | 27th July, 1939 .. ..                    | 27th July, 1939       |
| 115 .. ..           | 12th October, 1939 .. ..                 | 12th October, 1939    |
| 123 .. ..           | 19th October, 1939 .. ..                 | 19th October, 1939    |
| 134 .. ..           | 2nd November, 1939 .. ..                 | 2nd November, 1939    |
| 160 .. ..           | 30th November, 1939 .. ..                | 30th November, 1939   |
| 173 .. ..           | 14th December, 1939 .. ..                | 14th December, 1939   |
| 1940, No. 2 .. ..   | 11th January, 1940 .. ..                 | 11th January, 1940    |
| 16 .. ..            | 25th January, 1940 .. ..                 | 25th January, 1940    |
| 29 .. ..            | 15th February, 1940 .. ..                | 15th February, 1940   |
| 59 .. ..            | 11th April, 1940 .. ..                   | 11th April, 1940      |
| 150 .. ..           | 1st August, 1940 .. ..                   | 1st August, 1940      |
| 183 .. ..           | 29th August, 1940 .. ..                  | 29th August, 1940     |
| 184 .. ..           | 29th August, 1940 .. ..                  | 29th August, 1940     |
| 185 .. ..           | 29th August, 1940 .. ..                  | 29th August, 1940     |
| 186 .. ..           | 29th August, 1940 .. ..                  | 29th August, 1940     |
| 199 .. ..           | 12th September, 1940 .. ..               | 12th September, 1940  |
| 237 .. ..           | 31st October, 1940 .. ..                 | 31st October, 1940    |
| 252 .. ..           | 21st November, 1940 .. ..                | 21st November, 1940   |
| 272 .. ..           | 5th December, 1940 .. ..                 | 5th December, 1940    |
| 273 .. ..           | 5th December, 1940 .. ..                 | 5th December, 1940    |
| 1941, No. 3 .. ..   | 16th January, 1941 .. ..                 | 16th January, 1941    |
| 4 .. ..             | 16th January, 1941 .. ..                 | 16th January, 1941    |
| 14 .. ..            | 30th January, 1941 .. ..                 | 30th January, 1941    |
| 43 .. ..            | 27th February, 1941 .. ..                | 27th February, 1941   |
| 135 .. ..           | 19th June, 1941 .. ..                    | 19th June, 1941       |
| 153 .. ..           | 10th July, 1941 .. ..                    | 10th July, 1941       |
| 155 .. ..           | 10th July, 1941 .. ..                    | 10th July, 1941       |
| 1941, No. 205 .. .. | 21st August, 1941 .. ..                  | 21st August, 1941     |
| 245 .. ..           | 30th October, 1941 .. ..                 | 30th October, 1941    |
| 246 .. ..           | 30th October, 1941 .. ..                 | 30th October, 1941    |
| 260 .. ..           | 13th November, 1941 .. ..                | 13th November, 1941   |
| 311 .. ..           | 18th December, 1941 .. ..                | 18th December, 1941   |
| 1942, No. 35 .. ..  | 31st January, 1942 .. ..                 | 31st January, 1942    |
| 59 .. ..            | 12th February, 1942 .. ..                | 12th February, 1942   |
| 60 .. ..            | 12th February, 1942 .. ..                | 12th February, 1942   |
| 85 .. ..            | 26th February, 1942 .. ..                | 26th February, 1942   |
| 114 .. ..           | 12th March, 1942 .. ..                   | 12th March, 1942      |

[Continued on next page.]

NOTE.—The amendments effected by Statutory Rules 1928, No. 126, except the amendments of regulations 76 and 88, came into operation on 29th November, 1928. The amendments of regulations 76 and 88 came into operation on 15th December, 1928.

*Footnote continued from previous page.]*

| Year and Number. | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|------------------|------------------------------------------|-----------------------|
| 1942, No. 166    | 9th April, 1942                          | 9th April, 1942       |
| 179              | 16th April, 1942                         | 16th April, 1942      |
| 211              | 7th May, 1942                            | 7th May, 1942         |
| 231              | 14th May, 1942                           | 14th May, 1942        |
| 289              | 26th June, 1942                          | 26th June, 1942       |
| 333              | 30th July, 1942                          | 30th July, 1942       |
| 334              | 30th July, 1942                          | 30th July, 1942       |
| 350              | 10th August, 1942                        | 10th August, 1942     |
| 417              | 1st October, 1942                        | 1st October, 1942     |
| 477              | 29th October, 1942                       | 29th October, 1942    |
| 506              | 19th November, 1942                      | 19th November, 1942   |
| 508              | 19th November, 1942                      | 19th November, 1942   |
| 521              | 3rd December, 1942                       | 3rd December, 1942    |
| 522              | 3rd December, 1942                       | 3rd December, 1942    |
| 555              | 31st December, 1942                      | 31st December, 1942   |
| 556              | 31st December, 1942                      | 31st December, 1942   |
| 1943, No. 17     | 21st January, 1943                       | 21st January, 1943    |
| 68               | 24th March, 1943                         | 24th March, 1943      |
| 72               | 25th March, 1943                         | 25th March, 1943      |
| 126              | 13th May, 1943                           | 13th May, 1943        |
| 174              | 8th July, 1943                           | 8th July, 1943        |
| 199              | 19th August, 1943                        | 19th August, 1943     |
| 200              | 19th August, 1943                        | 19th August, 1943     |
| 219              | 2nd September, 1943                      | 2nd September, 1943   |
| 244              | 30th September, 1943                     | 30th September, 1943  |
| 245              | 30th September, 1943                     | 30th September, 1943  |
| 246              | 30th September, 1943                     | 30th September, 1943  |
| 249              | 30th September, 1943                     | 30th September, 1943  |
| 258              | 7th October, 1943                        | 7th October, 1943     |
| 1944, No. 1      | 6th January, 1944                        | 6th January, 1944     |
| 39               | 24th February, 1944                      | 24th February, 1944   |
| 69               | 20th April, 1944                         | 20th April, 1944      |
| 71               | 26th April, 1944                         | 26th April, 1944      |
| 72               | 26th April, 1944                         | 26th April, 1944      |
| 114              | 3rd August, 1944                         | 3rd August, 1944      |
| 120              | 24th August, 1944                        | 24th August, 1944     |
| 122              | 24th August, 1944                        | 24th August, 1944     |
| 154              | 26th October, 1944                       | 26th October, 1944    |
| 164              | 16th November, 1944                      | 16th November, 1944   |
| 1945, No. 6      | 18th January, 1945                       | 18th January, 1945    |
| 19               | 22nd February, 1945                      | 22nd February, 1945   |
| 38               | 22nd March, 1945                         | 22nd March, 1945      |
| 42               | 28th March, 1945                         | 28th March, 1945      |
| 68               | 11th May, 1945                           | 11th May, 1945        |
| 94               | 14th June, 1945                          | 14th June, 1945       |
| 111              | 19th July, 1945                          | 19th July, 1945       |
| 141              | 10th September, 1945                     | 10th September, 1945  |
| 195              | 20th December, 1945                      | 20th December, 1945   |
| 1946, No. 72     | 11th April, 1946                         | 11th April, 1946      |
| 113              | 11th July, 1946                          | 11th July, 1946       |
| 114              | 11th July, 1946                          | 11th July, 1946       |
| 116              | 11th July, 1946                          | 11th July, 1946       |
| 150              | 24th October, 1946                       | 24th October, 1946    |
| 1947, No. 25     | 28th February, 1947                      | 28th February, 1947   |
| 59               | 22nd May, 1947                           | 22nd May, 1947        |
| 1948, No. 40     | 24th March, 1948                         | 24th March, 1948      |
| 59               | 17th May, 1948                           | 17th May, 1948        |
| 65               | 3rd June, 1948                           | 3rd June, 1948        |
| 79               | 25th June, 1948                          | 25th June, 1948       |
| 1949, No. 55     | 25th August, 1949                        | 25th August, 1949     |
| 68               | 15th September, 1949                     | 15th September, 1949  |
| 1950, No. 10     | 9th March, 1950                          | 9th March, 1950       |
| 21               | 27th April, 1950                         | 27th April, 1950      |
| 29               | 29th June, 1950                          | 29th June, 1950       |
| 64               | 9th October, 1950                        | 9th October, 1950     |
| 65               | 9th October, 1950                        | 9th October, 1950     |
| 1951, No. 20     | 21st March, 1951                         | 21st March, 1951      |
| 56               | 18th June, 1951                          | 18th June, 1951       |
| 125              | 1st November, 1951                       | 1st November, 1951    |
| 149              | 22nd November, 1951                      | 22nd November, 1951   |
| 152              | 22nd November, 1951                      | 22nd November, 1951   |
| 1952, No. 8      | 7th February, 1952                       | 7th February, 1952    |
| 60               | 14th August, 1952                        | 14th August, 1952     |
| 68               | 14th August, 1952                        | 14th August, 1952     |
| 69               | 14th August, 1952                        | 14th August, 1952     |
| 1953, No. 87     | 1st October, 1953                        | 1st October, 1953     |
| 1954, No. 113    | 15th November, 1954                      | 15th November, 1954   |
| 117              | 9th December, 1954                       | 9th December, 1954    |
| 118              | 9th December, 1954                       | 9th December, 1954    |
| 1955, No. 7      | 20th January, 1955                       | 20th January, 1955    |
| 31               | 19th May, 1955                           | 19th May, 1955        |
| 55               | 18th August, 1955                        | 18th August, 1955     |
| 1956, No. 52     | 21st June, 1956                          | 21st June, 1956       |
| 102              | 14th December, 1956                      | 14th December, 1956   |
| 115              | 24th December, 1956                      | 24th December, 1956   |

Sub-division  
of Regulations.

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

Amended by  
1928, No. 23;  
1932, No. 80;  
1933, No. 77;  
1935, No. 99;  
1938, No. 75;  
1939, No. 123;  
1940, Nos. 183,  
237 and 273;  
1942, Nos. 289,  
333 and 477;  
1943, Nos. 219  
and 245;  
1944, Nos. 71  
and 120;  
1945, No. 6;  
1951, Nos. 20,  
56 and 125;  
1952, No. 8;  
1953, No. 87;  
1954, No. 113;  
1955, Nos. 7  
and 31;  
and  
1956, No. 102.

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| Appendix IIIA.—Form of enrolment for military service. |

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

Definitions.  
Sub-reg. (1.)  
amended by  
1928, No. 23;  
1931, No. 13;  
1939, Nos. 58  
and 160;  
1940, No. 272;  
1942, No. 334;  
1943, No. 174;  
1946, No. 150;  
1951, Nos. 125  
and 152;  
1954, No. 113;  
1955, Nos. 7  
and 31; and  
1956, No. 115.

“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.

“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.

“Commonwealth officer” means any person holding office under the Commonwealth, and includes any person permanently or temporarily employed in the Public Service of the Commonwealth or in connexion with the Defence Force.

“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 whole of the officers and soldiers belonging or attached to a Command, Army Corps, Division, Brigade Group or to such other portion of the Military Forces as is, from time to time, appointed a Formation, &c., by the Military Board.

- “Formation, &c., commander” means the commander of a formation, &c., and includes the Commandant of the Royal Military College of Australia.
- “Fraudulent enlistment” means an offence against section 13 (1.) of the Army Act, or against regulation 205 (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 constituted in pursuance of section 28 of the Defence Act.
- “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.
- “Non-commissioned officer” means a non-commissioned officer of the Permanent Forces or Citizen Forces and includes a temporary, lance or acting non-commissioned officer, but does not include a warrant officer.
- “Officer” means an officer of the Permanent Forces or Citizen Forces commissioned or in pay as an officer, and includes an officer appointed or promoted to brevet, war substantive, provisional, probational, temporary, honorary or acting rank.
- “Pay Warrant” means the Royal warrant for the pay, appointment, promotion, and non-effective pay of the army, or any warrant substituted therefor.
- “Permanent Forces” means the Permanent Military Forces.



- “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 currency 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 some part of those Forces, 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.
- “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 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 Trusteeship Agreement.

“The Defence Act” and “The Act” respectively mean the *Defence Act* 1903-1927, and all amendments thereof for the time being in force.

“The Military Forces” means the Military Forces under the Defence Act.

“The National Service Act” means the *National Service Act* 1951.

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

“Warrant officer” means a warrant officer or a temporary warrant officer of the Permanent Forces or Citizen Forces.

Sentences  
passed by way  
of commutation  
or substitution.  
Amended by  
1956, No. 115.

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

Abbreviations.  
Amended by  
1930, No. 26.

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

A.A.—Army Act.  
A.A.O.—Australian Army Orders.  
A.A.B.—Australian Army Book.  
A.A.F.—Australian Army Form.  
A.M.R.—These Regulations.  
C.O.—Commanding Officer.  
D.A.—Defence Act.  
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.  
R.P.—Rules of Procedure.  
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.

Reg. 3A  
inserted by  
1928, No. 126;  
repealed by  
1956, No. 115.

\* \* \* \* \*

Reg. 4  
repealed by  
1938, No. 75.

\* \* \* \* \*

Regs. 5 and 6  
repealed by  
1956, No. 115.

\* \* \* \* \*

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.

Cancellation of Orders.

\* \* \* \* \*

Reg. 8 repealed by 1956, No. 115.

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.

Application of Regulations.

(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.

Relationship of Regulations and A.A.

(2A.) For the purposes of the application of the Army Act to and in relation to the Military Forces and the members thereof, the provisions of that Act shall, in addition to such modifications thereof as are prescribed elsewhere in these Regulations, be modified—

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

(a) as if Parts II. and III. and the following sections and Schedules were omitted:—

Inserted by 1941, No. 43; amended by 1942, No. 231; 1944, No. 120; 1946, No. 72; 1950, No. 29; and 1956, No. 115.

Sections 32, 33, 42, 43, 69, 71, 72, 122, 123, 124, 125, 126, 134, 136, 141, 142, 143, 144, 144A, 145, 145A, 146, 147, 153, 153A, 156, 156A, 161, 165, 169, 173, 174, 174A, 174B, 175, 176, 176A, 177, 178, 179, 179A, 179B, 179C, 180, 181, 184A, 184B, 186 and 187 and the First, Second and Sixth Schedules;

(b) as if the sections specified in column 1 of the following table were amended to the extent specified in column 2 of that table:—

| Column 1.       | Column 2.                                                                                           |
|-----------------|-----------------------------------------------------------------------------------------------------|
| Section of Act. | Extent of Modification.                                                                             |
| 30 ..           | Omit paragraphs (3), (6) and (7)                                                                    |
| 31 ..           | Omit paragraphs (1) to (7) (both inclusive)                                                         |
| 45 ..           | Omit the proviso to paragraph (1)                                                                   |
| 46 ..           | Omit sub-sections (3) and (7)                                                                       |
| 129 ..          | Omit paragraphs (2) and (3)                                                                         |
| 137 ..          | Omit paragraphs (1) and (5)                                                                         |
| 138 ..          | Omit paragraphs (4A) and (8)                                                                        |
| 155 ..          | Omit paragraph (3)                                                                                  |
| 182 ..          | Omit paragraph (3)                                                                                  |
| 189 ..          | Omit sub-sections (2) to (6) (both inclusive)                                                       |
| 190 ..          | Omit from the definition of "service" the words "(other than Dominion forces)" (wherever occurring) |

Modification  
of R.P.  
in their  
application to  
Military Forces.

Inserted by  
1941, No. 43;  
amended by  
1943, No. 72;  
1950, No. 29;  
and  
1956, No. 115.

King's  
Regulations  
and Pay  
Warrant not to  
apply.

(2B.) Rules 1, 53A, 98, 99, 124, 125, 125A, 130 and 136 of the Rules of Procedure shall not apply to or in relation to the Military Forces and the members thereof.

Royal Military  
College of  
Australia.  
Inserted by  
1928, No. 126.

(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.

(4.) To the extent to which these regulations are inconsistent with regulations relating to the Royal Military College of Australia made before or after these regulations, the regulations relating to the Royal Military College of Australia shall prevail.

Powers vested  
in occupant of  
office.

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.

Delegations.

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.

Inserted by  
1942, No. 334.

(2A.) Where an officer is appointed to command the Military Forces in time of war, that officer may, in relation to any matters or class of matters or in relation to any particular part of Australia, by writing under his hand, delegate all or any of the powers and functions vested in him by virtue of that appointment so that the delegated powers and functions may be exercised or performed by the delegate, with respect to the matters or class of matters, or the part of Australia, specified in the instrument of delegation.

Amended by  
1942, No. 334.

(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 or by the officer appointed to command the Military Forces in time of war (as the case may be).

Amended by  
1942, No. 334.

(4.) A delegation under this regulation shall not lapse or be revoked by the Minister ceasing to hold office by death or otherwise, or 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, or by reason of the officer by whom the delegation was made ceasing, whether by death or otherwise, to hold the appointment to command the Military Forces; but a delegation by the Military Board may be cancelled by an officer appointed to command the Military Forces in time of war.

**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 these 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.

Powers of formation, &c., commanders exercisable by Military Board.  
Amended by 1938, No. 75; and 1955, No. 7.

**13.—(1.)** Upon the appointment of an officer to command the Military Forces in time of war—

- (a) every power and function which, under any regulation made under the Defence Act, may be exercised or performed by the Military Board, and every act and thing which, under any regulation made under the Defence Act, may be done by, to, before or on the recommendation of, the Military Board, may, and
- (b) every act and thing which, by any regulation made under the Defence Act, is required to be done by, to, before, or on the recommendation of the Military Board, shall,

Power of officer commanding Military Forces in time of war.  
Substituted by 1942, No. 334.

be exercised, performed or done by, to, before, or on the recommendation of, that officer, and the Military Board shall cease to exist and shall not be in existence during any period in which an officer appointed to command the Military Forces in time of war holds office:

Provided that the Chief of the General Staff, the Adjutant-General, the Quartermaster-General, the Master-General of the Ordnance, and the Finance Member (who shall be designated as the Chief Finance Officer) shall, subject to any directions issued by the officer appointed to command the Military Forces in time of war, have, and may exercise and perform the like powers and duties as they could severally exercise and perform when the Military Board was in existence.

(2.) For the purposes 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 appointed to command the Military Forces in time of war.

**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, and any committee appointed by the Military Board shall continue in existence as if it had been appointed by that officer.

Operation of orders, &c.  
Amended by 1942, No. 334.

**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

Offences against two or more laws.

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.

Exercise of powers vested in holder of military office.

**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.

Adaptation of A.A. 171 on same subject.

(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”.

By whom orders may be signed.

**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 signified 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.

Forms in Regulations and Appendices.

**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.

Adaptation of R.P. 133 (c) on same subject.

(4.) For the purpose of its application to the Military Forces, R.P. 133 (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.”

Computation of time.

**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.

Reports, &c., how to be made.

**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.**

**21.** The Military Board shall consist of the following members:—

The Minister of State for the Army (President);  
 The Chief of the General Staff (First Military Member and Chairman);  
 The Adjutant-General (Second Military Member);  
 The Quartermaster-General (Third Military Member);  
 The Master-General of the Ordnance (Fourth Military Member);  
 The Deputy Chief of the General Staff (Fifth Military Member);  
 The Citizen Military Forces Member; and  
 The Secretary to the Department of the Army.

Constitution of the Military Board.  
 Substituted by 1956, No. 52.

**22.—(1.)** The Secretary to the Department of the Army shall be the Secretary to the Military Board.

Secretary to the Board.  
 Sub-reg. (1.) substituted by 1954, No. 118.

**(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.

Duties.

**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.

Exercise of powers.

**24.—(1.)** A general meeting of the Military Board is a meeting at which the Minister is present, and an ordinary meeting of the Military Board is a meeting at which the Minister is not present.

Meetings of the Board.  
 Substituted by 1956, No. 52.

**(2.)** A general meeting of the Military Board may be convened only by the Minister, and an ordinary meeting of the Military Board may be convened only by the First Military Member or, in his absence, by the next senior Military Member available.

**(3.)** At a general meeting of the Military Board the Minister shall preside, and at an ordinary meeting of the Military Board the First Military Member or, in his absence, the next senior Military Member available, shall preside.

**(4.)** At a meeting of the Military Board—

- (a) four members form a quorum;
- (b) the member presiding and each other member present has one vote on a question before the meeting;
- (c) subject to sub-regulation (1.) of regulation 29 of these Regulations, a question before the meeting shall be decided by a majority of the votes of the members present, and a decision shall not be made where the members present are equally divided on a question.

\* \* \* \* \*

Reg. 25 repealed by 1939, No. 115.

Attendance of technical or financial advisers.

Amended by 1954, No. 118.

**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 Secretary to the Department of the Army may cause the attendance in a consultative capacity of any person employed, with the concurrence of the Minister, as a financial adviser or consultant.

Functions of Military Board.

**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.

Routine matters dealt with by members.

(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.

Reference to the Board.

Amended by 1947, No. 59; and 1954, No. 118.

(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 principal, 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.

Agenda for and notice of meeting.

Sub-reg. (1.) amended by 1939, No. 115; and 1940, No. 272.

**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 to the Inspector-General.

(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.

Recommendations and decisions of Military Board.

Sub-reg. (1.) amended by 1928, No. 23.

**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 meeting of the Military Board may decide a matter or make a recommendation to the Minister.

Amended by 1941, No. 155; 1942, No. 508; 1947, No. 59; and 1956, No. 115.

(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 to the Inspector-General.

Amended by  
1940, No. 272;  
and  
1947, No. 59.

**30.—**(1.) Subject to any direction which may, from time to time, be given by the Minister, the matters for which members of the Military Board shall be responsible shall be determined in accordance with the following principles:—

Responsibilities of  
members.

Substituted by  
1939, No. 115.  
Sub-reg. (1.)  
amended by  
1940, No. 272;  
1948, No. 59;  
1954, No. 118;  
and  
1956, No. 52.

(a) The Chief of the General Staff—

shall in general be responsible for all matters of military policy affecting the security of the Commonwealth, and in particular for advising as to the Conduct of Operations of War; Orders in regard to Military Operations; War Organization, Fighting Efficiency and Training of the Military Forces; Military Intelligence; and Aid to the Civil Power.

(b) The Adjutant-General—

shall in general be responsible for the provision, enrolment, allocation and discipline of members of the Military Forces, and in particular for Peace Organization and Establishments; Standing Orders for Mobilization and Co-ordination of Administrative Arrangements affecting Mobilization; Administrative Arrangements with respect to Training; Medical, Dental and Hygienic Services; Registrations; Exemptions; Reserves; Administration of Military Areas; Military and Martial Law; Personal and Ceremonial questions; Appeals; Honours and Awards; Casualties; Discharges; Appointment, Promotion, Retirement, Posting, Exchange and Transfer of Officers; Issue of Routine Orders; Drafting of Military Regulations; Regimental Honours and Titles; Chaplains; Bands; Prisoners of War; and Registration of Graves in War.

(c) The Quartermaster-General—

shall in general be responsible for the movement and maintenance of the troops (except in respect of those aspects of maintenance for which the Master-General of the Ordnance is responsible), and in particular for Supply and Transport; Transportation; Movement; Quartering; Catering and Messing; Engineer Services and Stores; Army Works; Veterinary Service and Remounts; Printing and Stationery; Canteen Services; Postal Services in War; and the Administration and Mobilization of Departments or Services dealing with any of those matters.

- (d) The Master-General of the Ordnance—  
shall in general be responsible for the provision, inspection, and maintenance of war material and ordnance stores, and in particular for Research, Design, Experiment, Provision, Proof and Inspection of Armaments, Ammunition, Vehicles, Technical Stores and Instruments; Clothing; General Stores (except those for which the Quartermaster-General is responsible); Scientific Development of War Material; Patents and Inventions; and Administration of the Ordnance Services and Inspection Branch.
- (da) The Deputy Chief of the General Staff shall be responsible for Censorship; Questions of International Law; Libraries; General Staff aspects of equipment policy; and other General Staff matters not involving important questions of military policy or principle.
- (db) The Citizen Military Forces Member shall be responsible for advising the Military Board in respect of any matter or class of matters affecting the Citizen Military Forces.
- (e) The Secretary to the Department of the Army, concurrently with his responsibility as Permanent Head of the Department of the Army for the general working and business of the Department, shall in general be responsible for co-ordination of the business of the Military Board, for financial administration and control of expenditure of the Army and for civil personnel.

Sub-reg. (2.)  
added by  
1941, No. 155;  
repealed by  
1942, No. 508;  
added by  
1947, No. 59;  
omitted by  
1948, No. 59.

\* \* \* \* \*

Reg. 30A  
inserted by  
1942, No. 508;  
repealed by  
1947, No. 59.

\* \* \* \* \*

Allotment of  
duties to  
directors.

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

Signature of  
documents on  
behalf of  
Military  
Board.

**32.—(1.)** 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.

Signature of  
documents on  
behalf of  
officers  
commanding  
Military Forces  
in time of war.  
Added by  
1942, No. 556;  
amended by  
1945, No. 68.

**(2.)** When the powers and functions of the Military Board are vested in an officer appointed to command the Military Forces in time of war, any warrant, order, recommendation, decision, approval, map, plan or other document of any description issued, given or made, or authorized to be issued, given or made, by that officer may be evidenced by a writing or representation signed by that officer, or by the Chief of

the General Staff, the Deputy Chief of the General Staff, the Adjutant-General, the Quartermaster-General or the Master-General of the Ordnance under his authority or on his behalf, and a writing or representation purporting to bear the signature, or a facsimile of the signature, of that officer, or of the officer signing under his authority or on his behalf as provided in this regulation, shall be admissible in evidence without proof of the signature or appointment or authority of the person whose signature, or facsimile of signature, it purports to bear.

**33.**—(1.) The Military Board may appoint committees for the purposes of this regulation.

Committees.  
Substituted by  
1956, No. 102.

(2.) A committee so appointed shall, as directed by the Military Board, consider, and make recommendations to the Military Board with respect to, any of the following matters:—

- (a) all promotions to the rank of lieutenant-colonel, colonel, brigadier or major-general in the Permanent Forces and in the Citizen Forces;
- (b) all appointments of officers of the rank of lieutenant-colonel, colonel, brigadier or major-general in the Permanent Forces and in the Citizen Forces;
- (c) all appointments of officers of the Permanent Forces and the Citizen Forces to be staff officers of brigades and higher formations in the rank of major;
- (d) such other matters as are referred to it by the Military Board.

(3.) The recommendations of a committee appointed under this regulation shall be considered at an ordinary meeting of the Military Board.

(4.) The Military Board shall submit its recommendations with respect to a matter specified in paragraph (a) or (b) of sub-regulation (2.) of this regulation 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.

Australian  
section of  
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.

Duties of I.G.

(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

Inspection and  
reports.

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.

War Railway  
Council  
Constitution.  
Sub-reg. (1.)  
amended by  
1938, No. 90;  
and  
1939, No. 115.  
Members.

**36.**—(1.) There shall be a War Railway Council. The Quarter-master-General shall be 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.

Secretary.

(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.

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. Consultation.

(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. Committees.

AREAS.

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Sub-heading substituted by 1955, No. 7.

Reg. 41 repealed by 1955, No. 7.

Reg. 41A inserted by 1939, No. 58; repealed by 1955, No. 7.

42. The extent and boundaries of the cavalry division, 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. Areas and maps.

**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, or equivalent command shall exercise command over all members serving therein, but an officer so appointed to command should hold rank at least equal to the rank held by the senior officer serving therein. C.O.'s command.

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*. Regimental seniority.

(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 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. Seniority in R. of O.

Exercise of  
command.

**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.

Local rank.

**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.

Temporary  
rank.

Amended by  
1944, No. 154.

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

Brevet rank.

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

Honorary rank.

Amended by  
1956, No. 115.

**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 Regulations made under the Defence Act relating to pay and allowances, of pay and allowances.

Regs. 51  
and 52  
repealed by  
1948, No. 65.

\* \* \* \* \*

Reg. 53  
repealed by  
1956, No. 115.

\* \* \* \* \*

Medical officers.

Amended by  
1955, No. 31.

**54.** An officer of the Royal 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.

Dental officers.

Inserted by  
1943, No. 219;  
amended by  
1955, No. 31.

**54A.** An officer of the Royal Australian Army Dental Corps shall not be entitled to the presidency of courts martial or courts of inquiry or boards, or to exercise any military command outside his Corps except over officers and soldiers attached thereto for duty or specially placed under his command.

Reg. 55  
repealed by  
1951, No. 152.

\* \* \* \* \*

Reg. 56  
repealed by  
1956, No. 115.

\* \* \* \* \*

Powers of  
officers  
seconded to  
civil positions.

Repealed by  
1946, No. 116;  
inserted by  
1949, No. 55.

**57.** Notwithstanding that an officer of the Permanent Forces is seconded therein on appointment to civil position in the service of the Commonwealth, he shall, subject to any limitation imposed by the Military Board, have over any members of the Military Forces who are placed under his command by the Military Board, the like powers of command and punishment as if he were not so seconded.

**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.

In absence of formation, &c., commander.

(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. 86 (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 G.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.

Inspector-General.

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

Command of Australian Cadet Corps.  
Amended by 1955, No. 31.

**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.

Officers of His Majesty's Regular Forces.

Status of  
W.O.'s.

**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.

When  
appointment  
and  
promotion of  
W.O. or N.C.O.  
takes effect.  
Substituted by  
1956, No. 115.

**63.** The appointment or promotion of a warrant officer or non-commissioned officer shall be notified in routine orders and shall take effect—

- (a) from the date of the order in which the appointment or promotion is notified; or
- (b) where another date (whether before or after the date of notification) is specified in the order, from the date specified.

Ranks and  
appointments  
of soldiers.  
Sub-reg. (1.)  
amended by  
1928, No. 126;  
1932, No. 80;  
1933, No. 77;  
1935, No. 99;  
1936, No. 100;  
1940, No. 2;  
and  
1948, No. 65.

**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:—

| Rank. |                 |    | Appointment.                                                                                                                                                     |
|-------|-----------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a)   | W.O. (Class I.) | .. | Conductor, A.A.O.C.                                                                                                                                              |
|       | "               | .. | Master gunner (1st class).                                                                                                                                       |
|       | "               | .. | Staff sergeant-major (1st class).                                                                                                                                |
|       | "               | .. | *Draughtsman (1st class).                                                                                                                                        |
|       | "               | .. | *Armament sergeant-major (1st class).                                                                                                                            |
|       | "               | .. | Master gunner (2nd class).                                                                                                                                       |
|       | "               | .. | Garrison sergeant-major.                                                                                                                                         |
|       | "               | .. | Regimental sergeant-major.                                                                                                                                       |
|       | "               | .. | *Accountant sergeant-major.                                                                                                                                      |
|       | "               | .. | *Armament sergeant-major (2nd class).                                                                                                                            |
|       | "               | .. | *Armourer sergeant-major.                                                                                                                                        |
|       | "               | .. | *Bandmaster.                                                                                                                                                     |
|       | "               | .. | *Experimental sergeant-major.                                                                                                                                    |
|       | "               | .. | *Foreman of engineer services sergeant-major.                                                                                                                    |
|       | "               | .. | Foreman of signals sergeant-major.                                                                                                                               |
|       | "               | .. | *Sergeant-major artificer, artillery.                                                                                                                            |
|       | "               | .. | *Mechanist sergeant-major.                                                                                                                                       |
|       | "               | .. | Sergeant-major artillery clerk.                                                                                                                                  |
|       | "               | .. | Staff sergeant-major (2nd class).                                                                                                                                |
|       | "               | .. | Sub-conductor, A.A.O.C.                                                                                                                                          |
|       | "               | .. | *Engineer clerk sergeant-major.                                                                                                                                  |
|       | "               | .. | *Engineer ledgerkeeper and storekeeper sergeant-major.                                                                                                           |
|       | "               | .. | *Superintending clerk sergeant-major.                                                                                                                            |
|       | "               | .. | Sergeant-major.                                                                                                                                                  |
|       | "               | .. | *Master of steamer (1st class).                                                                                                                                  |
|       | "               | .. | 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.). |



RANKS AND APPOINTMENTS OF SOLDIERS—*continued.*

| Rank. |                                                                                           |    | Appointment.                                                                                                                                                     |
|-------|-------------------------------------------------------------------------------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (b)   | W.O. (Class II.)                                                                          | .. | Master gunner (3rd class).                                                                                                                                       |
|       | "                                                                                         | .. | Garrison quartermaster-sergeant.                                                                                                                                 |
|       | "                                                                                         | .. | Staff sergeant-major (3rd class).                                                                                                                                |
|       | "                                                                                         | .. | Regimental quartermaster-sergeant.                                                                                                                               |
|       | "                                                                                         | .. | *Armament quartermaster-sergeant.                                                                                                                                |
|       | "                                                                                         | .. | *Armourer quartermaster-sergeant.                                                                                                                                |
|       | "                                                                                         | .. | *Bandmaster (when below rank of W.O. (Class I.)).                                                                                                                |
|       | "                                                                                         | .. | *Engineer clerk quartermaster-sergeant.                                                                                                                          |
|       | "                                                                                         | .. | *Accountant quartermaster-sergeant                                                                                                                               |
|       | "                                                                                         | .. | *Engineer ledgerkeeper and storekeeper quartermaster-sergeant.                                                                                                   |
|       | "                                                                                         | .. | *Experimental quartermaster-sergeant                                                                                                                             |
|       | "                                                                                         | .. | *Farrier quartermaster-sergeant.                                                                                                                                 |
|       | "                                                                                         | .. | *Fitter quartermaster-sergeant.                                                                                                                                  |
|       | "                                                                                         | .. | *Foreman of engineer services quartermaster-sergeant.                                                                                                            |
|       | "                                                                                         | .. | Foreman of signals quartermaster-sergeant.                                                                                                                       |
|       | "                                                                                         | .. | *Laboratory quartermaster-sergeant.                                                                                                                              |
|       | "                                                                                         | .. | *Quartermaster-sergeant artificer, artillery.                                                                                                                    |
|       | "                                                                                         | .. | *Mechanist quartermaster-sergeant.                                                                                                                               |
|       | "                                                                                         | .. | *Orderly-room sergeant (when ranking as quartermaster-sergeant).                                                                                                 |
|       | "                                                                                         | .. | *Quartermaster-sergeant artillery clerk.                                                                                                                         |
|       | "                                                                                         | .. | Quartermaster-sergeant instructor.                                                                                                                               |
|       | "                                                                                         | .. | *Draughtsman (2nd class).                                                                                                                                        |
|       | "                                                                                         | .. | *Quartermaster-sergeant staff clerk.                                                                                                                             |
|       | "                                                                                         | .. | Quartermaster-sergeant.                                                                                                                                          |
|       | "                                                                                         | .. | *Saddler quartermaster-sergeant.                                                                                                                                 |
|       | "                                                                                         | .. | *Smith quartermaster-sergeant                                                                                                                                    |
|       | "                                                                                         | .. | Staff quartermaster-sergeant.                                                                                                                                    |
|       | "                                                                                         | .. | *Wheeler quartermaster-sergeant.                                                                                                                                 |
|       | "                                                                                         | .. | Battery or company sergeant-major instructor.                                                                                                                    |
|       | "                                                                                         | .. | Squadron, battery, or company sergeant-major.                                                                                                                    |
|       | "                                                                                         | .. | *Master of steamer (2nd class).                                                                                                                                  |
|       | "                                                                                         | .. | 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 II.). |
| (c)   | Squadron, battery, or company quartermaster-sergeant (except Infantry and Tank Corps), or |    | *Company quartermaster-sergeant tugmaster                                                                                                                        |
|       | "                                                                                         | .. | Battery quartermaster-sergeant instructor in gunnery                                                                                                             |
|       | "                                                                                         | .. | *Orderly-room sergeant                                                                                                                                           |
|       | "                                                                                         | .. | Foreman of signals company quartermaster-sergeant                                                                                                                |
|       |                                                                                           |    | When ranking as squadron quartermaster-sergeant or equivalent rank.                                                                                              |

RANKS AND APPOINTMENTS OF SOLDIERS—*continued.*

| Rank.                                              |    |    | Appointment.                                                                                                                                                    |
|----------------------------------------------------|----|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Colour-sergeant (Infantry and Tank Corps only), or | .. | .. | Company quartermaster-sergeant (Infantry and Tank Corps only)                                                                                                   |
| „                                                  | .. | .. | *Orderly-room sergeant                                                                                                                                          |
| „                                                  | .. | .. | *Staff colour-sergeant                                                                                                                                          |
| Staff-sergeant                                     | .. | .. | Company quartermaster-sergeant (technical).                                                                                                                     |
| „                                                  | .. | .. | *Accountant staff-sergeant.                                                                                                                                     |
| „                                                  | .. | .. | *Armament staff-sergeant.                                                                                                                                       |
| „                                                  | .. | .. | *Armourer staff-sergeant.                                                                                                                                       |
| „                                                  | .. | .. | *Engineer clerk staff-sergeant.                                                                                                                                 |
| „                                                  | .. | .. | *Engineer ledgerkeeper and storekeeper staff-sergeant.                                                                                                          |
| „                                                  | .. | .. | *Farrier staff-sergeant.                                                                                                                                        |
| „                                                  | .. | .. | *Fitter staff-sergeant.                                                                                                                                         |
| „                                                  | .. | .. | Experimental staff-sergeant.                                                                                                                                    |
| „                                                  | .. | .. | *Foreman of engineer services staff-sergeant.                                                                                                                   |
| „                                                  | .. | .. | *Staff-sergeant artificer, artillery.                                                                                                                           |
| „                                                  | .. | .. | *Mechanist staff-sergeant.                                                                                                                                      |
| „                                                  | .. | .. | *Staff-sergeant artillery clerk                                                                                                                                 |
| „                                                  | .. | .. | Staff-sergeant instructor.                                                                                                                                      |
| „                                                  | .. | .. | *Saddler staff-sergeant                                                                                                                                         |
| „                                                  | .. | .. | *Smith staff-sergeant.                                                                                                                                          |
| „                                                  | .. | .. | *Wheeler staff-sergeant.                                                                                                                                        |
| „                                                  | .. | .. | *Master tailor.                                                                                                                                                 |
|                                                    |    |    | Such other appointments as are directed from time to time by the Military Board, not inconsistently with this regulation, to confer the rank of staff-sergeant. |
| (d) Sergeant                                       | .. | .. | *Accountant sergeant.                                                                                                                                           |
| „                                                  | .. | .. | *Armourer sergeant.                                                                                                                                             |
| „                                                  | .. | .. | *Engineer clerk sergeant.                                                                                                                                       |
| „                                                  | .. | .. | *Engineer ledgerkeeper and storekeeper sergeant.                                                                                                                |
| „                                                  | .. | .. | *Enginedriver sergeant.                                                                                                                                         |
| „                                                  | .. | .. | *Farrier sergeant.                                                                                                                                              |
| „                                                  | .. | .. | *Sergeant artificer, artillery.                                                                                                                                 |
| „                                                  | .. | .. | *Mechanist sergeant.                                                                                                                                            |
| „                                                  | .. | .. | *Orderly-room sergeant (when below rank of colour-sergeant or equivalent rank).                                                                                 |
| „                                                  | .. | .. | Pioneer sergeant.                                                                                                                                               |
| „                                                  | .. | .. | *Sergeant artillery clerk.                                                                                                                                      |
| „                                                  | .. | .. | *Saddler sergeant.                                                                                                                                              |
| „                                                  | .. | .. | Band sergeant.                                                                                                                                                  |
| „                                                  | .. | .. | Bugle-major.                                                                                                                                                    |
| „                                                  | .. | .. | *Sergeant Cook.                                                                                                                                                 |
| „                                                  | .. | .. | Provost sergeant.                                                                                                                                               |
| „                                                  | .. | .. | Transport sergeant.                                                                                                                                             |
| „                                                  | .. | .. | Officers' mess sergeant.                                                                                                                                        |

RANKS AND APPOINTMENTS OF SOLDIERS—*continued.*

| Rank.                            | Appointment.                                                                                                                                                           |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (d) Sergeant.— <i>continued.</i> |                                                                                                                                                                        |
| „ „ „                            | Drum-major.                                                                                                                                                            |
| „ „ „                            | *Sergeant fitter.                                                                                                                                                      |
| „ „ „                            | *Sergeant tailor.                                                                                                                                                      |
| „ „ „                            | *Sergeant orderly-room clerk.                                                                                                                                          |
| „ „ „                            | *Sergeant clerk (Technical M.T.).                                                                                                                                      |
| „ „ „                            | Pipe-major.                                                                                                                                                            |
| „ „ „                            | Signalling sergeant.                                                                                                                                                   |
| „ „ „                            | *Sergeant pay clerk.                                                                                                                                                   |
| „ „ „                            | Trumpet-major.                                                                                                                                                         |
| „ „ „                            | *Smith sergeant.                                                                                                                                                       |
| „ „ „                            | *Wheeler sergeant.                                                                                                                                                     |
|                                  | 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       |                                                                                                                                                                        |
| „ „ „                            | *Artificer corporal.                                                                                                                                                   |
| „ „ „                            | *Corporal orderly-room clerk.                                                                                                                                          |
| „ „ „                            | *Corporal clerk (Technical M.T.).                                                                                                                                      |
| „ „ „                            | Signalling corporal.                                                                                                                                                   |
| „ „ „                            | *Corporal pay clerk.                                                                                                                                                   |
| „ „ „                            | *Corporal enginedriver.                                                                                                                                                |
| „ „ „                            | Transport corporal.                                                                                                                                                    |
| „ „ „                            | Provost corporal.                                                                                                                                                      |
| „ „ „                            | Band corporal.                                                                                                                                                         |
| „ „ „                            | *Fitter corporal.                                                                                                                                                      |
| „ „ „                            | *Saddler corporal.                                                                                                                                                     |
| „ „ „                            | *Farrier corporal.                                                                                                                                                     |
| „ „ „                            | *Smith corporal.                                                                                                                                                       |
| „ „ „                            | *Bombardier artificer, artillery.                                                                                                                                      |
| „ „ „                            | *Engineer clerk corporal.                                                                                                                                              |
| „ „ „                            | *Engineer ledgerkeeper and storekeeper corporal.                                                                                                                       |
| „ „ „                            | *Wheeler corporal.                                                                                                                                                     |
| „ „ „                            | *Corporal cook.                                                                                                                                                        |
| „ „ „                            | *Armourer corporal.                                                                                                                                                    |
| „ „ „                            | *Bombardier artillery clerk.                                                                                                                                           |
| „ „ „                            | *Bombardier storeman.                                                                                                                                                  |
| „ „ „                            | *Corporal storeman (Technical M.T.).                                                                                                                                   |
| „ „ „                            | *Ordnance watchman corporal.                                                                                                                                           |
| „ „ „                            | *Bombardier cook.                                                                                                                                                      |
| „ „ „                            | Bombardier signaller.                                                                                                                                                  |
| „ „ „                            | Band bombardier.                                                                                                                                                       |
|                                  | Such other appointments as are directed from time to time by the Military Board, not inconsistently with this regulation to confer the rank of corporal or bombardier. |

RANKS AND APPOINTMENTS OF SOLDIERS—*continued.*

| Rank.                                                           | Appointment.                                                                                                                                                                                                          |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (f) Trooper, gunner, sapper<br>signalman, driver or<br>private. | Lance bombardier.                                                                                                                                                                                                     |
| ..                                                              | *Lance bombardier artillery clerk.                                                                                                                                                                                    |
| ..                                                              | *Engineer clerk lance-corporal.                                                                                                                                                                                       |
| ..                                                              | *Engineer ledgerkeeper and storekeeper<br>lance-corporal.                                                                                                                                                             |
| ..                                                              | *Armourer 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<br>of Signals).                                                                                                                                                                |
| ..                                                              | Assistant armament artificer.                                                                                                                                                                                         |
| ..                                                              | Such other appointments as are directed<br>from time to time by the Military<br>Board, not inconsistently with this<br>regulation to confer the rank of<br>trooper, gunner, sapper, signalman,<br>driver, or private. |

Limit of  
command in  
certain  
appointments.

(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.

Duty in  
Citizen Forces  
not to confer  
rank in P.M.F.

(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:—

Order of  
precedence  
W.O.'s and  
N.C.O.'s.  
Sub-reg. (1.)  
amended by  
1940, No. 2;  
and  
1952, No. 60.

(a) W.O.'s (Class I.)—

- i. Conductor, A.A.O.C.  
Master gunner (1st class).  
Staff sergeant-major (1st class).  
Draughtsman (1st class).  
Armament sergeant-major (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, signaller, 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-bombardier, a lance-corporal or an acting lance-corporal shall take precedence of all private soldiers.

(2.) A W.O. of the Permanent Forces shall take seniority in his corps among W.O.'s of his class 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 his corps according to the date of that appointment but above every W.O. not holding such an appointment.

Seniority of  
W.O.'s.  
Substituted by  
1936, No. 100.

(3.) Notwithstanding anything contained in the preceding provisions of this regulation, the Military Board may, by order, fix the seniority of a W.O. in his corps.

Seniority of  
W.O.'s in  
their corps.  
Added by  
1950, No. 65.

**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 punishment 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.

Command  
for purposes of  
discipline of  
the Permanent  
Forces.

Substituted by  
1949, No. 68;  
amended by  
1950, No. 65.

(2.) The C.O. of members of the Permanent Forces allotted for duty with the Citizen Forces when not called out for and employed on war service shall be—

- (a) in respect of a member allotted to a unit within the command of an armoured brigade, the artillery of a division or an infantry brigade—
  - (i) where the unit is commanded by an officer of the Permanent Forces—that officer; and
  - (ii) where the unit is not commanded by an officer of the Permanent Forces—the officer, not below the rank of major, holding the office or performing the duties of brigade major; and
- (b) in respect of any other member—the senior officer of the Permanent Forces not below the rank of major, on the staff of the head-quarters of the formation, &c., having command of the unit to which the member is allotted, who is responsible for the performance of the duties of the Adjutant-General's branch at those head-quarters or, where there is no such officer, an officer of the Permanent Forces, not below the rank of major, appointed for the purpose by the formation, &c., commander.

Substituted by  
1949, No. 68;  
amended by  
1956, No. 102.

(3.) The C.O. of members of the Permanent Forces serving on the establishment of, attached to or attending for instruction at the Royal Military College, the Australian Staff College or an Army school shall be—

- (a) in respect of a member serving under the command of the Commandant of the Royal Military College or attending for instruction at the Royal Military College—the Commandant of the Royal Military College or an officer, not below the rank of major, authorized by him for that purpose;
- (b) in respect of a member serving under the command of the Commandant of the Australian Staff College or attending for instruction at the Australian Staff College—the Commandant of the Australian Staff College or an officer, not below the rank of major, authorized by him for that purpose;
- (c) in respect of a member serving under the command of the Commandant of the Officer Cadet School or attending for instruction at the Officer Cadet School—the Commandant of the Officer Cadet School or an officer, not below the rank of major, authorized by him for that purpose;
- (d) in respect of a member serving under the command of the Commandant of the Jungle Training Centre or attending for instruction at the Jungle Training Centre—the Commandant of the Jungle Training Centre or an officer, not below the rank of major, authorized by him for that purpose; and
- (e) in respect of a member allotted for duty or attending for instruction at any other Army school—the chief instructor of the School, not below the rank of major.

(4.) The C.O. of members of the Permanent Forces allotted for duty with the Australian Cadet Corps within a formation, &c., shall be an officer, not below the rank of major, appointed for that purpose by the formation, &c., commander.

Substituted by  
1949, No. 68;  
amended by  
1955, No. 31.

(4A.) The C.O. of members of the Permanent Forces serving within a formation, &c., in respect of whom no C.O. has been appointed shall be the formation, &c., commander, not below the rank of brigadier, or an officer of the Permanent Forces, not below the rank of major, appointed by the formation, &c., commander for that purpose, either generally or in respect of any particular class or classes of members:

Inserted by  
1950, No. 65.

Provided that nothing in this sub-regulation shall restrict the exercise by a formation, &c., commander of the powers conferred on him by sub-regulation (5.) of A.M.R. 237.

(5.) The C.O. of all other members of the Permanent Forces in respect of whom no C.O. has been appointed shall be the Adjutant-General or an officer, not below the rank of major, appointed by him for that purpose either generally or in respect of any particular class or classes of members.

Inserted by  
1949, No. 68.

**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.

Adjutant-General.

**68.—(1.)** The following shall be Corps in the Australian Military Forces, and their precedence shall be in the order given:—

Precedence  
of Corps.

- The Australian Staff Corps,
- The Corps of Staff Cadets,
- The Royal Australian Armoured Corps,
- The Royal Australian Artillery,
- The Royal Australian Engineers,
- The Royal Australian Survey Corps,
- The Royal Australian Corps of Signals,
- The Royal Australian Infantry Corps,
- The Australian Intelligence Corps,
- The Royal Australian Army Chaplains Department,
- The Royal Australian Army Service Corps,
- The Royal Australian Army Medical Corps,
- The Royal Australian Army Dental Corps,
- The Royal Australian Army Ordnance Corps,
- The Royal Corps of Australian Electrical and Mechanical Engineers.
- The Australian Army Educational Corps,
- The Australian Army Catering Corps,
- The Royal Australian Army Pay Corps,
- The Australian Army Legal Corps,
- The Australian Engineer and Railway Staff Corps,
- The Royal Australian Army Provost Corps,
- The Australian Army Psychology Corps,
- The Royal Australian Army Nursing Corps,
- The Women's Royal Australian Army Corps,
- The Australian Army Reserve, and
- The Volunteer Defence Corps.

Substituted by  
1949, No. 68.  
Sub-reg. (1.)  
amended by  
1951, No. 152;  
1953, No. 87;  
and  
1955, No. 31.

Amended by  
1955, No. 7.

(2.) 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 order in which the Commands to which they belong are specified in the instrument appointing Commands under section 8 of the Act, but a unit of the Permanent Forces shall take precedence of a unit of the same arm or service of the Citizen Forces.

Corresponding  
ranks.

Sub-reg. (1.)  
amended by  
1928, No. 126;  
1933, No. 77;  
and  
1943, No. 244.

**69.**—(1.) For the purposes of these Regulations, the ranks of members of the Military Forces shall correspond with the ranks of members in the Naval Forces and the Air Force respectively in accordance with the following table, and commissioned members of the Naval Forces, the Military Forces, and the Air Force of corresponding rank, rank with one another according to seniority or date of appointment:—

| Military Forces.                                                               | Naval Forces.                                | Air Force.                                               |
|--------------------------------------------------------------------------------|----------------------------------------------|----------------------------------------------------------|
| Field Marshal .. ..                                                            | Admiral of the Fleet .. ..                   | .. ..                                                    |
| General .. ..                                                                  | Admiral .. ..                                | Air Chief Marshal ..                                     |
| Lieutenant-General .. ..                                                       | Vice-Admiral .. ..                           | Air Marshal                                              |
| Major-General .. ..                                                            | Rear-Admiral .. ..                           | Air Vice-Marshal                                         |
| Brigadier .. ..                                                                | Commodore, 1st and 2nd Class                 | Air Commodore                                            |
| Colonel .. ..                                                                  | Captain .. ..                                | Group Captain                                            |
| Lieutenant-Colonel .. ..                                                       | Commander .. ..                              | Wing Commander                                           |
| Major .. ..                                                                    | Lieutenant-Commander                         | Squadron Leader                                          |
| Captain .. ..                                                                  | Lieutenant .. ..                             | Flight Lieutenant                                        |
| Lieutenant .. ..                                                               | Sub-Lieutenant .. ..                         | Flying Officer                                           |
| Second-Lieutenant .. ..                                                        | Acting Sub-Lieutenant ..                     | Pilot Officer                                            |
|                                                                                | Commissioned Officer from warrant rank .. .. | Acting Pilot Officer (but junior to Army and Navy ranks) |
| Conductor, A.A.O.C. .. ..                                                      | } Warrant Officer .. ..                      | } No equivalent                                          |
| Master Gunner, 1st Class                                                       |                                              |                                                          |
| Staff Sergeant-Major 1st Class                                                 | Midshipman .. ..                             |                                                          |
| All other Warrant Officers, Class I. .. ..                                     | } No equivalent .. ..                        | } Warrant Officer                                        |
| Warrant Officer, Class II. Squadron, Battery or Company Quartermaster Sergeant |                                              |                                                          |
| Colour Sergeant .. ..                                                          | } Chief Petty Officer .. ..                  | } Flight Sergeant                                        |
| Staff Sergeant .. ..                                                           |                                              |                                                          |
| Sergeant .. ..                                                                 | Petty Officer .. ..                          | Sergeant                                                 |
| Corporal .. ..                                                                 | Leading Seaman .. ..                         | Corporal                                                 |

Inserted by  
1943, No. 244.

(1A.) Where, in respect of any rank in one arm of the Defence Force, there is no corresponding rank in another arm of that Force specified in the table in the last preceding sub-regulation, then, for the purposes of A.M.R.'s 197A and 197D, the rank which corresponds with the next lower rank in the first-mentioned arm in respect of which there is a corresponding rank in the second-mentioned arm specified in the table shall be deemed to be the corresponding rank.

Amended by  
1943, No. 244.

(2.) Subject to the provisions of A.M.R. 197D, this regulation shall not entitle any member of the Naval Forces or of the Air Force to the command of any of the Military Forces on shore, nor any member 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:—

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

Consular service.

## DIVISION 2.—APPOINTMENT AND PROMOTION OF OFFICERS AND SPECIAL APPOINTMENTS.

**71.**—(1.) Except as provided in D.A. 8A, every appointment to commissioned rank, every promotion, resignation or retirement of an officer, every appointment to the command of a regiment, battalion or an equivalent or superior command, every appointment or transfer of an officer to or from a corps of the Permanent Forces, a half-pay list, the Unattached List, the Reserve Forces or the Retired List, and every secondment of an officer for any of the reasons specified in paragraphs (d), (e), (f), (ff) and (g) of A.M.R. 109 shall be made or approved by the Governor-General.

Appointments, &c., to be made by the Governor-General and by the Military Board. Sub-reg. (1.) substituted by 1944, No. 71.

(2.) Except as provided by sub-regulation (1.) of this regulation, every appointment of an officer to, or transfer of an officer to or from, and every secondment of an officer in, a corps, regiment or battalion or equivalent command or unit, an arm, service or department, or a supernumerary, general or special list shall be made or approved by the Military Board.

Substituted by 1944, No. 71.

(3.) Every appointment, promotion, transfer, secondment, resignation or retirement required by the Act or by sub-regulation (1.) of this regulation to be made or approved by the Governor-General shall be notified in the *Gazette*.

Inserted by 1944, No. 71.

(4.) Every appointment of an officer of the Permanent or Citizen Forces to the staff of a formation superior to a regiment, battalion or equivalent command shall, if the officer is above the rank of Lieutenant-Colonel or the appointment is to a position for which a rank above that of Lieutenant-Colonel has been approved or provided, be made or approved by the Governor-General and notified in the *Gazette*.

Inserted by 1944, No. 71.

(5.) Every appointment, transfer, allotment, promotion, resignation, or retirement made or approved and notified in the *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.

When appointments, transfers, &c. take effect. Re-numbered by 1944, No. 71.

(6.) Every appointment, transfer or secondment of an officer made or approved by the Military Board under this regulation shall take effect as from the date of making or approval by the Military Board or from such earlier date as the Military Board directs.

Added by 1944, No. 71.

Prescribed  
corps.

Inserted by  
1951, No. 56;  
amended by  
1953, No. 87.

**71A.** Subject to these Regulations, a person who is a person within a class of persons specified in sub-section (2.) of section 148 of the Defence Act may, on the recommendation of the Military Board, be appointed as an officer in the Australian Regular Army in one of the following corps:—

The Australian Staff Corps;  
The Royal Australian Survey Corps;  
The Australian Intelligence Corps;  
The Royal Australian Army Chaplains' Department;  
The Royal Australian Army Service Corps;  
The Royal Australian Army Medical Corps;  
The Royal Australian Army Dental Corps;  
The Royal Australian Army Ordnance Corps;  
The Royal Corps of Australian Electrical and Mechanical Engineers;  
The Australian Army Educational Corps;  
The Australian Army Catering Corps;  
The Royal Australian Army Pay Corps;  
The Australian Army Legal Corps;  
The Royal Australian Army Provost Corps;  
The Australian Army Psychology Corps;  
The Royal Australian Army Nursing Corps; and  
The Women's Royal Australian Army Corps.

Rank on first  
appointment.  
Substituted by  
1952, No. 69.

**72.** Except where otherwise provided by these Regulations, first appointment to commissioned rank in the Military Forces shall be to the rank of lieutenant or such other rank as the Military Board recommends in relation to a person or class of persons.

British subject.

**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.

Age on  
appointment.

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

Syllabus of  
examinations  
for  
appointment.  
(D.A. 11A and  
14.)

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

Eligibility to  
compete for  
examinations  
for promotion  
to  
commissioned  
rank.

Substituted by  
1952, No 60.

**75.** A member of a unit of the Citizen Forces who is a warrant officer, or a non-commissioned officer of the rank of, or a higher rank than the rank of, corporal or bombardier may present himself for examination for promotion to the rank of lieutenant—

- (a) in the unit to which he belongs;
- (b) if his unit is a unit maintained at an educational establishment—  
in a unit of the battalion area in which he resides, or, with the approval of the formation, &c., commanders concerned, in another unit of the Citizen Forces; or
- (c) in a unit of the Citizen Forces of the Royal Australian Engineers or of the Royal 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 Australian Cadet Corps after appointment by way of promotion from the ranks in a manner similar to that prescribed in D.A., 11A.

Promotions to commissioned ranks in Citizen Forces. Sub-reg. (1.) amended by 1936, No. 44; and 1952, No. 60.

Provided that a vacancy in a unit of the Royal Australian Engineers or of the Royal 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.) Promotion to the rank of lieutenant in the Citizen Forces under D.A. 11A shall be on probation. The probationary promotion of an officer under this sub-regulation shall be confirmed after the expiration of eighteen months from the day of the promotion, if his Formation etc. Commander certifies in writing that the officer is fitted in all respects for the duties of his rank. In time of war a probationary promotion under this sub-regulation may be confirmed at any time on the recommendation of the Military Board.

Inserted by 1928, No. 126.

(3.) The probationary promotion of an officer under sub-regulation (2.) of this regulation may be terminated at any time, if his Formation etc. Commander certifies in writing that he is unfitted for the duties of his rank.

Inserted by 1928, No. 126.

(4.) A person whose probationary promotion is terminated under sub-regulation (3.) of this regulation shall, if he is a person rendering service under the National Service Act, revert to the rank which he held immediately prior to his probationary promotion.

Inserted by 1928, No. 126; substituted by 1951, No. 125.

(5.) 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.

Re-numbered by 1928, No. 126.

**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.

Examination after provisional appointment. (D.A. 15.)

**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.

Appointment to commissioned rank in units called out for war service. (D.A. 11A, 2nd proviso.)

**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.

Syllabus of examinations for promotion. (D.A. 21.)

Courses under  
D.A. 21A.

**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.

Provisional  
promotions  
under section  
21 of the  
Defence Act.

Substituted by  
1954, No. 113.

**81.** Where an officer is provisionally promoted under sub-section (2.) of section 21 of the Defence Act by reason that he has had no opportunity of passing the prescribed examination, the provisional promotion is subject to his passing the prescribed examination—

- (a) in a case to which a succeeding paragraph of this regulation does not apply—within a period of three years after the date of the provisional promotion;
- (b) in a case where a time of war exists at the date of the provisional promotion or comes into existence within a period of three years after the date of the provisional promotion—within such period, not exceeding a period of three years, after the cessation of the time of war as the Military Board determines; and
- (c) in a case to which the last preceding paragraph does not apply but where, at the date of the provisional promotion, the officer was serving on active service outside Australia or, within a period of three years after the date of the provisional promotion, the officer commenced to serve on active service outside Australia—within such period after the date of the provisional promotion as the Military Board determines.

Prescribed  
Corps for the  
purposes of  
section 21A.

Inserted by  
1953, No. 87.

**81A.** Each of the following is a prescribed corps for the purposes of sub-section (1.) and sub-section (2.) of section 21A of the Act:—

- (a) The Royal Australian Survey Corps;
- (b) The Australian Army Canteens Service;
- (c) The Royal Australian Army Medical Corps;
- (d) The Royal Australian Army Dental Corps;
- (e) The Australian Army Educational Corps;
- (f) The Australian Army Catering Corps;
- (g) The Royal Australian Army Pay Corps;
- (h) The Australian Army Legal Corps;
- (i) The Australian Army Psychology Corps;
- (j) The Royal Australian Army Nursing Corps; and
- (k) The Women's Royal Australian Army Corps.

Promotion in  
time of war.  
(D.A. 11A,  
2nd proviso.)

**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.

Promotion of  
officers in the  
Permanent  
Military Forces.  
Substituted by  
1950, No. 64.

**83.**—(1.) Subject to the requirements of sections 21 and 21A of the Act and A.M.R. 85, promotion of officers of the Permanent Forces shall be made in accordance with this regulation.

(2.) Promotion of officers of the Permanent Forces (other than Quartermasters) up to and including the rank of major shall be according to seniority and to ranks above the rank of major by selection, unless the Military Board in exceptional circumstances otherwise recommends.

(3.) Promotion of Quartermasters of the Permanent Forces to ranks above the rank of lieutenant shall be by selection.

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

Method of promotion in Citizen Forces. Sub-reg. (1.) amended by 1944, No. 1.

(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.

Promotion from within unit.

(3.) The expression "unit" shall, for the purpose of the last preceding sub-regulation, have such meaning as is from time to time determined by the Military Board.

Units. Substituted by 1942, No. 166.

**85.—**(1.) Unless the Military Board in exceptional circumstances otherwise recommends—

(a) an officer of the Australian Regular Army who graduated at the Officer Cadet School as a second lieutenant on or before the thirty-first day of December, 1954, shall not be promoted—

Service before promotion of officers in the Permanent Forces. Substituted by 1950, No. 64. Sub-reg. (1.) substituted by 1956, No. 102.

(i) to the rank of lieutenant until he has served as an officer of the Australian Regular Army for a period of four years or for such shorter period as the Military Board determines in respect of officers of his age and with equivalent educational qualifications;

(ii) to the rank of captain until he has served as an officer of the Australian Regular Army for a period of eight years; or

(iii) to the rank of major until he has served as an officer of the Australian Regular Army for a period of fourteen years;

(b) an officer of the Australian Regular Army who has graduated or graduates at the Officer Cadet School as a second lieutenant after the thirty-first day of December, 1954, shall not be promoted—

(i) to the rank of lieutenant until he has served as an officer of the Australian Regular Army for a period of three and a half years;

(ii) to the rank of captain until he has served as an officer of the Australian Regular Army for a period of seven and a half years; or

(iii) to the rank of major until he has served as an officer of the Australian Regular Army for a period of thirteen and a half years;

- (c) an officer appointed to the Australian Regular Army in the rank of lieutenant shall not be promoted—
  - (i) to the rank of captain until he has served as an officer of the Australian Regular Army for a period of four years; or
  - (ii) to the rank of major until he has served as an officer of the Australian Regular Army for a period of ten years; and
- (d) an officer appointed to the Australian Regular Army in the rank of captain shall not be promoted to the rank of major until he has served as an officer of the Australian Regular Army for a period of six years.

Amended by  
1956, No. 102.

(2.) For the purposes of this regulation—

- (a) when an officer is appointed to the Australian Regular Army in the rank of lieutenant, his service as an officer of the Australian Regular Army shall be reckoned to commence from the date specified in the *Gazette* for the purpose of fixing his regimental seniority in that rank;
- (b) when an officer is appointed to the Australian Regular Army in the rank of captain, his service as an officer of the Australian Regular Army shall be reckoned to commence from the date four years prior to the date specified in the *Gazette* for the purpose of fixing his regimental seniority in the rank of captain; and

\* \* \* \* \*

- (d) service as an officer of the Permanent Forces includes any period during which an officer of the Permanent Forces is seconded in his regiment or corps therein.

Substituted by  
1956, No. 102.

(3.) This regulation does not apply to an officer appointed in the position of Quartermaster in the Australian Regular Army.

Staff College  
graduation.

**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.

Reg. 87  
repealed by  
1951, No. 152.

\* \* \* \* \*

Eligibility  
for promotion  
in Citizen  
Forces.

**88.—(1.)** An officer of the Citizen Forces shall not, unless the approval of the Military Board has first been obtained, be eligible for promotion—

Sub-reg. (1.)  
substituted by  
1938, No. 75;  
amended by  
1954, No. 113.

- (a) to the rank of captain, until he has served for three years in the substantive rank of lieutenant;
- (b) to the rank of major, until he has served for three years in the substantive rank of captain; or
- (c) to the rank of lieutenant-colonel, until he has served for three years in the substantive rank of major.

(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 does not apply to officers of the Royal Australian Army Medical Corps or the Royal Australian Army Dental Corps. Substituted by 1952, No. 60.

88A. An officer whose age for retirement has been extended under section 27 of the Act or whose services are retained under sub-regulation (2.) of regulation 124 of these Regulations shall not be promoted to a higher substantive rank than that held by him at the time when he attained the age for retirement applicable to him by virtue of the provisions of sub-regulation (1.) of that regulation. Officers not to be promoted after attaining the retiring age prescribed by regulation 124 (1.).  
Inserted by 1951, No. 152.

89. 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. Vacancies in higher rank.

90. 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. Accelerated promotion in P.M.F.

91.—(1.) Subject to the requirement of section 14 of the Act, a member of the Military Forces who is a Warrant Officer or a non-commissioned officer of the Australian Regular Army may, on the recommendation of the Military Board, be appointed as an officer in the position of Quartermaster in the Australian Regular Army. Appointments under D.A. 148 as officers in the position of Quartermaster.  
Substituted by 1952, No. 8.

(2.) A person appointed as an officer under the last preceding regulation may be required to perform, in addition to the duties of the position of Quartermaster, such other duties as the Military Board or a formation, &c., commander directs.

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

\* \* \* \* \*

**Sub-heading and Regs. 93 and 94 repealed by 1953, No. 87.**

#### AIDES-DE-CAMP TO THE GOVERNOR-GENERAL.

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. Appointment of aides-de-camp.

(2.) An appointment under sub-regulation (1.) of this regulation shall be for three years but, in exceptional circumstances, may be extended for an additional period not exceeding two years: Provided that any such appointment may, at any time, be terminated at the pleasure of of the Governor-General. Period.  
Substituted by 1935, No. 99.

(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 brigadier, or who has been retired. Eligibility.  
Amended by 1953, No. 87.

## AIDES-DE-CAMP TO THE GOVERNOR OF A STATE.

Aides-de-camp  
to the  
Governor of  
a State.

Sub-reg. (1.)  
substituted by  
1946, No. 116;  
amended by  
1947, No. 59.

**96.**—(1.) An officer who holds substantive rank not higher than that of lieutenant-colonel in the Active Military Forces or in the Reserve of Officers 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.

Appointment.  
Sub-reg. (1.)  
amended by  
1952, No. 60.

**97.**—(1.) For distinguished service in the field or for meritorious service in the interests of the Commonwealth an officer of the Royal 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.

Appointment  
of Honorary  
Colonels.  
Substituted by  
1954, No. 117.

**98.**—(1.) Subject to this regulation, the Governor-General may appoint—

- (a) the Governor of a State;
- (b) a person on the retired list who, on his retirement was granted the honorary rank of lieutenant-colonel or a higher honorary rank;
- (c) an officer holding the rank of lieutenant-colonel or a higher rank; or
- (d) in exceptional circumstances, any other person,

to be—

- (e) an Honorary Colonel of a corps specified in paragraph (a) of the next succeeding sub-regulation or of a corps, or a regiment or battalion of a corps, specified in paragraphs (b) or (c) of that sub-regulation; or
- (f) a Colonel Commandant of a corps, or a regiment of a corps, specified in paragraph (d) of that sub-regulation.



(2.) The number of appointments under the last preceding sub-regulation shall not exceed— Amended by  
1956, No. 115.

- (a) in the case of the Australian Intelligence Corps, the Royal Australian Army Chaplains' Department, the Royal Australian Army Medical Corps, the Royal Australian Army Dental Corps, the Royal Australian Army Ordnance Corps, the Royal Corps of the Australian Electrical and Mechanical Engineers, the Australian Army Educational Corps, the Australian Army Catering Corps, the Royal Australian Army Pay Corps, the Royal Australian Army Nursing Corps and the Women's Royal Australian Army Corps—one for each of those corps;
- (b) in the case of the Royal Australian Corps of Signals or the Royal Australian Army Service Corps—three for each of those corps;
- (c) in the case of the Royal Australian Armoured Corps or the Royal Australian Infantry Corps—one for each regiment or battalion of those corps; and
- (d) in the case of the Royal Australian Artillery or the Royal Australian Engineers—seven for each of those corps.

(3.) An appointment as an Honorary Colonel or Colonel Commandant shall be for a period of five years, but a person who holds such an appointment may be re-appointed for such further period, not exceeding five years, as the Governor-General determines.

(4.) A person who has attained the age of sixty-five years shall not be appointed as an Honorary Colonel or Colonel Commandant.

(5.) Notwithstanding sub-regulation (3.) of this regulation, a person who holds an appointment as Honorary Colonel or Colonel Commandant at the commencement of a time of war shall continue to hold the appointment until the time of war has ceased.

(6.) Sub-regulations (3.) and (4.) of this regulation do not apply in relation to the appointment of a Governor of a State as an Honorary Colonel or Colonel Commandant.

\* \* \* \* \*

**Regs. 99, 100  
and 101  
repealed by  
1954, No. 117.**

#### 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. Consular  
service of  
foreign  
country.

#### 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. Rank of  
Adjutant in  
Citizen Forces.

(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.

Period of  
appointment of  
Adjutant  
in the  
Citizen Forces.  
Amended by  
1941, No. 260.

**104.** Except in time of war, 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.

Reg. 105  
repealed by  
1955, No. 31.

\* \* \* \* \*

Heading  
amended by  
1935, No. 99.

**DIVISION 3.—TRANSFER—SUPERNUMERARY AND SECONDED OFFICERS—UNATTACHED LIST—RESERVE OF OFFICERS—RETIREMENT AND RESIGNATION OF OFFICERS.**

**TRANSFER.**

Transfer.

**106.**—(1.) An officer may be transferred from one regiment or corps to another of the same arm, 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 arm, 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.

Examination  
after change  
of arm in  
Citizen Forces.  
Amended by  
1930, No. 26;  
1940, No. 2;  
and  
1951, No. 125.

**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 in the Citizen Forces to another, he shall within two years 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.**

Supernumerary  
Officers.  
Sub-reg. (1.)  
amended by  
1943, No. 199.

**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; or
- (d) pending retirement from his corps.

(2.) Officers not exceeding one-fourth of the respective annual establishment may be appointed to the supernumerary lists of the Royal Australian Army Medical Corps and the Australian Engineer and Railway Staff Corps. Amended by  
1951, No. 125.

(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, subject to the provisions of A.M.R. 71, be seconded in his regiment or corps— When  
seconded.  
  
Sub-reg. (1.)  
amended by  
1939, No. 123;  
1940, No. 237;  
1941, No. 14;  
1942, No. 506;  
1943, No. 245;  
1944, No. 71;  
and  
1951, No. 125.

- (a) on appointment to the staff of any command superior to a regimental command;
- (b) on attachment to the Australian Intelligence Corps or to the Australian Army Legal Corps;
- (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;
- (ff) on appointment to any Expeditionary Force raised for service outside of the Commonwealth;
- (g) in the Permanent Forces, on appointment to a civil position in the service of the Commonwealth;
- (h) on attachment to the Royal Australian Army Provost Corps;
- (i) on appointment to any Training Unit; or
- (j) whilst employed on other extra-regimental duties.

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

(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. Added by  
1942, No. 506.

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

**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. Regimental  
vacancy  
retained.

**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. Period.

Transfer to  
Unattached  
List.

Sub-reg. (1.)  
substituted by  
1940, No. 2.

**113.**—(1.) An officer of the Active Citizen Forces—

(a) who has served in a regiment or corps as an officer for not less than five years; or

(b) on appointment as a staff officer, at any time,

may be transferred to the Unattached List.

Staff Corps.  
Amended by  
1940, No. 2.

(2.) An officer of the Australian Staff Corps may, on the termination of his appointment in that corps, be transferred to the Unattached List.

Inserted by  
1940, No. 2.

(2A.) An officer in the Reserve of Officers shall, on appointment as a staff officer, be transferred to the Unattached List.

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.

Inserted by  
1932, No. 80;  
amended by  
1951, No. 125.

(4.) An officer of the Australian Cadet Corps, who qualifies for his rank under the syllabus and conditions which apply to officers of the Citizen Forces, may be appointed an officer of the Citizen Forces on the Unattached List with rank equal to his rank in the Australian Cadet Corps.

Officers liable  
to render  
service under  
the National  
Service Act.

Substituted by  
1951, No. 125.

**114.**—(1.) An officer who is liable to render service under the National Service Act shall not, unless exempt from liability to render service under that Act, be transferred to the Unattached List.

(2.) An officer of the Unattached List who is liable to render service under the National Service Act and ceases to be exempt from liability to render service under that Act shall be transferred to a regiment or corps.

Period of  
service on U.L.

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

Extended  
period of  
service.  
Amended by  
1928, No. 126;  
and  
1951, No. 125.

(2.) An officer, who has served on active service in the rank of brigadier, 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.

Inserted by  
1932, No. 80;  
amended by  
1933, No. 77;  
and  
1951, No. 125.

(2A.) In the case of an officer on the Unattached List by virtue of appointment under A.M.R. 113 (4.), the period of five years mentioned in sub-regulation (1.) of this regulation shall commence when he ceases to be an officer of the Australian Cadet Corps: provided that if he has not served as an officer of the Australian Cadet Corps for at least five years he shall on ceasing so to serve, be transferred to the Reserve of Officers.

Sub-reg. (3.)  
omitted by  
1951, No. 125.

\* \* \* \* \*

Training.

Sub-reg. (1.)  
amended by  
1951, No. 125.

**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 directed by the Military Board for a voluntary enlisted soldier 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. Failure to attend.

(2A.) Subject to the approval of the formation, &c., commander concerned, an officer on the Unattached List may attend a school or course of instruction under the conditions applicable to other officers of the Active Citizen Forces. Inserted by 1938, No. 75.

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

**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— Re-transfer to 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 past 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. Sections of U.L.

**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 Command, 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 Command, having regard to the place of residence of the officer, and to his arm, service, or department. Transfer on the Unattached List.  
Amended by 1955, No. 7.

#### RESERVE OF OFFICERS.

**120.—(1.)** An officer who has not reached the age for retirement from the Reserve of Officers of an officer of his rank, and— Transfer and appointment to Reserve of Officers.

- (a) has served as an officer for eighteen months on the Active List, and is favorably reported upon; or
- (b) is an officer of the Permanent Forces, the Royal Australian Army Chaplains' Department, the Royal Australian Army Medical Corps, the Royal Australian Army Dental Corps, the Australian Army Legal Corps, the Australian Army Psychology Corps or the Royal Australian Army Nursing Corps; Sub-reg. (1.) amended by 1938, No. 75; 1940, No. 2; 1943, Nos. 219 and 245; 1944, No. 72; 1951, No. 125; 1954, No. 113; and 1955, No. 31.
- (c) possesses special 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

\* \* \* \* \*

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

may be transferred to the Reserve of Officers.

Amended by  
1936, No. 21;  
1940, No. 2;  
1943, Nos. 219  
and 245;  
1944, No. 72;  
1951, No. 125;  
1954, No. 113;  
and  
1955, No. 31.

(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 prescribed by these Regulations for appointment to commissioned rank in the Royal Australian Army Chaplains' Department, the Royal Australian Army Medical Corps, the Royal Australian Army Dental Corps or the Australian Army Legal Corps; or
- (c) possesses special 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.

Omitted by  
1933, No. 77;  
inserted by  
1945, No. 94;  
omitted by  
1949, No. 68;  
inserted by  
1955, No. 31.

(3.) Subject to the succeeding provisions of this regulation, an officer who is transferred to the Reserve of Officers may be permitted to remain in the Reserve of Officers—

- (a) if he has served on the Active List for a period of three years or more—for a period not exceeding five years;
- (b) if he has served on the Active List for a period of less than three years—for a period not exceeding two years; or
- (c) if, before the expiration of the period for which, but for this paragraph, he would be permitted to remain in the Reserve of Officers under the preceding provisions of this sub-regulation, he is placed on a Regimental List of officers in the Reserve of Officers—for the period he remains on that List.

Substituted by  
1955, No. 31.

(4.) Subject to regulation 123 of these Regulations, an officer who is permitted to remain in the Reserve of Officers for a period under the last preceding sub-regulation shall, unless he is re-appointed to the Active List before the expiration of that period, be retired at the expiration of that period.

Inserted by  
1933, No. 77.

(4A.) An officer in the Reserve of Officers by virtue of transfer under A.M.R. 115 (2A.) shall not be permitted to remain in the Reserve of Officers for a longer period than two years, and, if not sooner appointed to the Active List, shall be retired on completion of that period.

Amended by  
1955, No. 31.

(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 three years—for five years; or

- (b) if his last period of service on the Active List was less than three 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— Amended by 1932, No. 80; and 1955, No. 31.

- \* \* \* \* \*
- (b) is transferred under paragraph (b), (c), or (d) of sub-regulation (1.), or appointed under sub-regulation (2.) of this regulation; or

- (c) has been an officer of the Permanent Forces—

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

**120A.** An officer in the Reserve of Officers may, with the approval of the Military Board, be placed upon a Regimental List of officers in the Reserve of Officers and be transferred from one such list to another, but the total period of service of an officer on one or more such lists shall not, except with the approval of the Military Board, exceed seven years. Inserted by 1932, No. 80.

**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. Sections of Reserve of Officers.

(2.) The name of each officer who is appointed to the Reserve of Officers under A.M.R. 120 (2.) (c) shall be shown in the section of the Reserve of Officers List applicable to the arm, service, or department for which his special qualifications fit him. Amended by 1940, No. 2.

**121A.** Subject to such conditions as the Military Board determines, an officer of the Reserve of Officers may, with the approval of the formation, &c., commander concerned, attend parades, camps, schools or courses of instruction or perform such other military duties as the proper military authority requires. Attendance at parades, &c.  
Inserted by 1938, No. 75; substituted by 1950, No. 65.

\* \* \* \* \*

Reg. 122 repealed by 1941, No. 135.

**123.** Except as provided in A.M.R. 124 (2.), an officer of the Reserve of Officers who has reached the age for his retirement from the Reserve of Officers shall be retired. Retirement for age.  
Amended by 1940, No. 184.

#### RETIREMENT.

**124.—(1.)** Subject to this regulation—

- (a) an officer of The Royal Australian Army Ordnance Corps, The Royal Corps of Australian Electrical and Mechanical Engineers and The Royal Australian Army Provost Corps of a rank or appointment specified in column 1 of the table in this sub-regulation shall be retired when he attains the age specified in column 2 of that table opposite to that rank or appointment; Ages for retirement of officers.  
Sub-reg. (1.) substituted by 1953, No. 87; amended by 1954, No. 113; and 1956, No. 115.

- (b) an officer of The Royal Australian Survey Corps, The Royal Australian Army Chaplains' Department (other than an officer specified in sub-regulation (4.) of this regulation), The Australian Army Printing and Stationery Services, The Australian Army Canteens Service, the Royal Australian Army Medical Corps, the Royal Australian Army Dental Corps, The Australian Army Educational Corps, The Australian Army Catering Corps, The Royal Australian Army Pay Corps, The Australian Army Legal Corps and The Australian Army Psychology Corps of a rank, appointment or, in the case of an officer of The Royal Australian Army Chaplains' Department, precedence specified in column 1 of the table in this sub-regulation shall be retired when he attains the age specified in column 3 of that table opposite to that rank, appointment or precedence;
- (c) an officer of The Royal Australian Army Nursing Corps of a rank or appointment specified in column 1 of the table in this sub-regulation shall be retired when that officer attains the age specified in column 4 of that table opposite to that rank or appointment;
- (d) an officer of The Women's Royal Australian Army Corps of a rank or appointment specified in column 1 of the table in this sub-regulation shall be retired when that officer attains the age specified in column 5 of that table opposite to that rank or appointment; and
- (e) an officer of any other part of the Military Forces, other than an officer specified in sub-regulation (4.) of this regulation, of a rank or appointment specified in column 1 of the table in this sub-regulation shall be retired when the officer attains the age specified in column 6 of that table opposite to that rank or appointment.

| Column 1.<br>Rank, appointment or<br>precedence. | Column 2. | Column 3. | Column 4. | Column 5. | Column 6. |
|--------------------------------------------------|-----------|-----------|-----------|-----------|-----------|
| General .. ..                                    | ..        | ..        | ..        | ..        | 62        |
| Lieutenant-General ..                            | ..        | ..        | ..        | ..        | 60        |
| Major-General .. ..                              | ..        | 60        | ..        | ..        | 57        |
| Brigadier .. ..                                  | } 57      | 57        | 55        | 52        | 55        |
| Colonel .. ..                                    |           | 55        | 55        | 52        | 50        |
| Lieutenant-Colonel ..                            | 53        | 55        | 55        | 50        | 47        |
| Major .. ..                                      | 50        | 55        | 55        | 50        | 47        |
| Captain .. ..                                    | 50        | 55        | 55        | 47        | 47        |
| Lieutenant .. ..                                 | 50        | 55        | 55        | 47        | 47        |
| Second Lieutenant ..                             | 50        | 55        | 55        | ..        | 55        |
| Quartermaster or Band-<br>master .. ..           | 55        | 55        | ..        | ..        | 55        |

Sub-reg. (1A.)  
inserted by  
1940, No. 184;  
omitted by  
1941, No. 135.

\* \* \* \* \*



(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.

In time of war.  
Amended by  
1940, No. 184;  
and  
1941, No. 135.

(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.

Nature of rank.

\* \* \* \* \*

Sub-reg. (3A.)  
inserted by  
1937, No. 45;  
omitted by  
1941, No. 135.

(4.) This regulation shall not apply to an officer of The Australian Engineer and Railway Staff Corps, or to a chaplain-general or the Senior Jewish Chaplain.

Amended by  
1944, No. 72;  
1950, No. 10;  
and  
1951, No. 152.

(5.) Where the Minister certifies that it is desirable in the interests of the Military Forces that the services of an officer of a part of the Military Forces other than the Australian Regular Army be retained beyond the age prescribed by sub-regulation (1.) of this regulation, the age for the compulsory retirement of that officer shall be sixty years.

Added by  
1952, No. 68;  
amended by  
1953, No. 87.

**125.**—(1.) An officer who has ten years' commissioned service in the Active Military Forces, or who is retired in consequence of an incapacity attributable to war service, may, upon retirement, if placed upon a retired list, be granted by the Governor-General the military title equivalent to the substantive, brevet or honorary rank held by him immediately prior to his retirement.

Retired list  
and military  
title after  
retirement.  
Substituted by  
1946, No. 116.

(2.) A colonel who has thirty years' commissioned service in the Active Military Forces, a lieutenant-colonel or a major who has twenty years' commissioned service in the Active Military Forces or a captain or lieutenant who has fifteen years' commissioned service in the Active Military Forces may, upon retirement, if placed upon a retired list, be granted by the Governor-General the military title one step higher than the substantive or brevet rank held by him immediately prior to retirement.

Amended by  
1954, No. 113.

\* \* \* \* \*

Sub-reg. (3.)  
omitted by  
1954, No. 113.

(4.) An officer—

- (a) who under sub-regulation (1.) of this regulation is eligible to be, or has been placed on a retired list and granted the military title of colonel, and
- (b) who whilst holding the substantive or temporary rank of colonel in the Active Military Forces commanded a brigade prior to the twenty-second day of April, 1938, for a period of, or periods aggregating, not less than three years,

may upon or after retirement be granted by the Governor-General the military title of brigadier.

(5.) A quartermaster holding honorary commissioned rank on retirement may, if placed upon a retired list, be granted by the Governor-General a military title as if that honorary rank was substantive rank.

Substituted by  
1956, No. 102.

(6.) For the purpose of this regulation, "commissioned service in the Active Military Forces" includes—

- (a) one-half of any service in the ranks of the Permanent Forces;
- (b) one-fifth of any service in the ranks of the Active Citizen Forces; and
- (c) service as a member of the Australian Army Nursing Service before the twenty-third day of March, 1943.

(7.) A military title granted on retirement shall not confer any right to command, or any position in or membership of the Military Forces.

Special cases.

Substituted by  
1946, No. 116;  
amended by  
1954, No. 113.

**126.** Notwithstanding anything contained in A.M.R. 125—

- (a) an officer upon whom the local or temporary rank of brigadier, major-general, lieutenant-general or general has been conferred in time of war, or who has held the temporary rank of brigadier for a period of, or periods aggregating, not less than three years, or who holds that temporary rank at the time of his retirement on account of age, may, if placed upon a retired list upon his retirement, be granted by the Governor-General, upon the recommendation of the Military Board, the military title of the rank so conferred or held; and
- (b) an officer who has had commissioned service in the Active Military Forces in time of war may, upon retirement, if placed upon a retired list, be granted by the Governor-General the military title equivalent to the substantive, brevet or honorary rank held by him immediately prior to retirement.

Chaplains.

Substituted by  
1946, No. 116.

**127.**—(1.) A chaplain who has ten years' commissioned service in the Active Military Forces may, upon retirement, if placed upon a retired list, be granted by the Governor-General the military title of chaplain and a classification on the retired list equivalent to the classification held by him immediately prior to retirement:

Provided that, upon the recommendation of the Military Board, a chaplain may, upon retirement, be granted a classification on the retired list not higher than the highest classification held by him for a period of not less than six months during his service in the Active Military Forces.

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

Added by  
1953, No. 87.

(3.) Upon the retirement of a chaplain-general who has ten years' commissioned service in the Active Military Forces, that chaplain-general may, if placed upon the retired list, be granted by the Governor-General the military title of chaplain-general.

Military title,  
if again placed  
on retired list.  
Substituted by  
1946, No. 116.

**128.** Notwithstanding anything contained in regulations 125, 126 and 127 of these Regulations, if a person on a retired list again becomes a member of the Military Forces, the military title granted to him, if he is again placed on a retired list, shall be a title not lower than that granted to him when he was first placed on that list.

Uniform while  
on retired list  
and uniform  
and rank if  
re-appointed.  
Substituted by  
1946, No. 116.

Withdrawal of  
privileges after  
retirement.  
Inserted by  
1946, No. 116.

\* \* \* \* \*

Status of  
officers on  
resignation, &c.  
Amended by  
1951. No. 125.

**Officers on the  
Unattached  
List.**  
**Sub-reg. (1.)  
amended by  
1928, No. 126.**

Officers on  
R. of O.  
Amended by  
1928, No. 126;  
1932, No. 80;  
and  
1955, No. 7.

Retired  
officers.  
Substituted by  
1951, No. 125.

- THE COMMONWEALTH  
VEY-GENERAL'S DEPARTMENT

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

Reg. 134  
repealed by  
1951, No. 125.

\* \* \* \* \*

Period of  
engagement.  
D.A. 36.

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

Amended by  
1932, No. 80;  
and  
1949, No. 68.

- (a) in the Permanent Forces, six years; or
- (b) in the Active Citizen Forces, two 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. 42A (2.), may be enlisted for the unexpired residue of the term for which he purported to engage.

Reg. 135A  
inserted by  
1949, No. 68;  
repealed by  
1956, No. 115.

\* \* \* \* \*

Service under  
engagement.

**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.

Soldiers of the  
Permanent  
Forces who are  
appointed to  
commissioned  
rank in time of  
war and who,  
on the  
termination of  
their  
appointments,  
re-enlist.

Inserted by  
1944, No. 120.

**136A.—(1.)** A person who, being a soldier of the Permanent Forces (exclusive of that part of those Forces raised in time of war for war service) was appointed to commissioned rank in the Australian Military Forces in time of war and whose appointment to that rank is terminated shall, thereupon, subject to the provisions of A.M.R. 481B—

- (a) be entitled to the same rights and privileges other than rank or grade and seniority as those to which he would have been entitled, if he had continued to serve as a soldier in the Permanent Forces during the period of his appointment to commissioned rank; and
- (b) if, within such time after the termination of the appointment as the Military Board determines, he re-enlists for service in the same body or corps of the Permanent Forces as that in which he was serving immediately prior to the appointment, he may be reinstated in that body or corps in a rank or grade, and with seniority, equivalent to that which he would have possessed if he had continued to serve as a soldier in that body or corps during the period of the appointment.

(2.) For the purposes of this regulation “soldier” includes a warrant officer holding an honorary commission.

Soldiers of the  
Permanent  
Forces  
discharged for  
the purpose of  
enlisting in a  
war time force  
who re-enlist in  
the Permanent  
Forces.

Inserted by  
1946, No. 72.

**136B.—(1.)** A person who, being a soldier of the Permanent Forces was discharged from the Permanent Forces for the purpose of enlisting in a military force raised in time of war for war service and thereupon enlisted in that force shall, subject to the provisions of A.M.R. 481B—

- (a) be entitled to the same rights and privileges other than rank or grade and seniority as those to which he would have been entitled, if he had not been discharged from the Permanent Forces during the period of his service in the military force raised in time of war for war service; and

(b) if, within such time after his discharge from the military force raised in time of war for war service or the termination of his appointment to commissioned rank therein (whichever last occurs) as the Military Board determines, he re-enlists for service in the same body or corps of the Permanent Forces as that in which he was serving immediately prior to his enlistment in the military force raised in time of war for war service, he may be reinstated in that body or corps in a rank or grade, and with seniority, equivalent to that which he would have possessed if he had continued to serve as a soldier in that body or corps during the period of his service in the military force raised in time of war for war service.

(2.) For the purpose of this regulation—

“Permanent Forces” does not include forces raised in time of war for war service; and

“soldier” includes a warrant officer holding an honorary commission.

**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.

*Affirmation in lieu of 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.

*Procedure on voluntary enlistment in Permanent or 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.

Birth certificate to be submitted on enlistment in Permanent Forces.

Inserted by 1935, No. 99; amended by 1941, No. 260.

**138A.**—(1.) Every person presenting himself for enlistment in the Permanent Forces shall, unless the proposed enlistment is for service in time of war in a Garrison Battalion or in an Expeditionary Force raised or being raised for service beyond the limits of the Commonwealth, submit to the officer or justice of the peace mentioned in A.M.R. 138 a copy of the entry of registration of his birth certified by the proper official, if reasonably procurable, or, if not reasonably procurable, shall give an assurance that he will submit such a copy to his C.O. within six months after his enlistment.

(2.) A person who, on presenting himself for enlistment in the Permanent Forces, does not comply with the requirements of sub-regulation (1.) of this regulation shall not be enlisted.

Correction of attestation papers.

**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 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.

Period of re-engagement. Substituted by 1949, No. 68. Sub-reg. (1.) substituted by 1953, No. 87.

**140.**—(1.) Subject to this regulation, a soldier of the Australian Regular Army may elect to re-engage at the expiration of the period of his original engagement or subsequent re-engagement and, if—

- (a) he so elects;
- (b) his re-engagement is approved; and
- (c) he is medically fit,

the soldier shall, with all convenient speed after the expiration of that period, be re-engaged to serve—

- (d) on his first re-engagement—for a period of six years;
- (e) on his second and subsequent re-engagements—for a period of five years; or
- (f) where the period of re-engagement applicable to the soldier would, but for this paragraph, expire on a day after the day on which he will attain the age of fifty-five years—for a period which will expire on the day on which he will attain that age.

(1A.) The period of re-engagement of a soldier, or a soldier included in a class of soldiers, of a part of the Permanent Forces other than the Australian Regular Army shall be the period specified in the last preceding sub-regulation unless otherwise determined by the Military Board, in which case, the period shall be the period determined by the Military Board.

Inserted by  
1953, No. 87.

(2.) It shall be the duty of the C.O. of a soldier of the Permanent Forces to inform the soldier, not earlier than three months or later than two months prior to the expiration of the soldier's then current period of engagement or re-engagement, that the soldier may elect to re-engage for the further period for which he is eligible under either of the last two preceding sub-regulations.

Amended by  
1953, No. 87.

(3.) A soldier of the Permanent Forces may, within 30 days after he is informed in accordance with the last preceding sub-regulation, or, if his C.O. fails so to inform him, not later than 30 days prior to the expiration of his then current period of engagement or re-engagement, notify his C.O. in writing as to whether he desires to re-engage for the further period for which he is eligible.

(4.) A soldier of the Permanent Forces who does not, in accordance with the last preceding sub-regulation, notify his desire to re-engage shall be discharged at the expiration of the period of his engagement or re-engagement.

(5.) Subject to such instructions as are issued from time to time by the Military Board, the re-engagement of a soldier of the Permanent Forces may be approved—

Amended by  
1953, No. 87.

- (a) in the case of a soldier of or below the rank of corporal or bombardier—by the C.O. of the soldier; and
- (b) in the case of an N.C.O. above the rank of corporal or bombardier or of a warrant officer—by a formation, &c., commander.

(6.) A voluntarily enlisted soldier of the Citizen Forces may, at any time not later than 30 days prior to the expiration of his then current period of engagement or re-engagement, elect to re-engage for a further period of one year or such shorter period as will expire on the day on which he will attain the age of forty-eight years, and if his C.O. approves, the soldier shall, if medically fit, with all convenient speed, be so re-engaged.

Amended by  
1953, No. 87.

(7.) An agreement to re-engage shall be in the form for the time being authorized by the Military Board.

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

(9.) 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.

(10.) Subject to regulation 179 of these Regulations, the period of service of a soldier of the Permanent Forces which may be counted for the purpose of computing the period of his engagement or re-engagement shall be any period of service during which he is entitled to draw

the full pay of his rank, one-half of any period of service during which he is entitled to half pay and one-third of any period of service during which he is entitled to third pay.

Added by  
1953, No. 87;  
substituted by  
1954, No. 113.

(11.) Subject to the next succeeding sub-regulation, a soldier, whether or not he has attained the age of compulsory retirement prescribed by paragraph (b) of sub-regulation (1.) of regulation 191 of these Regulations, may be re-engaged for a period that will expire after he attains that age if—

- (a) in the case of a soldier of the Australian Regular Army—the Minister considers that the services of that soldier should be retained beyond that age and approves his re-engagement; or
- (b) in any other case—the Adjutant-General considers that the services of the soldier, or of the soldiers in a class of soldiers in which the soldier is included, should be retained beyond that age and approves the re-engagement of the soldier or the soldiers in that class.

Added by  
1953, No. 87;  
substituted by  
1954, No. 113.

(12.) The period of re-engagement of a soldier under the last preceding sub-regulation shall not exceed—

- (a) in the case of a soldier of the Australian Regular Army—five years;
- (b) in the case of a soldier of a part of the Permanent Forces other than the Australian Regular Army—three years; or
- (c) in any other case—one year,

and, in any case, shall not exceed a period that will expire after the soldier will attain the age of sixty years.

Regs. 140A  
and 140B  
inserted by  
1939, No. 160;  
repealed by  
1956, No. 115.

\* \* \* \* \*

Reg. 140C  
inserted by  
1939, No. 160;  
repealed by  
1942, No. 35;  
inserted by  
1943, No. 258;  
repealed by  
1956, No. 115.

\* \* \* \* \*

Reg. 140D  
inserted by  
1939, No. 160;  
repealed by  
1942, No. 35.

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#### SERVICE UNDER PART IV. OF THE D.A.

Decision of  
claims to  
exemption.

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.

Reg. 141A  
inserted by  
1941, No. 4;  
repealed by  
1943, No. 258.

\* \* \* \* \*



**141AA.** In time of war any person who—

- (a) is under the age of sixty years; and
- (b) is medically fit in accordance with such standard of medical fitness as is approved by the Military Board; and
- (c) has previously served on active service with His Majesty's Military Forces; or
- (d) being over the age of forty-five years, has previously served with His Majesty's Military Forces—
  - (i) on war service for not less than three months; or
  - (ii) in time of peace for not less than three years,

may be enlisted for service in a garrison battalion.

Persons eligible to serve in a garrison battalion.

Inserted by 1940, No. 186; re-numbered by 1941, No. 3.

### **DIVISION 5.—W.O.'s AND N.C.O.'s—APPOINTMENT, PROMOTION, REDUCTION, REVERSION, AND RESIGNATION.**

**142.\*—(1.)** The appointment of a person or the promotion of a soldier to the substantive or temporary 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 a Deputy Adjutant-General at the head-quarters of the Australian Military Forces or by the formation, &c., commander of the formation, &c., to which the appointment, or in which the promotion, is to be made or by an officer not below the rank of brigadier authorized in that behalf by the Adjutant-General.

(2.) The promotion of a soldier to the substantive or temporary 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.

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

Substituted by 1941, No. 14. Sub-reg. (1.) amended by 1942, No. 521; 1943, No. 200; and 1951, No. 152.

**143.\*—(1.)** The appointment of a person to the rank of N.C.O. in the Permanent or Citizen Forces, including a temporary, 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.

(2.) The promotion of a soldier to the rank of N.C.O. in the Permanent or Citizen Forces, including a temporary, 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;

Authority to appoint or promote N.C.O.'s.

Substituted by 1941, No. 14. Sub-reg. (1.) amended by 1951, No. 152. Sub-reg. (2.) amended by 1951, No. 152; and 1956, No. 115.

\* Regulations 142 and 143 were substituted by sub-regulation (1.) of regulation 2 of Statutory Rules 1941, No. 14. Sub-regulation (2.) of that regulation reads as follows:—  
“(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 Regulations, as amended by this regulation.”

- (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 restriction imposed by the Military Board or by an authority specified in paragraph (a) or (b) of this sub-regulation, by the Commanding Officer of the unit to which the soldier belongs.

Promotion  
after date of  
discharge.  
Inserted by  
1948, No. 65.

**143A.** If a person who has been discharged from the Military Forces was eligible, during the period of his service as a soldier, for promotion to any warrant or non-commissioned rank or for any acting or lance appointment with pay, the Adjutant-General, or an officer thereto authorized by the Adjutant-General, may promote the person to the rank, or so appoint the person, with effect from such date prior to his discharge as is appropriate.

Authority to  
appoint or  
promote to  
unpaid, acting  
or lance  
appointments.

**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.

Establishment  
of lance  
appointments.

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

Amended by  
1935, No. 99;  
and  
1948, No. 65.

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

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

Reversion of  
W.O.'s and  
N.C.O.'s of  
Citizen Forces  
on assembly  
for war service.  
Substituted by  
1930, No. 26.

**146.**—(1.) Every W.O. and N.C.O. of the Citizen Forces on first becoming employed on war service under D.A. 47 shall revert to the ranks.

(2.) Sub-regulation (1.) of this regulation shall not apply to attendance for the purpose of undergoing the annual training or any part of the annual training prescribed for the Citizen Forces.

Qualifications  
for  
appointment  
or promotion  
in P.M.F.

**147.**—(1.) Except as provided by D.A. 21B 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.

Requirements  
for  
qualification in  
P.M.F.

(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.

Appointment or  
promotion on  
probation in  
P.M.F.

(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 fulfil those requirements within that period, his provisional appointment or promotion may be terminated.

Appointment or  
promotion in  
time of war in  
P.M.F.

(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 fulfilment 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 fulfilment of those qualifications.

**148.** The course of training at a special school of instruction under D.A. 21B 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.

School of instruction under D.A. 21B.

**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.

Syllabus of examinations in Citizen Forces.

**(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.

How examination conducted.

**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.

Examinations for first promotion under D.A. 11A.

**(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 a non-commissioned rank in the Citizen Forces shall be the rank of corporal or bombardier.

Rank on first promotion.

**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.

Filling of vacancies occurring before next examination (under D.A. 11A).

**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.

Appointment and promotion of W.O.'s and N.C.O.'s in Citizen Forces who have served on war service (other than under D.A. 11A).

**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.

Examination for promotion of N.C.O.'s in Citizen Forces 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.

Extent of qualification by examination of W.O.'s and N.C.O.'s in Citizen Forces.

(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.).

Eligibility to be examined for W.O. in Citizen Forces.

**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.

Appointment and promotion in Citizen Forces in time of war (D.A. 11A 2nd. proviso.)

**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.

Appointment and promotion in time of war in Citizen Forces called out for war service (D.A. 11A 2nd. proviso.)

**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.

Qualification necessary before promotion.

**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.

Rank in excess of establishment to be terminated.

**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 or without proper authority shall be terminated.

Authority to grant appointments to soldiers.

(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.

Soldiers not to be promoted after reaching age for retirement prescribed by regulation 191 (1.).

Inserted by 1951, No. 152; amended by 1953, No. 87.

**160A.** A soldier whose age for discharge has been extended under section 27 of the Act or whose services are retained under sub-regulation (11.) of regulation 140 of these Regulations or under sub-section (2.) of section 39 of the Act shall not be promoted to a higher substantive rank than that held by him at the time when he attained the age for discharge applicable to him by virtue of the provisions of paragraph (b) of sub-regulation (1.) of regulation 191 of these Regulations.

#### REDUCTION, REVERSION, AND RESIGNATION.

Who may reduce a W.O. or N.C.O. (Peace and war service.)

Sub-reg. (1.) amended by 1928, No. 126.

**161.**—(1.) The Military Board and any general officer or brigadier 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.

(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.

Inserted by  
1942, No. 503.

(2.) For the purpose of its application to the Military Forces, A.A. 183 shall be read—

Substituted by  
1944, No. 154;  
amended by  
1956, No. 115.

(a) as if in sub-section (2), after the words "Army Council" wherever they occur, 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";

(b) as if sub-section (3) were omitted and the following sub-section inserted in its stead:—

"(3) A non-commissioned officer, including a temporary, acting or lance non-commissioned officer, may, by the sentence of a court-martial, be ordered—

(a) to be reduced to the ranks or to any lower grade,  
or

(b) to be reverted to his permanent rank,  
or both, or to forfeit seniority of rank either in addition to or without any other punishment, in respect of an offence;" and

(c) as if in sub-section (4) there were inserted after the words "non-commissioned officer" the words "including a temporary, acting or lance non-commissioned officer," and after the word "reduced" the words "or reverted".

**162.**—(1.) For inefficiency 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.

Reduction of  
N.C.O. in  
Citizen Forces  
not on war  
service for  
inefficiency.

(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.

Sub-reg. (1.)  
amended by  
1956, No. 115.

**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.

Reduction on  
conviction by  
civil power.

**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.

Reversion from  
acting or lance  
appointment.

(1A.) A N.C.O. holding temporary rank may, by order of his C.O. be reduced to his permanent rank or to any intermediate temporary rank subject, in the case of a N.C.O. of the Citizen Forces, to D.A. 112.

Inserted by  
1950, No. 10.

Amended by  
1950, No. 10.

(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 or reduced under sub-regulation (1A.) of this regulation for inefficiency or unsuitability for his appointment without the previous approval of a formation, &c., commander.

W.O. reduced  
to the ranks  
(Peace and  
War Service).  
Substituted by  
1944, No. 154;  
amended by  
1951, No. 125.

**165.** Except in time of war, 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 liable to render service under the National Service Act; or

(b) in the Permanent Forces.

Resignation of  
rank.

**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.

When  
reduction takes  
effect.  
Amended by  
1930, No. 28.

**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 on the day on which the order or award is communicated to the W.O. or N.C.O. or on any subsequent day directed in the order or award.

Division 6  
(Regs. 168-174)  
repealed by  
1953, No. 87.

\* \* \* \* \*

Division 6A  
inserted by  
1951, No. 20.

#### DIVISION 6A.—SECONDMENT OF W.O.'s, N.C.O.'s AND MEN.

Secondment for  
duty outside  
corps.  
Inserted by  
1951, No. 20.

**174A.** A soldier may, with the approval of the Military Board, be seconded in his corps whenever he is required or permitted to perform full time duty, either military or civil, outside his own corps.

Period of  
secondment.  
Inserted by  
1951, No. 20.

**174B.** Unless the Military Board otherwise approves, the period for which a soldier may remain seconded shall not, except in time of war, exceed five years.

Filling of  
vacancies.  
Inserted by  
1951, No. 20.

**174C.**—(1.) Subject to sub-regulation (2.) of this regulation, any vacancy in a corps caused by the secondment of a soldier shall be filled in such manner as the Military Board directs.

(2.) When a vacancy occurs in any warrant or non-commissioned rank in a corps and there is a seconded soldier of that rank who will revert to that corps within three months after the occurrence of the vacancy, the vacancy may remain unfilled until the reversion of that soldier to that corps.

Seniority and  
rank on  
reversion.  
Inserted by  
1951, No. 20.

**174D.**—(1.) When a soldier who has been seconded in his corps reverts to the corps, he shall, subject to sub-regulation (2.) of this regulation, retain his corps seniority, but shall not retain any rank (other than substantive rank) conferred on him during the period of his secondment.

(2.) Whenever a soldier is promoted in substantive rank during the period of his secondment, his seniority in his corps shall be determined according to the date of that promotion.

**DIVISION 7.—DISCHARGE AND RANK ON DISCHARGE.**

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

- (a) When discharge by sentences 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. 21B is included.

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

\* \* \* \* \*

**Reg. 177**  
repealed by  
1951, No. 125.

**178.—(1.)** A soldier discharged by sentence of court martial or by summary award under A.M.R. 256 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. 180. Forfeiture on discharge by sentence or summary award.

(2.) A formation, &c., commander may remit the whole or any part of a forfeiture under this regulation. Sub-reg. (1.) amended by 1956, No. 115.

**179.** In reckoning the service of a voluntarily-enlisted soldier for the purpose of discharge— Reckoning of service 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.)** Subject to this regulation, a soldier of the Permanent Forces, when not on war service, may, at his own request, be discharged before the expiration of the period for which he has engaged or re-engaged— Discharge from Permanent Forces before expiration of period of engagement or re-engagement.

(a) if his discharge is recommended by his C.O. and approved by his Formation, &c., commander; and Substituted by 1950, No. 21.

(b) on payment of—

- (i) such amount as the Military Board determines but not exceeding the value, at the date of discharge, of uniform, clothing or necessities issued to him free of charge by the Commonwealth; or
- (ii) where the soldier has, in lieu of an issue of uniform, clothing or necessities, been paid an allowance, the whole or such portion of that allowance as the Military Board determines.

(2.) A soldier serving at Darwin or an isolated station shall not be discharged under this regulation unless—

- (a) it appears to the authority who authorizes the discharge that special circumstances which justify the discharge exist; and

- (b) on payment by the soldier, in addition to the payment prescribed by sub-regulation (1.) of this regulation, of such amount as the Military Board determines to be the estimated cost of the transport to Darwin or the isolated station, as the case may be, of a soldier to take the place of the soldier to be discharged.

(3.) In this regulation, "isolated station" means a station declared by the Military Board to be an isolated station for the purposes of this regulation.

Application for discharge under last preceding regulation, how dealt with.

**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.

Free discharge of buglers, &c., on reaching 18 years.

**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.

Waiver of notice of application for discharge or of payment.

Amended by 1950, No. 21; and 1956, No. 115.

**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 Active Citizen 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. 180.

Reasons for which discharge may be effected.

Sub-reg. (1.) amended by 1938, No. 75; 1941, No. 14; 1942, Nos. 114 and 506; and 1943, No. 249.

**184.**—(1.) Except in time of war, 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
- (viiA) on compassionate grounds for family reasons; or
- (viii) on reduction in the establishment of his regiment or corps; or
- (viiiA) for the purpose of being appointed to commissioned rank; or



- \*       \*       \*       \*       \*       \*       \*
- (viiiD) if required for service with the Royal Australian  
Navy or the Royal Australian Air Force; 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 con-  
victed by a civil court; or
- (xiii) if he is sentenced during his service to penal servitude  
or imprisonment by a civil court.

(1A.) A soldier of the Permanent Forces who, having given the assurance required by A.M.R. 138A, does not submit to his C.O. within six months after his enlistment a copy of the entry of registration of his birth certified by the proper official, shall be discharged. Inserted by  
1935, No. 99.

(2.) The discharge of a soldier of the Corps of Staff Cadets shall be effected in accordance with the Royal Military College Regulations. Substituted by  
1935, No. 99.

**184A.**—(1.) A soldier on war service, whether enlisted voluntarily or in pursuance of the provisions of Part IV. of the D.A. (other than a member of the Corps of Staff Cadets or the Volunteer Defence Corps), may be discharged under this regulation from the Military Forces for any of the following reasons, that is to say:— Discharge of  
soldiers  
enlisted under  
the D.A.  
Inserted by  
1942, No. 333;  
substituted by  
1943, No. 249.  
Sub-reg. (1.)  
amended by  
1944, No. 154;  
and  
1945, No. 6.

- (a) for the purpose of being appointed to commissioned rank; or
- (b) for the purpose of being enlisted in or appointed to or commissioned in the Royal Australian Navy or the Royal Australian Air Force or any force of any other part of His Majesty's dominions or of any foreign power allied or associated with His Majesty in any war in which His Majesty is engaged; or
- (c) for the purpose of enlisting in any expeditionary force raised or being raised for service outside the Commonwealth; or
- (d) that he is medically unfit for further military service; or
- (e) that he is considered unsuitable for any further military service; or
- (f) that he is under the age of eighteen years; or
- (g) that he has attained the age of sixty years; or
- (h) to enable him to take up employment in an industry or occupation his employment in which is necessary in the interests of the defence of the Commonwealth, the more effectual prosecution of any war in which His Majesty is engaged or for maintaining supplies and services essential to the life of the community; or
- (i) because, by reason of his age or standard of medical fitness, he cannot be suitably posted in his present rank or grade; or
- (j) at his own request on compassionate grounds; or
- (k) that, by reason of numerous convictions, he is deemed to be incorrigible; or
- (l) that he has, before enlistment, been convicted by a civil court for an offence involving dishonesty or physical violence; or

- (*m*) that he has been sentenced during his service to penal servitude or imprisonment by a civil court or court-martial; or
- (*mm*) that he has been sentenced during his service to detention for a period of not less than six months; or
- (*n*) on account of demobilization; or
- (*o*) for the purpose of being enrolled as a member of the Corps of Staff Cadets; or
- (*p*) because he has made a false answer on attestation; or
- (*q*) because his services, for any reason deemed sufficient by the Military Board, are no longer required.

(2.) A soldier discharged for any of the reasons specified in sub-regulation (1.) of this regulation, who would otherwise be serving or liable to serve under Part IV. of the D.A. may, notwithstanding that discharge, be called upon to enlist and serve in accordance with the provisions of D.A. 60 and these Regulations.

Authorization and confirmation of discharge. Sub-reg. (1.) amended by 1951, No. 125.

**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.) (c), shall be authorized and confirmed.

Who may authorize. Amended by 1942, No. 333; and 1951, No. 125.

- (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 (except where the soldier has been called up for service under the National Service Act), 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 Commander of a Command or the Commandant of the Royal Military College; or
    - (iv) any officer empowered by the Military Board; or
    - (v) an officer, not below the rank of lieutenant-colonel on the staff of a Commander of a Command empowered by that Commander; 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, or, if the soldier has not been called up for service under the National Service Act, by—
    - (i) a formation, &c., commander;
    - (ii) an officer not below the rank of Lieutenant-Colonel on the staff of a formation, &c., commander empowered by that formation, &c., commander; or
    - (iii) 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;

- (e) from the Citizen Forces, if the soldier has been called up for service under the National Service Act, by—
- (i) the Military Board;
  - (ii) the Adjutant-General;
  - (iii) a Commander of a Command;
  - (iv) an officer empowered by the Military Board; or
  - (v) an officer, not below the rank of Lieutenant-Colonel, on the staff of a Commander of a Command empowered by that Commander.

(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. When C.O. may not authorize discharge.

- (4.) The discharge of a soldier may be confirmed— Who may confirm.
- (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.

\* \* \* \* \*

Reg. 186  
repealed by  
1951, No. 125.

**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.

When discharge by summary award takes effect.

**188.—(1.)** Except as provided in sub-regulation (2.) of this regulation, a discharge confirmation of which is required by A.M.R. 185 shall take effect as on and from the date upon which it is confirmed or from such later date as the confirming authority directs.

When discharge requiring confirmation takes effect. Substituted by 1942, No. 477. Sub-reg. (1.) amended by 1943, No. 72.

(2.) When a soldier of the Military Forces has been enlisted in or appointed to— Substituted by 1943, No. 249.

- (a) an expeditionary force raised for service outside Australia;
- (b) any other part of the Defence Force; or
- (c) any of the Naval, Military or Air Forces of any part of the King's dominions (other than the Commonwealth),

his discharge may be confirmed to take effect as on and from the date upon which he was so enlisted or appointed or such later date as the confirming authority directs.

Inserted by  
1943, No. 249.

(3.) When a soldier of the Military Forces has been granted a certificate of release from service, his discharge may be confirmed to take effect as on and from the date when he was released from service.

Reg. 189  
repealed by  
1951, No. 125.

\* \* \* \* \*

Review of  
discharges.

Inserted by  
1948, No. 59.

**189A.** The Adjutant-General may review all matters concerning any discharge authorized and confirmed in pursuance of regulation 185 of these Regulations and, if it appears to the Adjutant-General that the reason for which the discharge has been effected is inappropriate to the circumstances of the case, the Adjutant-General may direct that the record of the discharge be amended by substituting for the reason recorded such other reason specified in A.M.R. 184 or A.M.R. 184A, as the case requires, as the Adjutant-General considers appropriate.

Certificate of  
discharge.

Amended by  
1942, Nos. 333  
and 521.

**190.** When a 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, or by any officer authorized in that behalf by the Adjutant-General, and as soon as possible thereafter delivered or sent to the soldier to whom it relates.

Amendment of  
entry on  
certificate.

Inserted by  
1942, No. 60.

**190A.** The Military Board may authorize a military authority to review at any time the statement of the reason for discharge and the particulars relating thereto entered on any certificate of discharge, and, if he is satisfied that there has been any error or omission in that statement or those particulars, or that that statement or those particulars require qualification, to vary or amend that statement or those particulars or to add any explanatory remarks thereto as the military authority thinks proper in the circumstances.

#### AGE FOR DISCHARGE AND RANK ON DISCHARGE.

Compulsory  
retirement  
(peace) and  
discharge in  
time of war.

Substituted by  
1953, No. 87.

**191.**—(1.) Except in time of war, the age of compulsory retirement of a soldier of the Military Forces shall be—

(a) in the case of a soldier who has been re-engaged under sub-regulation (11.) of regulation 140 of these Regulations—sixty years; and

(b) in any other case—

(i) if he is a soldier of the Permanent Forces—fifty-five years; or

(ii) if he is a soldier of the Citizen Forces—forty-eight years.

(2.) In time of war, a soldier who has attained the age of sixty years may be discharged at any time after he attains that age.

#### RANK ON DISCHARGE.

Military title  
on discharge.

Substituted by  
1946, No. 116.

**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 shall be an eligible person for the purposes of this regulation and may, on discharge, be granted a military title in accordance with this regulation.

(2.) On the recommendation of his formation, &c., commander, and of the Military Board, a W.O. (Class I.), after five years' service in that class, may, on his discharge, if he is an eligible person, be granted by the Governor-General the military title of lieutenant.

(3.) On the recommendation of his formation, &c., commander—

- (a) a W.O. (Class II.) of the Permanent Forces, after five years' service in that class, may, on discharge, if he is an eligible person, be granted by the Military Board the military title 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, if he is an eligible person, be granted by the Military Board the military title equivalent to the rank held by him immediately prior to his discharge; 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, if he is an eligible person, be granted by the Military Board the military title of W.O. (Class II.).

(4.) On the recommendation of his C.O.—

- (a) a W.O. (Class II.) of the Citizen Forces, after five years' service in that class, may, on discharge, if he is an eligible person, be granted by his formation, &c., commander the military title of W.O. (Class I.);
- (b) a W.O. of the Citizen Forces with less than five years' service in Class I. or II., may, on discharge, if he is an eligible person, be granted by his formation, &c., commander the military title equivalent to the rank held by him immediately prior to his discharge;
- (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, if he is an eligible person, be granted by his formation, &c., commander, the military title of W.O. (Class II.); and
- (d) any other N.C.O. of the Permanent Forces or Citizen Forces may, if he is an eligible person, be granted the military title of the rank held by him immediately prior to discharge.

(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.

(6.) A person granted a military title on discharge or permission to wear the uniform of his corps in accordance with this regulation may, on such occasions as are authorized by the Military Board, wear the uniform of the corps with which he was serving immediately prior to his discharge with the letter "R" on each shoulder strap.

**193.** The Military Board, or, when the military title of lieutenant has been granted, the Governor-General, at any time, for any reason that appears sufficient to the Board or to the Governor-General, as the case requires, may direct that any person shall not be entitled to any military title or to wear uniform after his discharge as a soldier.

Withdrawal of  
privileges  
after  
retirement.  
**Substituted by  
1946, No. 116.**

**PART IV.—DISCIPLINE.****DIVISION 1.—REDRESS OF WRONGS.**

Redress of  
wrongs.  
(Peace and  
war service.)

**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.

Substituted by  
1934, No. 80.

(4.) If an officer is dissatisfied with the decision of the Military Board he may require that his complaint be referred to the Governor-General in Council.

(5.) 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.

Reg. 195  
repealed by  
1941, No. 43.

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**DIVISION 2.—GENERAL.**

Adaptations of  
A.A. and R.P.  
Amended by  
1941, No. 43.

**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;
- (b) References to the Army Council shall be read as including the Military Board;

- (c) Any reference to an officer or soldier of the regular forces shall, except as provided in regulation 291 of these Regulations, be read as including a reference to an officer or soldier of the Permanent Military Forces when on war service or deemed to be on war service, whether within or without the limits of the Commonwealth;
- (d) References to a superior court shall be read as including a reference to any court exercising ordinary criminal jurisdiction in any State or Territory of the Commonwealth; and
- (e) References to a court of summary jurisdiction shall be read as including a reference to any court of summary jurisdiction within the meaning of section 26 of the *Acts Interpretation Act 1901-1937*.

**196A.**—(1.) The Military Forces and the members thereof shall for the purposes of the application to and in relation to them of the provisions of the Army Act, be deemed to be “persons subject to military law” within the meaning of that expression as used in those provisions.

Persons subject to military law for purposes of application of A.A.

Inserted by 1940, No. 252.

(2.) This regulation shall be construed as amplifying and not as restricting any of the other provisions of these Regulations.

**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:—

When Military Forces subject to military law under these regulations.

Sub-reg. (1.) amended by 1956, No. 115.

- (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 or imprisonment 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.

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

Meaning of “on duty”.

Amended by 1951, No. 125; and 1956, No. 115.

- (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. 221; and
- (e) during any term of detention or imprisonment 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 section fifty-one of the National Service Act.

(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.

Attachment,  
&c., to Air  
Force.

Inserted by  
1943, No. 244.

**197A.** A member of the Military Forces may be attached to or seconded for service with the Air Force and, while so attached or seconded, he shall be subject to air force law as if he were a member of the Air Force of corresponding rank.

Attachment,  
&c., of  
members  
of Air Force.

Inserted by  
1943, No. 244.

**197B.** Where a member of the Air Force who, pursuant to section 6 of the *Air Force Act* 1923-1941, is attached or loaned to, or seconded for service, with the Military Forces is placed, for that purpose, at the disposal of the Military Board or other military authority, he may be attached for service with such regiment or corps of the Military Forces as is from time to time determined by the Military Board.

Conditions of  
attachment,  
&c.

Inserted by  
1943, No. 244.

**197C.** The conditions upon which a member of the Air Force may be attached or loaned to, or seconded for service with, the Military Forces, and the conditions upon which a member of the Military Forces may be attached to, or seconded for service with, the Royal Australian Air Force shall be such, subject to the Air Force Regulations in the first-mentioned case, and subject to these Regulations in the second-mentioned case, as are agreed to by the Military Board and the Air Board.

Relations of  
attached officer  
to members of  
Military Forces.

Inserted by  
1943, No. 244.

**197D.** When a member of the Air Force, being an officer or non-commissioned officer, is attached for service with the Military Forces, then for the purpose of command and discipline and for the purposes of the provisions of the Army Act, the Rules of Procedure, the Defence Act and these Regulations relating to superior officers, the officer or non-commissioned officer so attached shall, in relation to members of the Military Forces, be treated and have all such powers (including powers of punishment) as if he were a military officer or non-commissioned officer, as the case may be, of corresponding rank.

Application of  
A.M.R. to  
non-members.  
(Active service.)

**198.** These Regulations shall apply to a person subject to the A.A. by virtue of D.A. 117A, 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.

Prohibition  
against  
acceptance of  
presents.

Inserted by  
1942, No. 521.

**198A.** A member of the Military Forces shall not accept any present from a public body, corporation or private individual in recognition of services rendered by the member in the performance of his duty as a member.

Regs. 199 and  
200 repealed by  
1951, No. 125.

\* \* \* \* \*



**DIVISION 3.—OFFENCES.**

**201.**—(1.) A member of the Military Forces or of a Rifle Club shall not be required under or by reason of any ordinance applicable to a Territory or any law of a State—

Exemption from State laws in certain cases.

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

Sub-reg. (1.) amended by 1932, Nos. 80 and 125; and 1935, No. 99.

(2.) It shall not be necessary, under or by reason of any ordinance applicable to a Territory or any law of a State, to obtain or have any licence or permission for—

Inserted by 1932, No. 80; amended by 1932, No. 125; and 1935, No. 99.

- (a) keeping; or
- (b) supplying, on sale or otherwise, to members of the Military Forces; or
- (c) supplying, at the expense of members of the Military Forces, to their guests; or
- (d) permitting the consumption of;

intoxicating liquor at any mess or military institute constituted in accordance with these Regulations, or at any gathering of members of the Military Forces (with or without guests) authorized by proper military authority, if the intoxicating liquor is the property of the Commonwealth or of the mess or military institute or of the members of the Military Forces for whose benefit the mess or military institute is established or maintained, or of the gathering.

(3.) It shall not be necessary, under or by reason of any ordinance applicable to a Territory or any law of a State, for any person to obtain or have any licence or permission to carry or convey, by any means whatsoever—

Inserted by 1933, No. 77; amended by 1935, No. 99.

- (a) members of the Military Forces or of Rifle Clubs engaged in, or for the purpose of engaging in, or returning from, the performance of their duties as such members, or for the purpose of attending or returning from any drill, practice, competition, or engagement, in connexion with their military training; or
- (b) property belonging to the Commonwealth and appropriated to the use of the Military Forces or of Rifle Clubs, or belonging to members of the Military Forces or of Rifle Clubs, and used by them, respectively, for any purpose mentioned in this sub-regulation.

(4.) It shall be lawful, notwithstanding any ordinance applicable to a Territory or any law of a State, for any person to send or cause to be sent or conveyed, by any means whatsoever, any persons or property described in paragraph (a) or (b) of sub-regulation (3.) of this regulation.

Inserted by 1933, No. 77; amended by 1935, No. 99.

(5.) Sub-regulations (3.) and (4.) of this regulation shall operate as if they had been notified in the *Gazette* on the thirty-first day of August, 1931: provided that where any sum has been paid prior to the date of the making of these sub-regulations, in pursuance of any ordinance applicable to a Territory or any law of a State, the person who has made the payment shall not be entitled by virtue of these sub-regulations to a refund of the whole or any portion of the amount so paid.

Inserted by 1933, No. 77; amended by 1935, No. 99.

Modifications  
and  
adaptations  
of A.A.  
(War service.)  
Amended by  
1928, No. 126;  
1933, No. 77;  
and  
1945, Nos.  
42, 94 and 141.

**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. 4.

- (a) A.A. 4, 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—

- (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

A.A. 6.

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

- (ba) A.A. 6, 8, 9, 10, 11, 15, 19, 21, 22, 26, 28, 30, 31, 35, 36, 38, 39 and 40, as if the words “, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a soldier,” (wherever occurring) were omitted; and

A.A. 7.

- (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)”;

\* \* \* \* \*

A.A. 11.

- (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. 24, as if for the words “Every soldier” there were substituted the words “Every person subject to military law”, and as if for the words “comrade, or to an officer” there were substituted the words “person subject to military law”.

- (ga) A.A. 37, as if the words “, if an officer, to be cashiered, or to suffer such less punishment as is in this Act mentioned, and if a non-commissioned officer,” were omitted; and

A.A. 41.

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

Offences by  
persons subject  
to military law.  
(Peace.)  
Sub-reg. (1.)  
amended by  
1930, No. 26;  
and  
1933, No. 77.

**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, picquet, 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 legally 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 whether His Majesty's forces or forces co-operating therewith, 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 any such force as aforesaid, 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 A.A., 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 A.A., 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 A.A. 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 gentlemen; or
- (xxviii) Being charged with or concerned in the care or distribution of any public, regimental or garrison property, 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 property; 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
- (xxxi) 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

- (xxxii) Steals, embezzles, or fraudulently misapplies or receives, knowing it to have been stolen or embezzled, any property belonging to a person subject to military law, or belonging to any regimental band, regimental or garrison mess, or regimental or garrison institution, or any public property; or
- (xxxiii) 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 cruel, indecent, or unnatural kind; or
- (xxxiv) Drunkenness, whether on duty or not on duty; or
- (xxxv) When in command of a guard, picquet, patrol, or post releases without proper authority, whether wilfully or otherwise, any person committed to his charge; or
- (xxxvi) 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
- (xxxvii) Unnecessarily 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
- (xxxviii) 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 merchandize 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

- (xlili) Loses by neglect his arms, ammunition, equipments, instruments, clothing, regimental necessities, 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 band, regimental or garrison mess, or regimental or garrison 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 necessities, 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, aerial machine, 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
  - (lix) 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
  - (lx) 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.

\* \* \* \* \*

Sub-reg. (2.)  
omitted by  
1951, No. 125.

(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 elsewhere in 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.

Amended by  
1933, No. 77.

**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,

Inserted by  
1942, No. 506.

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

(2.) Any averment by the prosecution that the statement or representation attributed to the accused was false and was made with intent to deceive shall be *prima facie* evidence of such falsity and intent.

Substituted by  
1943, No. 72.

Failure to attend obligatory parade an offence.  
 Inserted by 1951, No. 125.

**203B.** Every person subject to military law who fails, without lawful excuse, to attend training which he is required or ordered to attend under regulation 489 of these Regulations shall be guilty of an offence and shall be liable to penalties as prescribed by regulation 215 of these Regulations.

Offence of giving false evidence under A.M.R. (Peace and war service.)

**204.** Any officer or soldier, whether subject to military law or on war service or not, who, when examined on oath or solemn declaration before a court martial or before any court, board, or officer authorized 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. 215.

Fraudulent enlistment, &c.

**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 fulfilled the conditions enabling him voluntarily to enlist or enrol in or enter either the Naval Forces or the Air Force, voluntarily enlists or enrolls in or voluntarily 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.

Amended by 1933, No. 77.

(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 for misconduct, or discharged on account of conviction by a civil court, or of a sentence of penal servitude or imprisonment.

(3.) When an offender 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 belongs, and it shall be lawful to charge an offender with any number of offences against that sub-regulation.

Enlisting prohibited persons.

**206.** Any officer or soldier, whether subject to military law or on war service or not, who is concerned in the voluntary enlistment 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—

Blasphemy,  
indecent, and  
immoral  
conversation.  
(Peace.)

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.

\* \* \* \* \*

Reg. 208  
repealed by  
1951, No. 125.

**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—

Selling goods  
in military  
premises.

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.)** Except as provided in this regulation—

- (a) an officer or soldier shall not—
  - (i) institute in any military premises; or
  - (ii) when in uniform attend; or
- (b) a band of the Military Forces shall not be permitted to play at,

Religious and  
political  
meetings.  
Substituted by  
1938, No. 75.

any meeting, demonstration or procession held for a religious or political purpose.

(2.) Nothing in this regulation shall apply to the institution of, or attendance at, or to a band playing at—

- (a) a religious or funeral service; or
- (b) a religious charity gathering, attendance at which is authorized by proper military authority.

(3.) 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.

**210A.—(1.)** An officer or soldier of the Permanent Forces shall not take any active part in the affairs of any political or municipal organization or party, either by speaking in public or publishing or distributing literature in furtherance of the purposes of any such organization or party, or in any other manner:

Other political  
activities.  
Inserted by  
1938, No. 75.  
Sub-reg. (1.)  
amended by  
1940, No. 199.

Provided that this sub-regulation shall not apply to an officer or soldier of any Expeditionary Force raised for service outside of the Commonwealth who, at the date of his appointment to or enlistment in that Force, was not a member of the Permanent Forces.

(2.) An officer or soldier of the Citizen Forces shall not use his military rank when taking part in any activity of a political nature or in connexion with any municipal or other local government council or corporation:

Provided that this sub-regulation shall not apply (in connexion with his membership or candidature) to any member of or duly nominated candidate for the Parliament of the Commonwealth or of a State, or any municipal or other local government council or corporation.

(3.) 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.

Extra  
departmental  
employment.

Sub-reg. (1.)  
amended by  
1943, No. 174;  
and  
1952, No. 60.

**211.**—(1.) No officer or soldier of the Permanent Forces employed on continuous full-time duty, except with the express consent of the Military Board, shall, unless, in time of war, he is on furlough pending his retirement—

- (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 connexion 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, engage, or continue in, paid employment otherwise than in connexion with his duties as an officer or soldier of the Permanent Forces on continuous full-time duty; 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.

Amended by  
1952, No. 60.

(2.) This regulation shall not prevent an officer or soldier of the Permanent Forces employed on continuous full-time duty 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 employed on continuous full-time duty 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.

Amended by  
1952, No. 60.

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

Dealing with  
contractors.

**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.

Failure to attend when called out.

**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.

Refusal to undergo medical examination.

#### DIVISION 4.—PENALTIES.

**215.**—(1.) For a contravention of any provision of *these 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 these regulations, penalties may be inflicted by a civil court or a court martial:—

Penalties.  
Sub-reg. (1.) amended by  
1930, No. 26;  
1933, No. 77;  
1944, No. 72;  
and  
1951, No. 125.

- (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:—

Officers.

- (i) Imprisonment, with or without hard labour, for a term not exceeding three months.
- (ii) Dismissal from the Defence Force.
- (iii) Reduction of rank or classification 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 or classification 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) Severe reprimand or 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.

## Soldiers.

(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 the ranks or to a lower grade.
- (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., severe reprimand or 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.

## Proviso.

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 classification or grade or forfeiture of seniority of rank or classification 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 rendering service under the National Service Act 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 and 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 rendering service under the National Service Act 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 rendering service under the National Service Act 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 severe reprimand or 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:—

W.O.'s.  
Amended by  
1933, No. 77;  
and  
1951, No. 125.

- (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) If, being a member of the Citizen Forces and not called up for service under the National Service Act, or of the Permanent Forces, he was originally enlisted as a private soldier, and belongs to a corps which comprises private soldiers, or if, being a member of the Citizen Forces called up for service under the National Service Act or he is serving or immediately liable to serve under Part IV. of the D.A., reduction to the ranks, or in any case, reduction to an inferior class of W.O. or to a lower grade existing in the Corps to which he belongs.
  - (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) Severe reprimand or 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.

Reduction of  
W.O. or N.C.O.  
sentenced to  
imprisonment,  
detention, or  
a fine  
exceeding £5.

(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.

Forfeiture of  
liquor.  
Inserted by  
1942, No. 521.

**215A.**—(1.) Any intoxicating liquor in the possession of any member of the Military Forces in breach of any of these Regulations or of any lawful order or instruction may be seized and shall thereupon be forfeited to the Commonwealth.

(2.) Any intoxicating liquor forfeited pursuant to sub-regulation (1.) of this regulation shall, at the discretion of a formation, &c., commander, be sold or destroyed. The proceeds of any sales shall be paid forthwith to the Receiver of Public Moneys for payment into revenue.

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

Amended by  
1930, No. 26;  
1933, No. 77;  
1942, No. 506;  
1944, Nos. 72  
and 154; and  
1956, No. 115.

**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 or classification, or acting rank, or both, 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

(ia) As if paragraph (m) were omitted and the following paragraph were inserted in its stead:—

“(m) In the case of a non-commissioned officer, including a temporary, acting or lance non-commissioned officer—

(i) reduction to the ranks or to a lower grade, or

(ii) reversion to permanent rank, or both, or forfeiture, in the prescribed manner, of seniority of rank;”; and

(ib) As if in paragraph (mm) there were inserted after the words “non-commissioned officer” the words “, including a temporary, acting or lance non-commissioned officer,”; 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—

\* \* \* \* \*

(ii) As if in paragraph (2A) 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”.

(iia) As if in paragraph (3) there were inserted, after the word “rank”, the words “or classification”.

(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” where it first occurs 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, 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 Force of the Commonwealth of Australia or of forfeiture of seniority of rank or classification or reduction in grade or rank or classification, or reversion to permanent rank, a fine, 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 offender 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.”

\* \* \* \* \*

Modifications  
of A.A. 182.  
(War Service.)  
Substituted by  
1928, No. 126;  
amended by  
1933, No. 77;  
1945, No. 94;  
and  
1951, No. 125.

**217.** For the purpose of its application to the Military Forces, A.A. 182 shall be read with the following modifications, that is to say—

(a) as if next after the words “warrant officer” where they first occur, there were inserted the words “not holding an honorary commission”; and

(b) As if sub-paragraph (a) of paragraph (2) were omitted and the following sub-paragraph were inserted in its stead:—

“(a) by a district court-martial to any one or more of the following punishments:—

(i) to be severely reprimanded or reprimanded;

(ii) to such forfeitures, fines and stoppages as are allowed by this Act or the Defence Act of the Commonwealth of Australia or any regulations made thereunder;



- (iii) to be dismissed from the service, or, if he was originally enlisted as a soldier 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 serving under the National Service Act but not otherwise, to be reduced to the ranks or, in any case, to be reduced to a lower grade, or to an inferior class of warrant officer (if any), or to the bottom or any other place in the list of the rank which he holds; or”.

## **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.”

Adaptation of  
A.A. 45.  
(War service.)

**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.

Persons  
authorized to  
order arrest  
under D.A.  
(Peace.)

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

When on duty  
for the purposes  
of arrest.  
(Peace.)

- (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—

Definitions.  
(Peace and  
war service.)

- (a) “Liable to arrest” means on duty within the meaning of A.M.R. 220 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 or summarily may be ordered into military custody—

Who may  
arrest and be  
arrested.  
(Peace and  
war service.)

- (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.

Sub-reg. (1.)  
amended by  
1944, No. 1.

(2.) (a) Notwithstanding anything contained in these Regulations limiting the power of command of an officer, any officer may order into military custody an officer of inferior rank liable to arrest charged with an offence triable by court martial or summarily, or any soldier liable to arrest charged with an offence triable by court martial or summarily; and

Amended by  
1941, No. 260;  
and  
1944, No. 1.

(b) Any W.O. or N.C.O. may order into military custody any soldier liable to arrest charged with an offence triable by court martial or summarily; and

(c) Notwithstanding anything contained in these Regulations limiting the power of command of an officer, any 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.

Duty of person by and to whom a person is committed into military custody. (Peace and war service.)

**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.

Detention in military custody—Reports. (Peace and war service.)  
Substituted by 1950, No. 29.

**224.**—(1.) Except as provided by sub-regulation (2.) of this regulation, where an officer or soldier 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 reason for the delay in his being brought to trial shall be made by his C.O. immediately after the expiration of the period of eight days, and a similar report shall be made immediately after the expiration of each succeeding period of eight days until a court-martial is assembled or the officer or soldier is brought before a civil court or released from military custody.

(2.) If, on active service, it is not practicable to make the special report immediately after the expiration of the period of eight days, the report shall be made as soon thereafter as is practicable but not later than thirty days after the date upon which the officer or soldier is placed in military custody.

(3.) A special report under sub-regulation (1.) or sub-regulation (2.) of this regulation shall be made by means of a letter from the C.O. of the officer or soldier in military custody addressed to the officer to whom application would be made to convene a court-martial for the trial of the officer or soldier.

(4.) Except as provided by sub-regulation (5.) of this regulation, where an officer or soldier remains in military custody for a longer period than thirty days without his being brought to trial before a court-martial or a civil court, a special report of the reason for the delay in his being brought to trial shall be made immediately after the expiration of the period of thirty days.

(5.) If, on active service, it is not practicable to make a special report under sub-regulation (4.) of this regulation immediately after the expiration of the period of thirty days, the report shall be made as soon thereafter as is practicable.

(6.) A special report under sub-regulation (4.) or sub-regulation (5.) of this regulation shall be made by the officer to whom application has been made, or would be made, to convene a court-martial for the trial of the officer or soldier and shall be by means of a letter addressed to the Adjutant-General.

(7.) An officer to whom a report is made under this regulation shall promptly acknowledge receipt of the report and shall take such action as is necessary to satisfy himself as to the necessity for the retention in military custody of the officer or soldier who is the subject of the report.

**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, picquet, patrol, or sentry, or of a provost-marshal or assistant provost-marshal. Military custody of officer, W.O., or N.C.O. (Peace and war service.)

(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. Varieties of arrest of officer, W.O., or N.C.O.

(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. Close arrest.

(4.) An officer, W.O., or N.C.O. under open arrest— 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 Amended by 1940, No. 2.  
 (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 appear in any place of public amusement or entertainment, or at public assemblies, or appear outside his quarters or tent otherwise than in uniform.

(5.) An officer, W.O., or N.C.O. under arrest may not wear sash, belt, sword, or spurs. Swords, &c., not to be worn.

\* \* \* \* \*

Sub-reg.(6.) omitted by 1940, No. 2.

**226.**—(1.) Military custody in the case of a private soldier liable to arrest will be open or close arrest. Military custody of private soldiers. (Peace and war service.)  
 (2.) A private soldier under open arrest— Sub-reg. (2.) amended by 1930, No. 26.  
 (a) will not quit barracks or camp except on duty or with special permission until his case has been disposed of; and  
 (b) will attend parades and may be ordered to perform all duties.

\* \* \* \* \*

(3.) A private soldier on being placed under close arrest will be—  
 (a) placed in confinement under the charge of a guard, picquet, patrol, sentry, or provost-marshal or assistant-provost-marshal; and  
 (b) searched and deprived of knives and other weapons.

Variation of  
nature of  
arrest.

Inserted by  
1930, No. 26.

**226A.** The nature of the arrest of an officer or soldier may be varied from time to time by any person by whom arrest of the officer or soldier could be ordered.

Offenders not  
to do duty or  
bear arms.  
(Peace and  
war service.)

**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.

Release under  
D.A. 113 to  
be followed  
by suspension.  
(Peace.)

**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.

Confession of  
desertion.  
(Peace and  
war service.)

Amended by  
1944, No. 1.

**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 or summarily, he may be placed under suspension, or, if liable to arrest, under arrest, and trial for that offence may proceed independently of the confession.

Suspension.  
Citizen Forces.  
(Peace.)

**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.

Preliminary  
suspension.  
Permanent and  
Citizen Forces.  
(Peace and  
war service.)

(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.

Suspension  
not affected  
by arrest on  
another charge.  
(Peace and  
war service.)

(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.

Suspension in consequence of civil charge. (Peace and war service.)

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

Commencement. (Peace and war service.)

(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.

Concurrent charges or prosecutions. (Peace and war service.)

(7.)\* An officer or soldier while under suspension—

Disabilities attending suspension. (Peace and war service.)

(a) shall not be entitled to receive any pay or allowances in respect of the period of suspension other than such of the following allowances (if any) as were, immediately before his suspension, payable to that officer or soldier under the Financial (Military) Regulations:—

Amended by 1953, No. 87.

- (i) marriage allowance;
- (ii) provision allowance;
- (iii) separation allowance;
- (iv) living out allowance;
- (v) living out away from home allowance;
- (vi) allowance in lieu of rations or in lieu of quarters or tentage; or
- (vii) uniform maintenance allowance; 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:—

Duties of members of Citizen Forces under suspension. (Peace.)

(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.

Continuous training or called out for war service.

(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.

(Peace.)

(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

Forfeiture of pay and removal of suspension. (Peace and war service.)

\* This sub-regulation was amended by sub-regulation (1.) of regulation 17 of Statutory Rules 1953, No. 87. Sub-regulation (2.) of that regulation reads as follows:—

Amended by 1953, No. 87.

“(2.) The amendment of the Australian Military Regulations effected by the last preceding sub-regulation shall be deemed to have come into operation on the eighteenth day of April, 1952.”

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 the pay and allowances which, but for the operation of sub-regulation (7.) of this regulation, he would have received for the period during which he was under suspension.

Inserted by  
1937, No. 45.

(9A.) In every case where an officer or soldier remains under suspension for a longer period than eight days a report in writing of the necessity for the suspension being continued shall be made by his C.O. to the formation, &c., commander, and a further report shall be made every eight days until the suspension is removed. The report is to be made whether the person under suspension is a patient in hospital, or for whatever reason the case is not proceeded with, and even though the cause of the delay lies with the officer to whom the report is made.

Inserted by  
1937, No. 45.

(9B.) An officer to whom a report is made in pursuance of sub-regulation (9A.) of this regulation shall satisfy himself as to the necessity for continuing the suspension.

Inserted by  
1937, No. 45.

(9C.) Every case of an officer or soldier who remains under suspension for a longer period than twenty-eight days shall be reported to head-quarters by his formation, &c., commander.

Who may order  
and remove  
suspension.  
(Peace and  
war service.)

(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.

Compulsory  
attendance  
before  
court martial.

**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.

Warrants for  
arrest and  
temporary  
detention.  
(Peace and  
war service.)

**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.

Mere release from arrest or removal of suspension not to condone.

## **DIVISION 6.—PROVOST-MARSHALS AND MILITARY POLICE.**

Heading amended by 1933, No. 77.

**234.** Provost-marshals and assistant provost-marshals may be appointed by—

Appointment of provost-marshals and assistant provost-marshals.

- (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, an assistant provost-marshal, any member of the Royal Australian Army Provost Corps, 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 award of a C.O.

Powers of provost-marshals, &c. Sub-reg. (1.) amended by 1940, No. 237; and 1955, No. 31.

(2.) A provost-marshal, an assistant provost-marshal or any member of the Royal Australian Army Provost Corps 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 these regulations.

Amended by 1940, No. 237; and 1955, No. 31.

Military police.  
Sub-reg. (1.)  
amended by  
1940, No. 237;  
and  
1955, No. 31.

**236.**—(1.) A provost-marshal or an assistant provost-marshal may authorize members of the military police or members of the Royal Australian Army Provost Corps 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.

Amended by  
1940, No. 237;  
and  
1955, No. 31.

(2.) Soldiers, notwithstanding that they are of superior rank, shall obey orders so given by the military police or by a member of the Royal Australian Army Provost Corps.

Amended by  
1940, No. 237;  
and  
1955, No. 31.

(3.) Officers of whatever rank shall comply with the directions of a provost-marshal, an assistant provost-marshal or an officer of the Royal Australian Army Provost Corps.

(4.) A breach of this regulation should be dealt with under A.M.R. 203 (1.) (lx) 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.**

Definitions.

**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.

Commanding officer.

Corps.

(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.

Canteen duty.  
Inserted by  
1951, No. 149.

(2A.) Where a soldier is detailed for duty in a canteen, the officer for the time being responsible for the administration of the camp or military station in which the canteen is situated shall, for the purposes of the provisions mentioned in sub-regulation (1.) of this regulation, be deemed to be the soldier’s commanding officer.

Detachment  
a corps.

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

Definition of  
detachment.  
Amended by  
1950, No. 65.

(4.) For the purposes of this regulation, any unit to which no C.O. has been appointed or 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.

Combined  
detachments.

(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.



(5A.) For the purposes of the provisions referred to in sub-regulation (1.) of this regulation—

Interpretation.  
Inserted by  
1956, No. 102.

- (a) an officer of the rank of major or above commanding a unit to which is attached a unit commanded by a member of a rank below that of major shall be deemed to be the commanding officer of the members of the unit so attached; and
- (b) an officer of the rank of major or above appointed by a formation, &c., commander to deal with charges against members of a unit not attached to another unit and commanded by a member of a rank below that of major shall be deemed to be the commanding officer of those members.

(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.

Company, &c.,  
commanders.

\* \* \* \* \*

Reg. 237A  
inserted by  
1944, No. 1;  
repealed by  
1950, No. 21.

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 the King's Regulations for the Army shall be read as references to regulations made under the D.A.

Adaptation of  
A.A. and R.P.  
(War service.)  
Amended by  
1933, No. 77.

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.—

Investigation  
of charges and  
power of C.O.  
Offences  
against D.A. or  
regulations and  
by officers and  
soldiers who  
have ceased to  
be on war  
service.

- (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—

Sub-reg. (1.)  
amended by  
1928, No. 126;  
1933, No. 77;  
1935, No. 99;  
and  
1941, No. 43.

the A.A. and R.P. 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—

Adaptations of  
A.A. and R.P.

- (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 the King's Regulations for the Army shall be read as references to regulations made under the D.A.; and
- (c) A.A. 46 shall be read as if—

Amended by  
1930, No. 26;  
1932, No. 80;  
1933, No. 77;  
1943, No. 17;  
and  
1944, No. 71.

- (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 (8) for the words "this section", firstly occurring, there were substituted the words "regulations made under the Defence Act of the Commonwealth of Australia" and there were inserted next after the words "district court-martial", where they lastly occur, the words "or, alternatively, by a civil court having jurisdiction";

- (d) R.P. 5 (A) (i) shall be read as if next after the words "court-martial" there were inserted the words "or a civil court having jurisdiction".

Limitation of  
power of C.O.  
under field  
rank.

**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.

(2.) 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.

(3.) 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. 260, 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.

Investigation  
to be prompt.

**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.

Investigation of charges in Citizen Forces not on war service and not attending continuous training, and after adjournments.

(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.

Amended by 1933, No. 77.

(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—

Investigation of charges against persons who have ceased to be members of the Military Forces.

(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. 242 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.

Charge against officer or against W.O. or N.C.O. of Permanent Forces.

**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.

Liability when evidence may be forthcoming in future.

**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 on his own election or otherwise is remanded for trial by court martial, the C.O. may, if he thinks the circumstances of the case justify it, release the accused from arrest pending trial.

Release from arrest pending trial.  
Amended by 1930, No. 26.

**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.

Further charge disclosed during investigation.

**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.

Power of C.O. to deal with charges summarily.

(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:—

Limits of power of C.O.  
Sub-reg. (1.) amended by 1941, Nos. 14 and 245; 1951, No. 125; and 1956, No. 115.

- (a) The following sections of the A.A.:—6 (except on active service); 8 (2) (threatening or insubordinate language only); 9 (2); 10 (except sub-section (1)); 11, 14, 15, 18 (1), and (3), 19, 20 (except when the act is wilful), 21, 22, 24, 30 (1), and 40.
- (b) The following sections of the D.A.:—74, 79 and 81.
- (c) Paragraphs (i), (ii), (iii), (iv), (xiii) (threatening or insubordinate language only); (xiv), (xvi), (xvii), (xviii), (xix), (xxiii), (xxiv), (xxv), (xxvi), (xxix), (xxxi), (xxxiv), (xxxv), and (xxxvi) (except when the act is wilful); (xxxvii), (xxxviii), (xxxix), (xl), (xliii), (xliv), (xlv), (xlix), (1), and (lx) of A.M.R. 203 (1.) and A.M.R. 203A, 203B, 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.

Reference to superior authority.

What offences  
to be dealt  
with  
summarily.

(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.

Summary  
award by  
authority or  
direction of  
superior  
authority.

(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.

Disposal of  
charges by  
one summary  
award.

Inserted by  
1943, No. 17.  
Sub-reg. (1.)  
amended by  
1944, No. 71.

**249A.**—(1.) All existing charges against a soldier shall, except as provided by A.M.R. 245 and by this regulation, be investigated by a C.O. at the one time, and he shall make one award only in respect of all the charges of which the soldier is found guilty.

Added by  
1943, No. 200.

(2.) Where a C.O. makes one award in respect of more than one charge the punishment awarded shall not exceed the maximum punishment which the C.O. is empowered to award in respect of any one charge.

Added by  
1944, No. 71.

(3.) In any case where an officer is investigating charges against a soldier who is absent from his unit he may deal with such of those charges as, in his opinion, may appropriately be dealt with by him and remand the soldier to the C.O. of his unit on the remaining charges.

Matters in bar.

**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.

Right to trial  
by court  
martial.

Amended by  
1943, No. 77;  
and  
1940, No. 185.

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

Punishment  
not to be  
increased.

**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.

Review of  
awards of  
company, &c.,  
commanders.

**253.**—(1.) It shall be the duty of the superior C.O., if any, to consider the award of a company, &c., 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, &c., 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, &c., 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.

Scale of punishments for purpose of commutation.  
Amended by 1944, No. 154; 1945, No. 195; and 1954, No. 113.

(a) List applicable to Citizen Forces not on war service:—

Discharge.  
Reduction in rank.  
Reversion to permanent rank.  
Deduction from pay under paragraph (fa) of sub-regulation (2.) of regulation 256.  
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 picquets (continuous training only).  
Admonition.

(b) List applicable to Citizen Forces on war service and Permanent Forces—

Detention.  
Field punishment (on active service only).  
Reduction to the ranks.  
Reversion to permanent rank.  
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—

Power of superior authority.

- (a) refer the case to a higher proper superior military authority; or  
(b) direct the disposal of the case summarily or by a civil court having jurisdiction; 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.

Amended by 1930, No. 28.

**DIVISION 8.—SUMMARY AND MINOR PUNISHMENT OF SOLDIERS.**

Definition  
of offence.

**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.

Summary  
punishments.  
Amended by  
1932, No. 80;  
1943, Nos. 72  
and 245;  
1944, Nos. 71  
and 154;  
1945, No. 195;  
1946, No. 114;  
1950, No. 10;  
1951, No. 125;  
and  
1954, No. 113.

(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:—

Detention on  
war service.

- (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).

Detention not  
on war service  
(P.F.).

- (ii) For an offence committed, *when not on war service*, by a private soldier of the Permanent Forces:—  
Detention not exceeding seven days.

Active service.

- (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):—

Field  
punishment.  
Forfeiture of  
pay.

- (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.

Discharge C.F.  
not on war  
service.

- (c) For an offence committed, *when not on war service*, by a N.C.O. or private soldier of the Citizen Forces, not called up for service under the National Service Act, and being in the Commonwealth, but subject to sub-regulations (3.) and (4.) of this regulation:—  
Discharge.

Reversion or  
reduction. Not  
on war service,  
C.F.

- (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:—
  - (i) Reversion or reduction to permanent rank; or
  - (ii) Reduction in permanent rank, or to the ranks, or, where applicable, both.

Reversion or  
reduction.  
On war service.

- (da) For an offence committed *on war service* by a N.C.O. of the Permanent Forces or Citizen Forces:—
  - (i) Reversion or reduction to permanent rank, or
  - (ii) In the case of a N.C.O. of the rank of Corporal or Bombardier, reduction to the ranks, or, where applicable, both.



- (e) 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*:—  
Fines whether on war service or not.  
 A fine not exceeding Five pounds.
- (f) For an offence committed, *when not on war service*, by a non-commissioned officer or private soldier of the Permanent Forces or Citizen Forces, being an offence (other than an offence to which the next succeeding paragraph applies) which causes damage to a building or other property:—  
Fines to defray loss, &c., not on war service.  
 A fine not exceeding Five pounds.
- (fa) For an offence committed, *when not on war service*, by a non-commissioned officer or private soldier of the Permanent Forces or Citizen Forces, being an offence which causes loss of, or damage or destruction to, any arms, ammunition, equipment, clothing, instruments or regimental necessities:—  
 (i) Where the articles are on issue to the member—a deduction from pay not exceeding Twenty pounds;  
 or  
 (ii) Where the articles are not on issue to the member—a deduction from pay not exceeding Five pounds.
- (g) For an offence committed *on war service* by a private soldier of the Permanent Forces or Citizen Forces:—  
Deduction from pay on war service.  
 Any deduction from ordinary pay allowed to be made by a C.O. by A.A. 138 (4) but not exceeding, in the case of loss of or damage or destruction done by him to any arms, ammunition, equipment, clothing, instruments or regimental necessities on issue to him, the sum of Twenty pounds, or, in any other case, the sum of Five pounds.

(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.  
Notice in writing before discharge or reduction not on war service. (C.F.)

(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—  
Discharge and reduction of W.O. or N.C.O., not on war service, subject to confirmation (C.F.).

- (a) shall direct the dismissal of every undismitted 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.

Minor  
punishments.

Amended by  
1928, No. 126;  
1940, No. 185;  
1942, No. 114;  
1944, No. 154;  
and  
1954, No. 113.

Confinement to  
barracks—C.F.  
on war service  
and P.F.

(5.) Without the soldier having any right (unless a forfeiture of pay in excess of Three pounds is involved) 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.

- (aa) For an offence committed *on war service* by a private soldier of the Permanent or Citizen Forces—

A fine not exceeding Three pounds or a deduction from ordinary pay allowed to be made by a C.O. by A.A. 138 (4) but not exceeding the sum of £3.

Minor fine in  
C.F.

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

A fine not exceeding Two pounds.

Extra guards  
and picquets.

- (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 punishment shall not be awarded except for minor irregularities when on or parading for a guard or picquet.

Reprimand.

- (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.

- (da) For an offence committed *on war service* by a N.C.O. of the Permanent Forces or Citizen Forces—A deduction from ordinary pay allowed to be made by a C.O. by A.A. 138 (4) but not exceeding the sum of £5.

Admonition.

- (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.

Field  
punishment  
and forfeiture  
of pay may  
be awarded  
separately or  
conjointly.

(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 forfeited 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 not exceeding the sum of Five pounds *whether on war service or not*, may be awarded alone or with any other punishment or punishments authorized by this regulation; and

Other punishments which may be awarded separately or conjointly.  
Amended by 1940, No. 185; 1946, No. 114; and 1954, No. 113.

- (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) or (5.) (aa) of this regulation.  
Deduction from ordinary pay not exceeding the sum of Five pounds.  
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, other than a fine or a deduction from ordinary pay, shall not be added.

No minor punishment with detention exceeding seven days.  
Amended by 1942, No. 333; and 1944, No. 154.

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

Commencement of minor punishment.

\* \* \* \* \*

Sub-reg. (10.) omitted by 1943, No. 72.

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

Joinder of punishments authorized.

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.

Commencement of detention and field punishment awarded by C.O.

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

Commencement of detention or confinement to barracks awarded to soldier undergoing one of those punishments.

**258.** When a soldier undergoing detention or confinement to barracks is, for 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 42 days *when on war service*.

| Nature of Further Award.                    | Nature of Punishment being Undergone. | Time of Commencement of Further Award.                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (i) Detention ..                            | Confinement to Barracks               | 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.                                                                           |
| (ii) Detention ..                           | Detention ..                          | 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 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. |
| (iii) Detention and confinement to barracks | Confinement to barracks               | 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.                                                                                                                                                                                     |
| (iv) Confinement to barracks                | Confinement to barracks               | At the termination of the previous award.                                                                                                                                                                                                                                                                                                                                 |

Detention, how to be awarded.

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

Power of company, &c., commander.

Sub-reg. (1.) amended by 1930, No. 26; 1943, No. 219; 1944, No. 154; 1954, No. 113; and 1956, No. 115.

**260.—(1.)** A company, &c., commander may exercise the power conferred by A.M.R. 256 only by inflicting fines for drunkenness and minor punishments, as mentioned in this regulation, that is to say:—

- (a) On a N.C.O. below the rank of 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, when not on active service, according to the scale contained in A.M.R. 275 or, when on active service, not exceeding Three pounds.
- (ii) Confinement to barracks not exceeding seven days.
- (iii) Admonition.

(ba) On a private soldier of the Permanent Forces or Citizen Forces *on war service*—A deduction from ordinary pay allowed to be made by a C.O. by A.A. 138 (4) but not exceeding the sum of £3.

(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 picquets.

(d) On a private soldier of the Permanent Forces or Citizen Forces *not on war service*—

- (i) A fine not exceeding Two pounds.
- (ii) Admonition.

(2.) Punishments mentioned in sub-regulation (1.) of this regulation may be awarded separately or conjointly as authorized by A.M.R. 256 (7.).

(3.) The power conferred by this regulation may be curtailed under A.M.R. 240.

(4.) If a soldier, entitled to do so, elects to be tried by court martial instead of being dealt with summarily by a company, &c., commander, the case shall be referred to the superior C.O. for re-hearing.

(5.) An award made under this regulation shall be subject to reduction as provided in A.M.R. 253, but shall not be increased.

(6.) Nothing in this regulation shall affect the power of the C.O. of a detachment.

**260A.** For the purpose of its application to the Military Forces, A.A. 46 (8) shall be read as if, after the words “ordinary pay”, the words “in excess of Three pounds” were inserted.

Modification and adaptation of A.A. 46 (8).  
Inserted by 1940, No. 185.

**261.** For the purpose of its application to the Military Forces, A.A. 46 (9) shall be read as if for the word “the King’s Regulations for the Army” there were substituted the words “regulations made under the Defence Act of the Commonwealth of Australia.”

Adaptation of A.A. 46 (9). (War service.)  
Amended by 1933, No. 77.

**262.—(1.)** A W.O. shall not be summarily punished by a C.O. except as authorized by A.M.R. 256 (2.) (d).

Restriction on summary punishment of W.O.’s and N.C.O.’s.

(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.

\* \* \* \* \*

Sub-reg. (3.) omitted by 1945, No. 195.

Incidents of  
confinement  
to barracks.

Sub-reg. (1.)  
amended by  
1932, No. 80.

**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 them to attend extra drill which shall be limited to one hour a day, and shall include some form of useful instruction.

Sub-reg. (2.)  
omitted by  
1932, No. 80.

\* \* \* \* \*

Lapse of  
punishment.

(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.

Remission by  
C.O. of  
summary and  
minor  
punishments.

**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.

Illegal or  
excessive  
punishments.  
Award wholly  
illegal.

Sub-reg. (1.)  
amended by  
1943, No. 174.

**265.**—(1.) If any finding of, or punishment awarded by, a C.O. appears to 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 finding and award or award (as the case may be) be cancelled, and the entry in the records of the person concerned expunged.

Award in  
excess of that  
allowed by law.

(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.

Award too  
severe.

Amended by  
1943, No. 200.

(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 or commute the whole or a part of the punishment awarded, and the remission or commutation shall be entered in the records of the person concerned.

Definition of  
superior officer.  
Amended by  
1928, No. 126;  
and  
1935, No. 99.

(4.) In this regulation the expression "superior officer" means any officer superior in command 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:—

Adaptations  
of A.A.  
(War service.)  
Sub-reg. (1.)  
amended by  
1928, No. 126.

- (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 brigadier 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 brigadier 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.

(2.) The power existing under the A.A. of dealing summarily with a charge against an officer or a W.O., and the provisions of these regulations relating thereto, may be applied to a charge of having committed, *when on war service*, an offence against the D.A. or an offence against a regulation made under the D.A. which can be committed on war service.

Amended by  
1928, No. 126;  
1933, No. 77;  
1935, No. 99;  
1941, No. 43.

(3.) For the purpose of its application to the Military Forces, A.A. 47 shall be read as if—

- (i) in sub-section (2), after paragraph (a) (first occurring), there were inserted the following paragraph:—  
“(aa) A fine not exceeding Twenty pounds;” and

Inserted by  
1930, No. 26;  
omitted by  
1939, No. 51;  
added by  
1944, No. 120.

- (ii) in sub-section (2), after paragraph (a) (second occurring), there were inserted the following paragraph:—  
“(aa) A fine not exceeding Twenty pounds;”.

Modification  
of A.A. 47.

Inserted by  
1944, No. 72;  
substituted by  
1944, No. 154.

**266A.** For the purpose of its application to the Military Forces A.A. 47 shall be read as if—

- (a) in paragraph (a) (first occurring) of sub-section (2) after the word “rank” there were inserted the words “or classification”, and
- (b) in sub-section (3) the words “or a reprimand” were omitted and the words “a reprimand, or any deduction authorized by this Act to be made from the ordinary pay of the accused but not exceeding the sum of £5,” were inserted in their stead.

Disposal after  
cessation of  
war service of  
offences  
committed 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.

Summary  
punishment of  
officer, W.O. or  
N.C.O. not on  
war service.

**268.**—(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.

Preliminary  
procedure.

(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.

Procedure at  
hearing.

(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.

Powers of  
prescribed  
authority.

Amended by  
1928, No. 126;  
and  
1944, No. 72.

(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 or classification 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) severe reprimand or reprimand; and,

*in the case of 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.

Provided that a fine shall not be awarded with another punishment which is not payment of a sum of money.

(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 held 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.

Mode of  
forfeiture of  
seniority.

(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.

When trial by  
court martial  
may be  
claimed.

(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 an armoured 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.

Delegation of  
authority.  
Amended by  
1956, No. 115.

Limitations of powers of summary punishment.

Amended by 1945, No. 94; 1951, No. 125; and 1956, No. 115.

**269.** 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 insubordinate 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, 24, 26, 28 (1), 30 (1), 31 (2) and (4), 34, 39, and 40.
- (b) The following sections of the D.A.: 74, 79 and 81.
- (c) Paragraphs (i), (ii), (iii), (vi), (vii), (viii), (xiii) (threatening or insubordinate language only), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxxiv), (xxxv) and (xxxvi) (except when the act is wilful), (xxxvii), (xxxviii), (xxxix), (xl), (xliii), (xlv), (xlix), (l), (liv), (lix), and (lx) of A.M.R. 203 (1.) and A.M.R. 203A, 203B and 207.

Offender not to be twice tried or punished.

**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.

Illegal and excessive punishments. (Peace.)

**271.—(1.)** The provisions of A.M.R. 265 shall apply to the 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.

Adaptation of R.P. 10. (War service.) Amended by 1956, No. 115.

**(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 "officer in chief command of the independent command" there were inserted the words "or the officer in chief command of a body of Australian Military Forces in the field".

## DIVISION 10.—DRUNKENNESS.

Meaning of simple drunkenness.

**272.** 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.

**273.** In dealing with simple drunkenness unconnected with another offence, confinement to barracks, when it may lawfully be awarded, should be added to a fine only when the circumstances are such as increase the gravity of the drunkenness. Detention should never be awarded for an instance of simple drunkenness punishable by detention, except when the amount of unpaid fines recorded against the soldier is Two pounds or more, in which case detention or some other punishment within the power of the C.O. should be awarded in the Citizen Forces on war service or the Permanent Forces.

Simple drunkenness not connected with another offence.

**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.

Simple drunkenness connected with more serious offence.

**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.

Scale of fines for drunkenness. (Citizen Forces on war service and P.M.F.)

Amended by 1932, No. 80.

- (a) For the first offence during a soldier's service, no fine should be imposed.
- (b) For the second offence, a fine not exceeding Ten shillings should be imposed.
- (c) For the third and every subsequent offence, a fine not exceeding One pound should be imposed.
- (d) If the third or subsequent offence occurs within six months of the last preceding offence, a fine not exceeding Thirty shillings should be imposed.
- (e) If the third or subsequent offence is within three months of the last preceding offence, a fine not exceeding 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. 273, 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.
- (i) In fixing the amount of the fine, all the circumstances of the case should be considered.

# **DIVISION 11.—DESERTION AND OFFENCES RELATING TO ENLISTMENT.**

Inquiry as to  
illegal absence.  
Sub-reg. (1.)  
amended by  
1938, No. 75.

**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, or in any public property issued to him for his use or entrusted to his care for military purposes; 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.

Amended by  
1932, No. 80.

(3.) A court of inquiry under this regulation shall 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.

Amended by  
1932, No. 80.

(6.) The court of inquiry shall examine all witnesses including those 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 arriving at their conclusions, 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.

Reg. 277  
repealed by  
1941, No. 43.

\* \* \* \* \*

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

Sub-reg. (1.)  
amended by  
1932, No. 80.

Sub-reg. (2.)  
amended by  
1932, No. 80.

**278.**—(1.) A court of inquiry under A.M.R. 276 shall be assembled by the C.O. of the absent soldier.

(2.) The court may be composed of two or more officers of any rank and of any part of His Majesty's Military Forces.

(2A.) Previous notice should, as far as practicable, be given of the time and place of assembly of the court, and of all sittings of the court, to all persons concerned in the inquiry. Inserted by  
1932, No. 80.

(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 the subject of an inquiry under A.M.R. 276 shall be entitled to a copy of the declaration of the court, which shall be supplied by the person having the custody of the original or of the record thereof in the regimental books, on the application of the soldier, and on payment of the actual cost of the copy, not exceeding 3d. for every folio of 72 words. Substituted by  
1932, No. 80.

**278A.**—(1.) When a soldier is alleged to have been absent without leave from his duty for a period of 21 days, the C.O. of the absent soldier may direct an officer to investigate the alleged absence and the deficiency (if any) in the arms, ammunition, equipment, instruments, regimental necessaries, or clothing of the soldier, or in any public property issued to him for his use or entrusted to his care for military purposes, and, if the officer carrying out that investigation is satisfied that the soldier has absented himself without leave or other sufficient cause, that officer shall forward to the C.O. a declaration as to such absence and the period thereof and the deficiency (if any) in or to the effect of the following form:— Investigation  
of absence  
without leave  
and deficiency  
in equipment.  
Inserted by  
1943, No. 245;  
Sub-reg. (1.)  
amended by  
1944, No. 114.

DECLARATION OF INVESTIGATING OFFICER AS TO ILLEGAL ABSENCE.

Unit

Surname of absentee

No.

Rank

Christian names of absentee

I  
officer)

(No., rank, name and unit of investigating  
solemnly and sincerely declare:

1. That, pursuant to orders received from my Commanding Officer, I have faithfully investigated the alleged illegal absence of

(No., rank and name of soldier) and now declare that  
the said member absented himself without leave at \_\_\_\_\_ hours on the  
day of \_\_\_\_\_ 19 \_\_\_\_\_ and that he is still so absent.

Such declaration is based upon my inspection of the relevant rollbook and upon information, which I verily believe, supplied to me by the undermentioned person(s) who, I am satisfied, could testify to the facts from personal knowledge:—

(No., rank and name(s) of person(s) interviewed.)

2. That I further report that the said member is deficient in the items mentioned in the schedule hereto and that such items are irrecoverable. This report is based upon my inspection of the record of issues to the said member and upon information, which I verily believe, supplied to me by the undermentioned person(s) who, I am satisfied, could testify to the facts from personal knowledge:—

(No., rank and name(s) of person(s) interviewed.)

*Schedule.*

| Item. | Unexpired value of each item. | Remarks. |
|-------|-------------------------------|----------|
|       |                               |          |
|       |                               |          |
|       |                               |          |

And I make this solemn declaration by virtue of the *Statutory Declarations Act* 1911-1922 conscientiously believing the statements contained therein to be true in every particular.

Declared this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

Before me:

(Signature of officer taking  
declaration.)

(Signature of investigating  
officer.)

*Certified that all necessary entries appear in unit records.*

Rank.

Date:

C.O. or Adjut.

(2.) The C.O. of a soldier whose absence from duty has been investigated pursuant to sub-regulation (1.) of this regulation, shall, if so required by the order of a proper military authority, enter in the regimental books a record of the declaration of the investigating officer.

(3.) If the absent soldier does not afterwards surrender or is not apprehended, such declaration shall have the legal effect of a conviction by court martial for desertion.

(4.) The declaration of an investigating officer shall be preserved whether a record of the certificate is entered in the regimental books or not.

(5.) A soldier, the subject of an investigation under this regulation, shall be entitled to a copy of the declaration of the investigating officer which shall be supplied, on the application of the soldier, by the person having the custody of the original or of the record thereof in the regimental books.

Confession of  
desertion or  
fraudulent  
enlistment.

**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.

Competent  
military  
authorities  
under A.A. 73.  
(War service.)

**280.** For the purpose of the applicant to the Military Forces of A.A. 73 the authorities mentioned in A.M.R. 279 (3.) shall be competent military authorities.

Procedure on  
taking and  
form of  
confession.

**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 CONFESSION OF DESERTION.

*I [here insert name] do hereby confess that I am No. of the corps, and that I deserted from that corps on and remained absent till when I \*[surrendered] [was apprehended by] [enlisted in] ] (any other 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. 289.*

*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 CONFESSION 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. 289.*

*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 competent 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. Dispensation with trial.

(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. \_\_\_\_\_ of the \_\_\_\_\_ 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.

Deserters, &c.,  
surrendering to  
or arrested by  
police within  
Commonwealth  
or Territory,  
how dealt with.

**283.**—(1.) When a person within the Commonwealth or a 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:—

Amended by  
1928, No. 126;  
and  
1943, No. 200.

FORM OF CERTIFICATE.

I, (name) (rank) of Police of the [Commonwealth of Australia] [State of.....] [Territory.....] certify that, on the.....day of.....19....., of the..... (Regiment, Corps) dressed in (Military uniform) (Civilian clothes) [was arrested by] [surrendered himself to].....(name and police rank) at.....(place of arrest or surrender) 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.

Arrest of  
deserters, &c.,  
by members  
of the Defence  
Force.

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—

Deserters, &c.,  
arrested by  
civil police in  
United  
Kingdom or  
British  
Possession.

(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 absentee 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.

Arrest of  
persons liable  
to serve under  
D.A. Part IV.

(2.) Arrest on any such warrant may be effected by a member of the Defence Force, or by a member of the police force of the Commonwealth, or 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.

Protecting certificate when to be issued.

**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.

Form and effect of protecting certificate.

**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)

Exemption from trial after exemplary service.

**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.

Attestation on which a soldier fraudulently enlisted is to serve.  
Substituted by 1943, No. 72.

**290.**—(1.) When a soldier who has fraudulently enlisted is held to serve, he may, by direction of a competent military authority, be required to serve on his last or on any prior attestation on which he remains liable to serve:

Provided that, when a soldier is required to serve on any attestation other than the first attestation on which he remains liable to serve, no service prior to the attestation on which he is required to serve shall count towards discharge.

(2.) For the purposes of this regulation, “a competent military authority” means the Military Board, the Adjutant-General, a formation, &c., commander, or the officer in chief command of a body of the Military Forces out of the Commonwealth.

**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—

Adaptations and modifications of A.A. (War service.)  
Amended by 1928, No. 23; 1933, No. 77; 1941, No. 43; 1943, No. 17; 1944, No. 120; 1946, No. 72; and 1956, No. 115.

\* \* \* \* \*

(b) A.A. 137 shall be read—

A.A. 137.

(i) as if for the words “regular forces” there were substituted the words “Military Forces of the Commonwealth of Australia”; 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—

A.A. 138.

(i) as if for the words “regular forces” there were substituted the words “Military Forces of the Commonwealth of Australia”; and

\* \* \* \* \*

(iii) as if paragraphs (a) and (c) of the proviso were omitted;

(d) A.A. 139 shall be read—

A.A. 139.

(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 “the Army Council” there were substituted the words “any authority empowered by such regulations”; and

(e) A.A. 140 shall be read—

A.A. 140.

(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 the Army of the Commonwealth of Australia.";
- (f) A.A. 162 shall be read as if the words "except such an offence as is declared not to be a crime for the purpose of the provisions of this Act relating to taking a soldier out of His Majesty's Service" were omitted from sub-section (2).

Forfeiture of pay during confinement in consequence of confession of desertion.

**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.

Pay and allowances when absent on account of sickness or illness caused by an offence.  
Substituted by 1955, No. 55.

**293.** Where—

- (a) a member of the Permanent Forces, whether on war service or not, or a member of the Citizen Forces on war service or during continuous training is absent from duty on account of sickness or injury, whether or not by reason of the fact that he is in hospital; and
- (b) a medical practitioner who has attended the member certifies that the sickness or illness is due to the action or conduct constituting an offence of which the member has been convicted,

the member shall, if his Commanding Officer so directs, forfeit all pay and allowances in respect of each day or part of a day (not being a day or a part of a day in respect of which he is entitled to pay under regulation 295 of these Regulations) on which he has been, or is, so absent from duty.

Forfeiture of pay while in custody for failing to render service.  
Inserted by 1953, No. 87.

**293A.** A member of the Citizen Forces called up for service under the National Service Act who is detained, in pursuance of a direction given by a prescribed authority under paragraph (b) of sub-section (12.) of section 51 of that Act, in a place which is a prescribed place for the purposes of that section shall forfeit all pay and allowances for each day or part of a day on which he is in that prescribed place.

Deductions for barrack, &c., damages.  
Sub-reg. (1.) amended by 1956, No. 115.

**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 or damage to vehicles, 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.

(2A.) For the purpose of this regulation "damage to vehicles" means damage to, or loss or destruction of a ship, train, motor vehicle, aircraft or other conveyance in which units or parts of units of the Military Forces are transported, or appurtenances, fixtures, furniture or effects therein or appertaining thereto. Inserted by  
1956, No. 115.

(3.) The share shall be proportionate to the number of persons from whom the compensation is to be recovered. Amended by  
1954, No. 113.

**294A.**—(1.) There may be deducted from the pay (due or to become due) of a member the amount, or any part or share of the amount, of any loss or damage suffered or expense incurred by the Commonwealth, if the Military Board, after investigation, are of the opinion that the loss, damage or expense has been occasioned by the member's neglect of duty or failure to observe any provision of the D.A. or of any regulation made under the D.A. or any lawful order or instruction on the part of the member alone or with any other person. Losses due to  
neglect.  
Inserted by  
1928, No. 126;  
substituted by  
1934, No. 26.

(2.) This regulation shall not apply to any loss, damage or expense which could have been the subject of an order for payment by a court martial by which the member has been tried or to any loss, damage or expense which has been the subject of a fine under A.M.R. 256 (2.) (f) or of an award for payment of a sum of money under A.M.R. 268 (4.) (v).

**295.**—(1.) The pay or allowances of an officer or soldier shall not be stopped under D.A. 119— When pay and  
allowances not  
to be stopped.

- (a) if the officer or soldier is found guilty of a charge dealt with by a court martial, in respect of any day between the signature by the president of the court martial of the original sentence and promulgation, unless, after confirmation, the sentence is, or includes, imprisonment, detention or field punishment; or Sub-reg. (1.)  
amended by  
1928, No. 23;  
1932, No. 80;  
1940, No. 273;  
1943, No. 174;  
1944, No. 71;  
1945, No. 141;  
and  
1956, No. 115.
- (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 of being in close arrest; 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 (9.); or
- (e) in respect of any period while under a charge, if no punishment, or if only one or more of the punishments mentioned in sub-regulation (5.) of regulation 256 of these Regulations, is or are imposed by his C.O. for the offence charged, whether or not the soldier had the right to elect to be tried by court martial; or

- (ee) in respect of any period during which a sentence of imprisonment, or detention is suspended under A.A. 57A and A.M.R. 345; 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 46; or
- (h) 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.

Amended by  
1928, No. 126.

(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; or
- (c) continues for more than twenty-four hours, it shall not be counted as more days than the number of periods of twenty-four hours of its continuance, plus one day for any additional period of less than twenty-four hours.

(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 the D.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. Stoppages for fines, &c.

(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.) If, by reason of any stoppage of pay pursuant to the provisions of sub-regulation (1.) of this regulation or of any forfeiture of pay and allowances, there remains to the credit of an officer or soldier of the Citizen Forces on war service or of the Permanent Forces, a sum (excluding deferred pay) available for his own use less than one-tenth of his daily pay (excluding deferred pay, if any) and allowances or— Substituted by 1944, No. 120.

(a) if he is serving in Australia, one shilling in Australian currency per day, or

(b) if he is serving outside Australia, one shilling in English currency per day,

whichever is the greater (hereinafter called the minimum allowance), he shall, during the period for which his pay is stopped or forfeited, be entitled to draw, as an advance against his future pay and allowances: such amount per day as shall, together with any amount (excluding deferred pay) then remaining to his credit, equal the minimum allowance:

- Provided that a member shall not be entitled to any such advance during any period for which he is undergoing sentence of penal servitude, imprisonment, or detention, or field punishment in custody, or is absent from duty without leave.

(4.) The Military Board or a formation, &c., commander may by writing authorize the payment or deduction by any instalments of any fine or sum of money mentioned in sub-regulation (1.) of this regulation and may by writing vary from time to time or cancel any such authority. While any such authority remains in force, payment shall not be required and deduction shall not be made otherwise than by the instalments authorized. Every such authority given, while the person to whom it relates is a member, shall lapse on his ceasing to be a member. Inserted by 1930, No. 26.

**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 any person, 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* 1903-1920. Recovery of fines, &c.  
Amended by 1945, No. 111.

Amended by  
1956, No. 115.

(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 any officer authorized by a formation, &c., commander.

Remission of  
forfeitures of  
pay, &c.

**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.

Restoration of  
seniority or  
service.

Amended by  
1933, No. 77.

(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 and faithful service or who is otherwise deemed by the Military Board to merit such restoration.

### **DIVISION 13.—COURTS MARTIAL—CONVENING, CONSTITUTION, AND PROCEDURE.**

Reg. 298A  
inserted by  
1941, No. 205;  
repealed by  
1942, No. 231.

\* \* \* \* \*

Modification  
and adaptation  
of A.A. 48 and  
49 and R.P.  
19 (c) and  
106 (c).

Substituted by  
1942, No. 231;  
amended by  
1943, No. 245;  
and  
1955, No. 31.

**299.**—(1.) For the purpose of their application to the Military Forces and the members thereof—

- (a) A.A. 48 shall be read as if—
  - (i) paragraphs (1) and (2) were omitted;
  - (ii) for the words “held a commission” in paragraphs (3) and (4) respectively there were substituted the words “been an officer”;
  - (iii) the word “whole” were omitted from each of those paragraphs;
  - (iiia) After the word “years” in paragraph (4) the following proviso was added:—

“Provided that, for the trial of a person charged with deserting or attempting to desert His Majesty’s Service under section 12, or with absenting himself without leave under section 15, of this Act a district court martial may consist of one officer of field rank—

- (a) who has served as an officer on the active list for not less than three years in some arm of the service other than the Australian Army Legal Corps or Royal Australian Army Medical Corps and who is a duly admitted Barrister or Solicitor of the High Court of Australia or of the Supreme Court of a State of at least five years standing, or



(b) is certified by the Director of Legal Services to have had sufficient commissioned service and legal training to fit him for appointment as sole member of such a court,

and that officer shall exercise every power and function vested in the President of a district court martial by this Act requisite or necessary to carry out the functions of a district court martial, and any provision contained in this Act, or the Rules of Procedure applicable to a district court martial shall apply so far as it is applicable to a district court martial consisting of one officer as hereinbefore provided, except that a district court martial so constituted shall not award a sentence of detention exceeding twelve months and shall not award any sentence of imprisonment.”;

(iv) for the words in paragraph (10) specified in the first column of the following table there were substituted the words specified opposite thereto in the second column of that table:—

|                                                |                                                    |
|------------------------------------------------|----------------------------------------------------|
| “this Act” (first occurring)                   | “the Defence Act of the Commonwealth of Australia” |
| “Army Council” .. ..                           | “Military Board of the Commonwealth of Australia”  |
| “air force authority” ..                       | “Royal Australian Air Force authority”             |
| “air force officer” (wherever occurring) .. .. | “officer of the Royal Australian Air Force”        |
| “air force officers” ..                        | “officers of the Royal Australian Air Force”;      |

(b) A.A. 49 shall be read as if for the words “United Kingdom” there were substituted the word “Commonwealth”;

(c) Rule of Procedure 19 (c) shall be read—

- (i) as if for the words “held a commission” there were substituted the words “been an officer”; and
- (ii) as if the word “whole” (wherever occurring) were omitted; and

(ca) Rule of Procedure 25 (A) shall be read as if at the end thereof the following proviso were added:—

“Provided that, where the court is a district court martial consisting of one officer, an objection to that officer shall be disposed of as that officer thinks fit and the grounds of objection and the manner of its disposal shall be noted by that officer in the proceedings of the court. If that officer considers he is not justified in proceeding with the trial, he shall adjourn the court and report to the convening officer for direction.”;

(d) Rule of Procedure 106 (c) shall be read as if for the words "held commissions" (wherever occurring) there were substituted the words "been officers".

These regulations not to affect F.G.C.M.

**300.**—(1.) 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.

Inserted by 1933, No. 77.

(2.) For the purpose of its application to the Military Forces R.P. 122 (B) shall be read as if for the words "the King's Regulations for the Army", there were substituted the words "regulations made under the Defence Act of the Commonwealth of Australia".

Powers under A.A. and D.A. relating to courts martial alternative. (War service.)

Sub-reg. (1.) omitted by 1942, No. 231.

**301.**—(1.) \* \* \* \* \*

(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.

Modification of R.P. 63 and adaptation of R.P. 105 (A).

**301A.** For the purpose of their application to the Military Forces and the members thereof—

Inserted by 1942, No. 231; amended by 1949, No. 68.

\* \* \* \* \*

(b) R.P. 105 (A) (i) shall be read as if for the words "United Kingdom" there were substituted the word "Commonwealth".

Officers of Staff Corps to be deemed to belong to corps to which allotted.

**302.**—(1.) 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.

Added by 1928, No. 126.

(2.) A statement in an order convening a court-martial of the appointment held by the president or a member on the staff of Head-quarters or of a formation &c. shall be sufficient indication that he is not allotted for duty with a regiment, brigade of artillery, or other similar unit.

Composition of court martial. Amended by 1943, No. 72.

**303.** In the case of a court martial for the trial of an accused person belonging to the Citizen Forces or 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 Forces to which the accused belongs.

Adaptation of R.P. 19 (A). Substituted by 1956, No. 115.

**304.** For the purpose of its application to the Military Forces, Rule of Procedure 19 shall be read as if in sub-rule (A) for the words "if he is not subject to military law" there were substituted the words "if he is not an officer of the Military Forces of the Commonwealth"

**305.** For the purpose of its application to the Military Forces, R.P. 17 shall read as if—

Adaptations of  
R.P. 17.  
(Peace and  
war service.)

- (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-advocate to the court, or for any trial by the court.

Judge-  
advocate.

(2.) A judge-advocate 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-advocate 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-advocate may not be appointed for a trial after the commencement thereof.

(5.) The appointment of a judge-advocate 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-advocate for a F.G.C.M. conferred by the R.P.

Amended by  
1942, No. 231.

**306A.** For the purpose of its application to the Military Forces, R.P. 24 shall be read as if next after the word "law" there were inserted the words "under the Army Act or the Australian Military Regulations".

Adaptation  
of R.P. 24.  
Inserted by  
1928, No. 126.

**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—

Hours of  
sitting of  
courts martial  
in Citizen  
Forces.

- (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.

Adaptations of  
R.P. 22, 23, 26,  
27, 32 and 36.  
(Peace and  
war service.)

Amended by  
1928, No. 126;  
1932, No. 80;  
1943, No. 245;  
and  
1944, No. 120.

**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” and there were inserted the words “or the Defence Act of the Commonwealth of Australia, or some regulation made thereunder”; and
- (ba) R.P. 26 (A)—as if the words “and taken in the presence of the accused by” were omitted;
- (bb) R.P. 26 (B)—
  - (i) as if the words “president first, and afterwards to the other” were omitted; and
  - (ii) as if, at the end thereof, there were added the words “Where the court is a district court martial consisting of one officer, that officer shall take the oath.”;
- (bc) R.P. 27—as if the words “in the presence of the accused” were omitted;
- (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 of the first sentence the words “or the Australian Military Regulations”; and
- (d) Paragraph (iii) 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.”.

Modification of  
R.P. 26 and 28.  
(Peace and  
War Service.)

Amended by  
1943, No. 245;  
1945, No. 42;  
and  
1949, No. 68.

**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:—

- (a) as if there were inserted therein, next after the words “Army Act”, the words “and the Defence Act of the Commonwealth of Australia and the Regulations made thereunder”; and

\* \* \* \* \*

Form of oath.  
Inserted by  
1949, No. 68.

**309A.** For the purpose of the trial of a member of the Military Forces, the form of oath prescribed by R.P. 27 for the judge-advocate shall be read as if there were inserted therein, after the words “and the rules made thereunder”, the words “and the Defence Act of the Commonwealth of Australia and the Regulations made thereunder”.

Position of  
counsel at  
courts martial.

**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. 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.

Application of R.P. Offences against D.A. and regulations. (Peace and war service.)  
Amended by 1928, No. 126; 1933, No. 77; 1935, No. 99; and 1941, No. 43.

**312.** For the purpose of its application to the Military Forces, R.P. 13 shall be read with the following adaptations:—

Adaptations and modifications of R.P. 13. (War service.)  
Amended by 1943, No. 245.

(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 Australia."

(c) as if at the end thereof the following sub-rules were added:—

"(G) A court martial may amend any charge contained in a charge sheet provided that the statement of offence is, after amendment, within the particulars originally alleged in respect of that charge.

"(H) A court martial may amend the statement of particulars contained in any charge, provided that the amended particulars in respect of any charge of desertion or absence without leave fall within the period of absence originally alleged.

"(I) If any amendment is made under paragraph (G) or (H) of this R.P., the accused shall be granted any adjournment which the interest of justice appears to demand and which he may require in consequence of such amendment."

Validity of  
charge sheet.

**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 does not 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.

Signature of  
charge sheets.

**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.

Com-  
mencement  
of charge  
sheets.

**315.**—(1.) Every charge sheet should show by the description of the accused, or directly by an express averment, that he is liable 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.

Joinder of  
charges.

**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.

Sub-reg. (2.)  
omitted by  
1943, No. 200.

\* \* \* \* \*

(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.—

Preparation for defence by accused persons.

Amended by 1928, No. 126; 1933, No. 77; 1935, No. 99; and 1941, No. 43.

the provisions of the R.P. 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. 242 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.

Modification of R.P. 14 (B) and 15 for purposes of A.M.R. 242 and 243.

318A. For the purpose of its application to the Military Forces, R.P. 89 shall be read as if the following paragraph were inserted after paragraph (B):—

Adaptation of R.P. 89. (Requirements for appearance of counsel.)

“(BA) If an officer of the Australian Army Legal Corps or any other legally qualified officer is to be prosecutor at a trial, a notification of his name, rank and corps (and the appointment he holds (if any) and his legal qualifications) should be delivered to the accused in addition to the names mentioned in R.P. 15 (c). If the trial commences within seven days of the delivery of such notification, the president of the Court shall ask the accused if he desires an adjournment for the purpose of obtaining legal assistance and, if he so desire, the Court may adjourn the trial for such time as it considers reasonable for the purpose”.

Inserted by 1940, No. 185; amended by 1943, No. 245.

# DIVISION 16.—FINDING AND SENTENCE.

319.—(1.) For the purpose of its application to the Military Forces, A.A. 56 (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.”

Adaptation of A.A. 56 (5) and R.P. 44 (B), (C), and 47.

(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:—

Amended by 1943, Nos. 174 and 245; 1944, No. 72; and 1945, No. 42.

- (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”;

- (b) R.P. 47, as if next after the word "Army," wherever it occurs, there were inserted the words "which expression shall include the Military Forces of the Commonwealth of Australia" and, after the word "rank" (wherever occurring) in the first paragraph, the words "or classification" and, after the word "ranks", the words "or classifications";
- (c) \*R.P. 48, as if there were added at the end thereof the words "The Court shall insert below the punishment awarded by it a statement to the following effect 'The Court has taken into consideration in awarding the punishment above set out that the accused has been . . . . . days in open arrest and . . . . . days in close arrest'.";
- (d) \*The Second Appendix to the R.P. as if there were inserted, after the paragraph headed "SENTENCE", the following paragraph:—

"TIME ACCUSED WAS IN ARREST.

The Court has taken into consideration in awarding the punishment above set out that the accused has been . . . . . days in open arrest and . . . . . days in close arrest."

\* \* \* \* \*

Inserted by  
1930, No. 26.

(3.) For the purpose of their application to the Military Forces, whether on war service or not, A.A. 130 (1), (2) and (3) shall be read as if next after the words "His Majesty" there were inserted the words "or the Governor-General of the Commonwealth of Australia".

Sentence for  
loss or damage  
or expenses  
when not  
enforced.

**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.

Consideration  
of sentences by  
courts martial.  
General  
principles.  
(Peace and  
war service.)

**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

\* Paragraphs (c) and (d) were added by sub-regulation (1.) of regulation 6 of Statutory Rules 1943, No. 174. By virtue of sub-regulation (2.) of that regulation the date of commencement of those paragraphs was 9th August, 1943.



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.

Previous convictions to be given in evidence. (Peace and war service.)

(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.

Unusual prevalence of offences. (Peace and war service.)

(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.

When accused has elected to be tried. (Peace and war service.)

(5.) Discharge with ignominy cannot be imposed for an offence committed when not on war service or with a sentence of detention.

Discharge with ignominy. (War service.)

(6.) Discharge may be imposed for an offence committed, whether on war service or not.

Discharge. (Peace and war service.)

(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.

Imprisonment proper in certain cases. (Peace and war service.)

(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.

Detention. (Peace and war service.)

(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.

Sentence on two or more charges. (Peace and war service.)

(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 rendering service under the National Service Act.

Discharge or discharge with ignominy. (Peace and war service.) Amended by 1951, No. 125.

Suggestions  
for sentences.  
(Peace.)

Amended by  
1935, No. 99;  
and  
1936, No. 21.

(11.) The punishments mentioned in the following table will usually be sufficient when not on war service:—

| Offences.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Punishment.                         |               | Remarks.                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Detention.                          | Imprisonment. |                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Period.<br>Not exceeding<br>28 days | Period.<br>.. |                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>(a) In the absence of a previous conviction, or of aggravating circumstances, or of antecedents appearing to require a severe lesson, or of an unusual prevalence in the unit or garrison of the species of offence forming the subject of the charge*</p> <p>First desertion within first six months' service and when not under orders for embarkation</p> <p>Leaving guard or post</p> <p>Offences of sentries</p> <p>Insubordinate or threatening language</p> <p>Disobedience not of a grave nature</p> <p>Resisting escort, not involving an attempt at serious injury</p> <p>Breaking out of barracks</p> <p>Neglect of orders</p> <p>Absence</p> <p>Failing to appear at parade</p> <p>Being out of bounds</p> <p>Drunkenness</p> <p>Release of person or allowing person to escape (not wilfully)</p> <p>Escaping from custody</p> <p>Losing by neglect under A.M.R. 203 (1.) (xliii)</p> <p>Irregularity or omission in regard to returns (not fraudulent)</p> <p>Conduct to prejudice, &amp;c. (not of a serious nature)</p> |                                     |               | <p>An addition of from 7 to 28 days' detention may appropriately be made in the case of each previous conviction, whether for a similar, or any other offence, or of any circumstances that aggravate the gravity of the offence, provided that the full detention does not exceed 89 days†</p>                                                                                                           |
| <p>(b) Striking a superior officer ..</p> <p>Disobeying a lawful command (graver cases)</p> <p>Desertion other than under sub-par. (a)</p> <p>Fraudulent enlistment .. ..</p> <p>False evidence</p> <p>False accusation</p> <p>Conduct to prejudice, &amp;c. (graver than under sub-par. (a) )</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Not exceeding<br>89 days            | ..            | <p>Offences of violence under A.M.R. 203 (1.) (xiii), in their gravest form, may justify a sentence of imprisonment.</p> <p>Offences under A.M.R. 203 (1.) (xiii) should normally be punished more severely when committed against a superior officer being in the execution of his office than when not in the execution of his office; an offence having relation to the office of a superior being</p> |

\* 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 entraining for a change of station aggravates the gravity of the offences of absence and failing to appear on parade.

| Offences.                                                                                                                                                                         | Punishment. |                       | Remarks.                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                   | Detention   | Imprisonment.         |                                                                                                                                                                                                                                                                                                       |
|                                                                                                                                                                                   | Period.     | Period.               |                                                                                                                                                                                                                                                                                                       |
| (b)—continued.                                                                                                                                                                    |             |                       | of greater gravity than an offence against the individual apart from the duties of his office, and, especially in the less serious classes of such offences, the lower the rank of the superior officer against whom the offence is committed, the less, usually, will be the gravity of the offence. |
| (c) Ordinary theft .. .. .<br>Frauds<br>An offence under par. (a) of A.M.R. 205 (1.)<br>Gross violence to superiors<br>Disgraceful conduct under par. (xxxiii) of A.M.R. 203 (1.) | ..          | Not exceeding 89 days |                                                                                                                                                                                                                                                                                                       |

\* \* \* \* \*

Sub-reg. (12.)  
omitted by  
1951, No. 125.

(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.

Cashiering not  
affect liability.

(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.

Discretion not  
impaired.

(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.

Stoppages, &c.  
(Peace and  
war service.)

(16.) A sentence under D.A. 97 (c) should be in or to the effect of the following form:—

Form of  
sentence under  
D.A. 97 (c).  
(Peace and  
war service.)

“To pay the sum of \_\_\_\_\_ to make good  
the { expenses occasioned by the offence mentioned in the charge.  
    { loss of  
    { damage to } the following articles, viz.:—(here set out the  
articles and the individual amounts required to make good the loss or  
damage).”

\* \* \* \* \*

Sub-reg. (17.)  
omitted by  
1951, No. 125.

Framing sentences.  
(Peace and war service.)

**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.

Meaning of "month", in sentence.  
(Peace and war service.)

**323.** In any sentence of imprisonment, detention, or field punishment, the word "month", unless the contrary intention is expressed, shall be construed as meaning calendar month.

Amended by  
1956, No. 115.

Court martial may recommend suspension.  
(Peace and war service.)

**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.

Reg. 325 repealed by  
1951, No. 125.

\* \* \* \* \*

#### DIVISION 17.—REVISION, CONFIRMATION, COMMUTATION, REMISSION, AND PROCEDURE AFTER CONFIRMATION.

Adaptation of A.A. 54. . .  
(Peace and war service.)

**326.** For the purpose of its application to the Military Forces, whether 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) and (9), as if next after the words "this Act" (in sub-section (9) where they secondly occur) there were inserted the words "or the Defence Act of the Commonwealth of Australia or any regulations made under that Act".

Adaptation of A.A. 57 (1) and (2).  
(War service.)  
Substituted by  
1956, No. 115.

**327.** For the purpose of their application to the Military Forces, A.A. 57 (1) and (2) shall be read as if for the word "death" (wherever occurring) there were substituted the word "imprisonment".

Commutation of dismissal for scandalous conduct.  
(Peace.)

**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.

Adaptations of R.P. 51, 56, and 57.  
(Peace and war service.)

**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 "the King's Regulations for the Army" there were inserted the words "the Australian Military Regulations"; and

Amended by  
1933, No. 77;  
and  
1942, No. 477.

(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
- (iv) At the end thereof the following sub-rule were added:—  
 “(2.) A charge sheet may be signed by a staff officer on behalf of a convening officer, and the fact that it is so signed shall be sufficient evidence that the convening officer for whom it is signed has approved of the charge sheet and has directed the trial in accordance with the directions endorsed on it.”;

(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.

Mitigation, remission, and commutation of sentences of civil courts. (Peace.)

(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.

Forfeitures consequent on finding not affected by remission of sentence. (Peace and war service.)

**332.**—(1.) It is the province of the confirming authority to see that the findings and sentence 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.

Functions of confirming authority. (Peace and war service.)

Commutation  
of sentences of  
imprisonment.

(2.) When a soldier 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), is sentenced to imprisonment, but the confirming authority considers that the offender need not be discharged 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.

Detention  
awarded in  
commutation.

(3.) When a sentence of imprisonment is commuted to detention, the term of detention shall not exceed the term of the sentence of imprisonment.

Detention  
commuted.

(4.) Detention, being lower in the scale of punishments than imprisonment, cannot be commuted to imprisonment.

When discharge  
or discharge  
with ignominy  
to be remitted.  
**Amended by  
1951, No. 125.**

(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 remitted at the time of confirmation. If confirmation of a finding under A.M.R. 325 is refused, in the case of a person rendering service under the National Service Act, an accompanying sentence of discharge or discharge with ignominy should be remitted. 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.

When sentence  
of discharge  
or discharge  
with ignominy  
passed not to  
be confirmed.

(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.

Released from  
custody  
pending  
confirmation.  
(Peace and  
war service.)

**Substituted by  
1942, No. 179.**

**333.**—(1.) As soon as the proceedings of a court-martial in which the sentence is lower in the scale of punishments than dismissal or discharge are received by an authority having power to confirm the sentence, the authority shall, except in exceptional circumstances or unless the accused is required to be detained for some other offence, immediately order that the accused be released from custody or placed in open arrest.

(2.) Where the sentence of a court-martial is or includes forfeiture of seniority or reduction of rank, and the confirming authority orders that the accused be released and not placed in open arrest, instructions shall be given with the order for release that the accused shall not, unless the exigencies of the services so require, be placed on duty until after promulgation of the sentence.

(3.) In cases where the sentence of a court-martial is such that it appears to the president of that court-martial that the period of detention awarded will probably expire before confirmation of the sentence, or the further detention of the accused is unnecessary—

- (a) the president shall advise the C.O. of the accused that the further detention of the accused in respect of the offence tried by that court-martial is unnecessary, and that the accused should be placed in open arrest pending instructions from the confirming authority, and the president shall forward to the confirming authority a memorandum setting out the action that has been taken;
- (b) on receipt of that advice, the C.O. shall, unless the accused is required to be detained for any other offence, release the accused from custody and place him in open arrest accordingly; and
- (c) on receipt of the proceedings of that court-martial, the confirming authority shall, in any case in which it appears to him that the accused has not been released, instruct the C.O. to release the accused from detention or place him in open arrest, as the case requires, unless the accused is required to be detained for any other offence.

**334.**—(1.) Before confirming the finding and sentence of a court-martial, the confirming authority shall, unless the exigencies of the service preclude his so doing, refer the proceedings to the Judge-Advocate-General, a Deputy Judge-Advocate-General, an officer of the Australian Army Legal Corps or a barrister or solicitor of the High Court or of the Supreme Court of a State or Territory of the Commonwealth, being a barrister or solicitor approved by the Director of Legal Services for the purpose, for such report as that person or officer considers necessary as to the legality and propriety of the finding, the legality of the sentence or any other matter arising in the course of those proceedings upon which he is required or considers it desirable to advise or comment.

Examination of proceedings—  
peace and  
war service.  
Substituted by  
1942, No. 179.  
Sub-reg. (1.)  
amended by  
1943, No. 245;  
and  
1955, No. 7.

(2.) Within fourteen days after the date of the signing of the minute of confirmation or the date of acquittal on all charges, as the case may be, the officer having custody of the proceedings of a court-martial for the purpose of promulgation of the finding and sentence, in the first case, or the president or judge-advocate, in the second case, shall—

- (a) if a Deputy Judge-Advocate-General is not attached to the body of the Military Forces with which the accused person was serving at the time of the finding of the court-martial—forward the proceedings to the Military Board, which shall submit them to the Judge-Advocate-General or the Deputy Judge-Advocate-General at the Head-quarters of the Military Forces in the Commonwealth for review and report; or
- (b) if a Deputy Judge-Advocate-General is attached to that body—submit the proceedings to him for review and report prior to forwarding them, with that report, to the Military Board.

(3.) A report by the Judge-Advocate-General or a Deputy Judge-Advocate-General in pursuance of the last preceding sub-regulation shall contain such advice or comment as he is specifically required by the authority forwarding the proceedings to furnish, or, in the absence of specific instructions, such observations as to the legality and propriety of the finding, the legality of the sentence or any other matter appearing in the proceedings as he considers necessary or desirable.

(4.) Unless the Military Board otherwise directs, the proceedings of a court-martial which have been submitted to a Deputy Judge-Advocate-General shall not be submitted to the Judge-Advocate-General before transmission to the Attorney-General.

(5.) Copies of any reports furnished pursuant to this regulation shall be attached to the proceedings of courts-martial transmitted to the Attorney-General for record pursuant to section 99 of the Act.

Substituted by  
1955, No. 7.

(6.) A person who has acted as the president, a member of the court, the prosecutor, counsel for the prosecutor or the judge-advocate at a trial by court-martial shall not, either before or after confirmation, advise upon the proceedings of that court-martial.

Investigation  
of matters  
disclosed by  
proceedings.  
(Peace and  
war service.)

**335.** Where statements made by an accused, in mitigation of punishment, reveal facts which might influence the confirming officer in determining the proper sentence, or contain matter which might call for disciplinary action, investigation into the truth or otherwise of such statements should be made by the confirming officer, if practicable, prior to confirmation.

If the investigation is likely to cause substantial delay in confirmation, the confirming officer may confirm the proceedings forthwith, and make investigation later with a view to subsequent reconsideration.

Remarks on  
proceedings.  
(Peace and  
war service.)

**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.

Promulgation.  
(Peace and  
war service.)

**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 pursuant to sub-regulation (2.) or the date of the minute made under sub-regulation (3.) of this regulation, as the case may be, shall be recorded in the proceedings. Amended by  
1942, No. 179.

(5.) Notwithstanding promulgation in accordance with sub-regulation (3.) 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.

(6.) For the purpose of the application of A.A. 57A to the Military Forces, whether on war service or not, any reference to "promulgation" shall be read as meaning promulgation pursuant to the provisions of this regulation. Added by  
1944, No. 120.

**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). Illegal  
proceedings not  
to be confirmed  
or if confirmed  
to be quashed.  
(Peace and  
war service.)

(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. Amended by  
1942, No. 179;  
and  
1944, No. 71.

(3.) Subject to sub-regulations (3A.) and (3B.) hereof, 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. Amended by  
1945, No. 19.

(3A.) If, after confirmation has been completed, it appears to an authority having power under this regulation to quash the finding of a court martial that, in respect of any one or more of the particulars of the offence, the finding is not supported by the evidence or is invalid on any other ground, that finding, in so far as it relates to that particular or those particulars, shall be quashed by that authority, and if the remaining particulars to which the finding relates are, in the opinion of that authority, sufficient to support a conviction for the offence, the conviction shall be valid. Inserted by  
1945, No. 19.

Inserted by  
1945, No. 19.

(3B.) If the finding in so far as it relates to any one or more particulars is quashed under sub-regulation (3A.) of this regulation, the authority so quashing shall mitigate, remit or commute the punishment awarded as seems just, having regard to the finding after that quashing, and the punishment as so modified shall be as valid as if it had been an original award only in respect of the finding after the quashing.

(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.

Amended by  
1942, No. 417;  
and  
1955, No. 31.

(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
- (ba) the Deputy 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.

Amended by  
1941, No. 245;  
and  
1942, No. 179.

(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
- (aa) the Adjutant-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.

Substituted by  
1942, No. 179;  
amended by  
1943, No. 245.

(9.) Unless undue delay will be occasioned thereby, the finding, sentence or part of a sentence of a court-martial shall not be quashed without previous reference to the Judge-Advocate-General or the Deputy Judge-Advocate-General at the Head-quarters of the Military Forces in the Commonwealth, or, if a Deputy Judge-Advocate-General is attached to the body of the Military Forces with which the convicted person was serving at the time of his conviction, to that Deputy Judge-Advocate-General:

Provided that, if the court-martial was held out of the Commonwealth and the exigencies of the service so require, the previous reference may be made to an officer of the Australian Army Legal Corps.

\* \* \* \* \*

Sub-reg. (10.)  
repealed by  
1942, No. 179.

**338A.** The president and judge advocate or, if there is no judge advocate, the president of a court martial may, before or after confirmation, amend the record of its proceedings to accord with the facts, by correcting errors or supplying omissions or both.

Amendment of  
proceedings.  
Inserted by  
1930, No. 28.

\* \* \* \* \*

Reg. 339  
repealed by  
1941, No. 43.

**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 72 words.

Copies of  
proceedings.  
(Peace and  
war service.)

(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, 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.

Amended by  
1942, No. 179.

(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 authority, or, if the finding and sentence have been confirmed, to the authority empowered under regulation 338 of these Regulations to quash that finding and sentence, through the usual channel.

Petition by  
person  
convicted by  
court martial.  
(Peace and  
war service.)  
Sub-reg. (1.)  
amended by  
1942, No. 179.

(2.) A petition shall be referred for report and advice to the Judge-Advocate-General or a Deputy Judge-Advocate-General before consideration by the appropriate authority.

Substituted by  
1943, No. 245.

Added by  
1943, No. 17.

(3.) A person who has forwarded a petition pursuant to sub-regulation (1.) of this regulation shall not forward any further petition in respect of the same finding or sentence unless the matters raised in the further petition are substantially different from those contained in any previous petition.

Restitution of  
stolen property.  
(Peace and  
war service.)

**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.

Adaptation of  
A.A. 75.  
(War service.)

**343.** For the purpose of its application to the Military Forces, A.A. 75 shall be read as if next after the words “Army Council” wherever they occur, there were inserted the words “or the Military Board of the Commonwealth of Australia”.

Adaptation of  
A.A. 57 (2).  
(Peace and  
war service.)

**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”.

Prescribed  
officer.

(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. 57A shall be read with the following modifications and adaptations, that is to say:—

Modifications and adaptations of A.A. 57A. (Peace and war service.)

(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:—

Amended by 1943, No. 174; 1944, Nos. 71 and 120; 1945, No. 141; and 1956, No. 115.

(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.

(aa) Sub-sections (1), (2), (3), (4), (6) and (7) are omitted and the following sub-sections respectively inserted in their stead:—

(1) Where a soldier is sentenced to imprisonment, detention or field punishment, the confirming authority to whom the sentence is submitted for confirmation may, when confirming the sentence, direct that the sentence shall not be carried into effect until the orders of a superior military authority have been obtained.

(2) A superior military authority may in the case of any soldier so sentenced—

(a) direct that the sentence shall not be carried into effect until his orders have been obtained;

(b) suspend the sentence whether or not the soldier has already been committed to prison or detention barracks, or commenced to suffer field punishment.

(3) Where a sentence of imprisonment, detention or field punishment is suspended under this section before the soldier has been committed to prison or detention barracks, or, in the case of field punishment, at or before promulgation, the soldier, if in custody, shall be released and, notwithstanding anything in this Act or any regulation made under the Defence Act of the Commonwealth, the sentence shall not begin to run until an order is made under sub-section (6) hereof.

(4) Where a sentence of imprisonment, detention or field punishment is suspended under this section after the soldier has been committed to prison or detention barracks, or, in the case of field punishment, after promulgation, he shall be released, if in custody, and the currency of the sentence shall be suspended from the day on which he is released, or, if he is not in custody, from the date of the order suspending the sentence, until an order is made under sub-section (6) hereof.

- (6) A superior military authority may, at any time, while a sentence is suspended under this section, order that the soldier be committed to prison, detention barracks or other place of detention within the meaning of the Australian Military Regulations or commence to suffer field punishment, and from the date of such order the sentence shall cease to be suspended.
- (7) Where a soldier whilst a sentence on him is so suspended is sentenced to imprisonment, detention or field punishment for a fresh offence, a superior military authority may direct that the two sentences shall either run concurrently or consecutively, so, however, that the aggregate term of imprisonment or detention served under two or more sentences of imprisonment or detention shall not exceed two consecutive years except when one of the sentences is of imprisonment exceeding two years, and in that case the sentences shall run concurrently, or that the aggregate term of field punishment under two or more sentences of field punishment shall not exceed three consecutive months.
- (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.

\* \* \* \* \*

- (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—

Commence-  
ment of  
sentences.  
Cashiering and  
dismissal of  
officers.

- (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—

Dismissal,  
discharge, or  
discharge with  
ignominy of  
soldier.

- (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—

Reduction.

- (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 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.

Imprisonment,  
detention and  
field  
punishment.  
Amended by  
1956, No. 115.

\* \* \* \* \*

Reg. 347  
repealed by  
1956, No. 115.

**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.

Execution of  
sentences of  
imprisonment  
and detention.

(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.

Imprisonment.  
Detention.

(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:

Where sentence  
passed in  
Commonwealth  
to be  
undergone.

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.

Where sentence passed, &c., outside Commonwealth to be undergone.

(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.A. 64 (4).

Sentence exceeding twelve months passed, &c., out of Commonwealth.

(5.) Subject to A.M.R. 352, 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.

Commitment.

(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.).

Transfer.

(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.).

Power of civil authority preserved.

(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.

Removal for service out of Commonwealth.

**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.

Modification of A.A. 64 (1).

(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*.

Modification of A.A. 64 (4).

(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.

Modification of A.A. 64 (4).

(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.

Application of A.A.

\* \* \* \* \*

Sub-heading and regs. 350 and 351 repealed by 1956, No. 115.

#### SOLDIERS UNDER SENTENCE GENERALLY, AND SOLDIERS IN MILITARY CUSTODY.

**352.**—(1.) An order of a competent military authority under A.M.R. 353 (2.) shall be sufficient for the delivery from any prison or place of detention into military custody of a soldier under sentence.

Delivery into military custody.

(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 (2.).

Release.

(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.

Restraint during 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 in relation to any class of military prisoners or soldiers under sentence of detention, 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.).

Governor-General may authorize service of sentences out of Commonwealth.

Amended by 1956, No. 115.

(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 in relation to any class of military prisoners or soldiers under sentence of detention; 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.

Revocation of direction.

Amended by 1956, No. 115.

Treatment of  
soldiers under  
sentence.

Amended by  
1932, No. 80;  
and  
1956, No. 115.

(6.) A military prisoner, while in a civil 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.

Hospital  
detached.

(7.) When the hospital or place for reception of sick persons in a 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.

Insanity.  
Adaptation of  
A.A. 130 (5).

Inserted by  
1930, No. 26;  
amended by  
1942, No. 333;  
1943, No. 17;  
and  
1956, No. 115.

(8.) For the purpose of its application to the Military Forces, whether on war service or not, A.A. 130 (5) shall be read with the following adaptations, that is to say:—

\* \* \* \* \*

- (b) as if next after the words "this Act" there were inserted the words "or the Defence Act of the Commonwealth of Australia"; and
- (c) as if for the words "detention barrack" there were substituted the words "place of detention under the Australian Military Regulations"; and
- (d) as if next after the words "imprisoned or undergoing detention" there were inserted the words "in the Commonwealth or elsewhere"; and
- (e) as if for the words "a Secretary of State in any case, and in the case of a person confined in a colony the Governor of that colony", there were substituted the words "the Governor-General of the Commonwealth"; and
- (f) as if for the words "in the United Kingdom, or the colony, according as the person is confined in the United Kingdom, or the colony" there were substituted the words "specified by the Governor-General".

Competent  
military  
authorities.  
Commitment.  
Sub-reg. (1.)  
amended by  
1943, No. 219.

**353.**—(1.) For the purpose of A.M.R. 348 (6.) and 350 (6.), each of the authorities mentioned in this sub-regulation shall be a 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;
  - (vi) the president of the court martial by which the sentence was passed; and
  - (vii) the Commandant of the military prison or detention barracks in which the military prisoner or soldier under sentence of detention is confined; 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 any 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.

Transfer and delivery into military custody, and release.

(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.

Removal for service out of Commonwealth.

(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).

Application of A.A.

\* \* \* \* \*

Reg. 354 repealed by 1941, No. 43.

**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.

Warrants, &c., not to be void for want of form, &c.

Amendment.

(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.

Meaning of "month".

Amended by 1956, No. 115.

(3.) In any warrant or other document issued in pursuance of or relating to a sentence of imprisonment, detention, or field punishment, the word month, unless the contrary intention is expressed, shall be construed as meaning calendar month.

Commitment after conviction by civil court.

**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.

Interim custody of soldiers under sentence. (Peace and war service.)

**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.

Amended by 1956, No. 115.

(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 prisoner, to a place of imprisonment, or a place of detention, or a police station or lock-up; or
- (b) if a soldier under sentence of detention, to any place mentioned in paragraph (a) of this sub-regulation, except 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.

Amended by 1932, No. 80.

(4.) Any of the officers mentioned in sub-regulation (3.) of this regulation may order the delivery into military custody of a person temporarily committed under this regulation.

Concurrent sentences.

**358.**—(1.)

Sub-reg. (1.) omitted by 1956, No. 115.

\* \* \* \* \*

(2.) When a sentence of imprisonment is being undergone concurrently 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, a detention barrack or a military corrective establishment.

Military prisons, &c.  
Amended by  
1949, No. 68.

**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—

Appointment of places of detention.  
Sub-reg. (1.) amended by  
1949, No. 68.

- (a) Every detention barrack.
- (aa) Every military corrective establishment.
- (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 command 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.

Barrack detention rooms.

**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.

Control of military prisons and places of detention.

(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.) Subject to such orders and instructions as are issued under the authority of the Military Board with respect to soldiers undergoing sentences in military corrective establishments, 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.

Discipline of soldiers in place of detention.  
Sub-reg. (1.) amended by  
1949, No. 68.

(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

Use of handcuffs.

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.

Order for  
restraint.

**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 change 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.

Intoxicating  
liquor  
forbidden.

Amended by  
1948, No. 40.

**365.** The use or possession by a soldier undergoing sentence in a military prison or place of detention of intoxicating liquor is forbidden.

Inserted by  
1932, No. 80.

**365A.** Rules made under A.A. 67 (3) shall apply to members of the Military Forces confined in places in which those rules are in force by the direct operation of the A.A., but otherwise shall not apply to the Military Forces.

#### BARRACK DETENTION ROOMS.

C.O. of soldiers  
undergoing  
detention.

**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.

Offences  
against the  
discipline of  
barrack  
detention  
rooms.

**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

- (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.

Daily—

|                     |    |    |    |    |                   |
|---------------------|----|----|----|----|-------------------|
| Bread               | .. | .. | .. | .. | 6 oz.             |
| Porridge            | .. | .. | .. | .. | 1 pint            |
| Margarine or butter | .. | .. | .. | .. | $\frac{1}{2}$ oz. |
| Water               |    |    |    |    |                   |

## DINNER.

Daily—

|          |    |    |    |    |       |
|----------|----|----|----|----|-------|
| Bread    | .. | .. | .. | .. | 6 oz. |
| Meat     | .. | .. | .. | .. | 4 oz. |
| Potatoes | .. | .. | .. | .. | 8 oz. |
| Rice     | .. | .. | .. | .. | 2 oz. |
| Water    |    |    |    |    |       |

## SUPPER.

Daily—

|                     |    |    |    |    |                   |
|---------------------|----|----|----|----|-------------------|
| Bread               | .. | .. | .. | .. | 6 oz.             |
| Porridge            | .. | .. | .. | .. | 1 pint            |
| Margarine or butter | .. | .. | .. | .. | $\frac{1}{2}$ oz. |
| Water               |    |    |    |    |                   |

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 defence.

(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.

Bedding and  
other articles.

**368.**—(1.) A soldier under sentence in a barrack detention room shall be provided with bedding, and with three blankets or more, 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.



**369.** Every soldier undergoing sentence in a barrack detention room shall wash himself thoroughly every day, shave daily, change his underclothes 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.

Cleanliness and hair cutting.

**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.

Cleaning of rooms.

**DIVISION 20.—COURTS OF INQUIRY AND BOARDS OTHER THAN  
COURTS OF INQUIRY HELD UNDER A.M.R. 276.**

Heading amended by 1932, No. 80

**COURTS OF INQUIRY.**

**371.** This division shall not apply to courts of inquiry on the absence of soldiers.

Exception.

**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.

Courts of inquiry.

**(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.

Assembling authority.

**(3.)** The court may be composed of two or more 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.

Constitution. Amended by 1932, No. 80.

**(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.

Inquiry affecting character or military reputation.

**(1A.)** Whenever it appears that the character or military reputation of an officer or soldier, who has not previously been notified of his rights under this regulation, may be affected as mentioned in sub-regulation (1.) of this regulation, the president of the court shall take all steps necessary to ensure that the officer or soldier receives notice of those rights. The president of the court shall also satisfy himself that every officer and soldier present, whose character or military reputation may be so affected, understands those rights.

Inserted by 1932, No. 80.

Matter affecting character or military reputation arising during investigation.

Amended by 1932, No. 80.

(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 sub-regulation (1.) of this regulation.

#### BOARDS.

Constitution of 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.

Assembling authority.

(3.) A board may be assembled by any authority by whom a court of inquiry may be assembled.

Not to inquire into character.

(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.

President.

(6.) An officer shall be the president of every board.

(7.) A board should follow, as far as practicable, the provisions of these regulations relating to courts of inquiry.

#### COURTS OF INQUIRY AND BOARDS.

President.

**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.

Notice of meeting.

**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.

Oaths and declarations.

**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:—

Declaration  
by members  
of court.

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 \_\_\_\_\_ 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.

**377A.** For the purposes of its application to the Military Forces, section 29 of the Army Act shall be read as if, after the words “by this Act” the words “or by the Defence Act of the Commonwealth or any regulations made thereunder” were inserted.

Adaptation of  
A.A. 29.  
Inserted by  
1944, No. 1.

**378.**—(1.) A court of inquiry or board shall be guided by the written instructions of the authority who assembles it. The instructions shall be full and specific and should state the nature of the information required, and whether a report is required or not.

Instructions  
to court  
or board.

(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.

Opinion of  
court.

**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.

Examination  
of witnesses.

**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.

Summoning  
witnesses.

(2.) Every officer or soldier so summoned, who without lawful excuse fails to attend, shall be guilty of an offence, and liable to penalties 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, or 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.

Procedure.  
Amended by  
1935, No. 99.

Questions to be answered.

**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.

Reassembly.

**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 further reporting.

Disposal of proceedings.

**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.

Supply of copy of proceedings.

**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 3d. for every folio of 72 words.

Reg. 386  
repealed by  
1941, No. 43.

\* \* \* \* \*

## DIVISION 21.—EVIDENCE.

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

Sub-reg. (1.)  
substituted by  
1941, No. 14;  
amended by  
1944, No. 164.

**387.**—(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, section 6 of the *Rules Publication Act* 1903-1939 and sections 3 and 8 of the *State and Territorial Laws and Records Recognition Act* 1901-1928 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.

Section 163.  
Amended by  
1933, No. 77.

(2.) For the purpose of its application to the Military Forces, A.A. 163 shall be read with the following adaptations, that is to say:—

- (a) In sub-section (1) (a), the words “the 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 “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, district, and other orders and Military Board instructions.

**388.** In proceedings against any person in respect of a naval or military offence, whether before a civil court, a court martial or a C.O., 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:—

Documentary evidence.  
Amended by  
1933, No. 77;  
1935, No. 99;  
1942, Nos. 59  
and 522;  
1943, Nos. 72,  
174, 200, 245  
and 246;  
1944, Nos. 1,  
71 and 164;  
1955, No. 31;  
and  
1956, No. 115.

- (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 on behalf of the Army Council, 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. or the officer having the custody of the records of any portion of His Majesty's Forces, or of any of His Majesty's ships (whether of the United Kingdom or a British Possession) to which the person appears to have belonged, or alleges that he belongs or has 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 person 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 person having the custody of the book or other document shall be primary evidence of the record without proof of the handwriting of the person or of his having such custody.
- (ga) A copy of an entry made in pursuance of military duty in the books of records of a Command Paymaster purporting to be certified to be a true copy of an entry so made and to be signed by the Command Paymaster having custody of the original shall be *prima facie* evidence of such entry and of the matters therein recorded 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 any other member of the Royal Australian Army Provost Corps or a member of a Supervisory Personnel Section, 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 the member of the Royal Australian Army Provost Corps or Supervisory Personnel Section to whom the surrender or by whom the arrest was made, 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 and the fact and date of the delivery of the officer or soldier into military custody 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 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.
- (ka) A declaration of an officer under A.M.R. 278A, 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 without proof of the appointment of the officer to make the investigation, or of the signature of the original, or of the handwriting of the officer, or of his having the custody of the original.
- (l) The averment of the prosecution or the prosecuting officer that any letter or writing purports to have been written by the member charged or that the letter or writing was posted in an envelope by the member charged, shall, on production in any proceedings of the letter or writing or envelope or a copy certified by a civil or military censorship authority or officer to be a true copy of the letter or writing or envelope, be *prima facie* evidence that the letter or writing was written by that member or that the letter or writing was posted in an envelope by that member, as the case may be, without proof that the signature in the certificate is that of a civil or military censorship authority or officer and without proof of the signatory's official capacity.
- (m) The averment of the prosecution or prosecuting officer that any package referred to in the charge which purports to have been posted or otherwise despatched by the member charged or some other person specified in the averment was posted or despatched by that member or other person as the case may be, shall in any proceedings relating to that package be *prima facie* evidence that the package was posted or despatched by that member or other person, as the case may be.
- (n) A certificate certifying that—
  - (i) any article described in, or otherwise identified by, the certificate constituted the whole or part of the contents of a package specified in the certificate examined by a civil or military censorship authority or officer of Customs on a date so specified; or
  - (ii) any photographic copy annexed to or otherwise identified by the certificate is a true photographic representation, made by or in pursuance of the direction of a civil or military censorship authority or officer of Customs, of any article which formed the whole or part of the contents of a package specified in the certificate examined by him on a date so specified or of the wrappings of that package,

shall, if purporting to be signed by that civil or military censorship authority or officer of Customs, be admissible as *prima facie* evidence of the matters so certified without proof of the signature of that person or of his official capacity.

Proof in proceedings for failure to enlist, &c.

Inserted by 1940, No. 59. Sub-reg. (1.) substituted by 1943, No. 174; amended by 1944, No. 120.

**388A.\***—(1.) In any proceedings against a person for refusing or neglecting to take the oath or for failure to enlist, register, enrol or attend at, or proceed to, any place or give any information or submit to medical examination when required by the Defence Act or any regulation made thereunder or any notice or order issued pursuant to that Act or any such regulation so to do, the averments of the prosecutor or any of them contained in the information or complaint—

(a) that the defendant on the date therein mentioned—

- (i) was a male inhabitant of Australia;
- (ii) was not exempt by or under the Defence Act or any other Act or any Regulations made under any Act from service in any part of the Defence Force or training under the Defence Act or liability to enrol under these Regulations, as the case may be;
- (iii) had resided in Australia for six months;
- (iv) was a British subject;
- (v) was of the age or between the ages mentioned in the information or complaint;
- (vi) was a member of a class called upon by proclamation to enlist pursuant to the Defence Act;
- (vii) resided within a distance of five miles, reckoned by the nearest practicable route, from the nearest place appointed for training, or within any distance prescribed by any regulation or specified in any order or notice given or issued in pursuance of these Regulations requiring him to enrol or attend for or submit to medical examination; or

(b) that any letter, writing or other document of whatsoever nature relevant to the charge was written or signed by the defendant or was posted in an envelope by the defendant, shall be *prima facie* evidence of the matter or matters averred.

(2.) The last preceding sub-regulation shall apply to any matter so averred although—

- (a) evidence in support or rebuttal of the matter averred or of any other matter is given by witnesses; or
- (b) the matter averred is a mixed question of law and fact, but in that case the averment shall be *prima facie* evidence of the fact only.

Admissions of fact.

Inserted by 1943, No. 245.

**388B.**—(1.) In any proceedings against a member of the Military Forces in respect of a military offence, whether before a civil court or court martial, that member may, if so advised by his counsel or defending officer, make any admissions of fact.

(2.) Any admissions made pursuant to the last preceding sub-regulation shall be *prima facie* evidence of the facts so admitted.

\* Held by the Supreme Court of Queensland that this regulation is confined to averments in valid informations and complaints: *Pope v. Watson* (1944) 38 Q.J.P.R. 53.



**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.

Proof of posting.

**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.

Regulations under D.A. and Standing Orders.

**391.** The proceedings of a court of inquiry (not being a court of inquiry under A.M.R. 276) 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 wilfully 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:

Proceedings of courts of inquiry not under A.M.R. 276 and boards. Substituted by 1944, No. 122.

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.

Proof of proceedings of court martial.

\* \* \* \* \*

Division 22 (regs. 393-395) repealed by 1951, No. 125.

## DIVISION 23.—SUPPLEMENTAL.

Cases  
unprovided for.

**396.** In any case not provided for by this Part or by the R.P. such course shall be adopted as appears best calculated to do justice.

Conveyance  
by sea of  
soldiers under  
sentence or  
charged with  
offences in  
military  
custody.

**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.

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**PART V.—DUTIES IN AID OF THE CIVIL POWER DURING DOMESTIC VIOLENCE.**

Definition of  
“magistrate”.  
Amended by  
1930, No. 26;  
1932, No. 80;  
1939, No. 51;  
and  
1956, No. 115.

**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 1913, 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, a Special Magistrate or a Justice of the Peace or the Sheriff, and if within a corporate town, alternatively, the Mayor thereof (*Criminal Law Consolidation Act 1876*, of South Australia, Section 300; *Northern Territory Acceptance Act 1910*, Section 7; *Northern Territory (Administration) Act 1910-1931*, Section 5; *Sheriff Ordinance 1911*; *Justices Ordinance 1928-1931*, Section 10.); and
- (h) in relation to the Australian Capital Territory (including the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915*), the Sheriff of the Territory appointed under the *Australian Capital Territory Supreme Court Act 1933-1956*, a stipendiary or special magistrate appointed under the *Court of Petty Sessions Ordinance 1930-1953* or a Justice of the Peace of the Territory.

**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. Application by Executive Government of State.

(2.) The Commander of a Command 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. Assistance by Commander. Amended by 1955, No. 7.

**400.**—(1.) Officers called out for the protection of a State against domestic command shall be responsible for ensuring that the forces under their command are not utilized unnecessarily or to an unnecessary extent. Responsibility of officers.

(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. Whenever possible sufficient officers should be included to ensure that an officer will be available to command each body that may be required to operate separately; and whenever possible an officer should be detailed to command each such body. Amended by 1935, No. 99.

(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 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. Accommodation to be provided by State.

(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.

Application for assistance to be reported.  
Amended by 1955, No. 7.

**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 Commander of a Command, 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.

Utilization of forces to be reported.

**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.

Amended by 1935, No. 99.

(2.) The immediate commander 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.

Requisition of civil authorities.

**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.

Amended by 1935, No. 99.

(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 commander of 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.

Amended by 1935, No. 99.

(4.) On arrival at the place to which the forces are despatched, the commander 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.

Magistrate to be present.  
Sub-reg. (1.) amended by 1935, No. 99.

**405.—(1.)** The commander of 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 commander of that body. Amended by  
1935, No. 99.

**406.**—(1.) The commander of 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. Disposition of  
troops and  
position of  
magistrate.  
Sub-reg. (1.)  
amended by  
1935, No. 99.

(2.) Subject to the next succeeding sub-regulation, the commander shall move the forces to the place to which he is directed by the magistrate, in regular military order, with the usual precautions. Sub-reg. (2.)  
amended by  
1935, No. 99.

(3.) The commander 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. Amended by  
1935, No. 99.

(4.) The magistrate shall accompany the forces, and remain as near as he can to the commander. Amended by  
1935, No. 99.

**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. Proclamation  
under Acts  
relating to  
riots.

(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:— Forms of  
Proclamation.  
Amended by  
1930, No. 26;  
1932, No. 80;  
and  
1956, No. 115.

(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!” Queensland.

(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!” New South  
Wales.

Victoria.

(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!”

South  
Australia.

(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!”

Western  
Australia.

(e) In the State of Western Australia.—“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 fourteen years. God Save the King!”

Tasmania.

(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!”

Northern  
Territory.

(g) In the Northern Territory.—As in the State of South Australia; and

Australian  
Capital  
Territory.

(h) In the Australian Capital Territory.—As in the State of New South Wales.

Request by  
magistrate to  
take action.Sub-reg. (1.)  
amended by  
1935, No. 99.

**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 commander of 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.

Execution of  
request of  
magistrate.Sub-reg. (1.)  
amended by  
1935, No. 99.

**409.**—(1.) When requested by the magistrate to take action, it is the duty of the commander of the body of the military forces to take such military steps as, in his opinion, the situation demands.

Sub-reg. (2.)  
amended by  
1935, No. 99.

(2.) In taking any such steps, the commander 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.

Discretion  
of O.C.  
Amended by  
1935, No. 99.

(3.) If the commander of 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 commander of those forces. Commands to be given by O.C.  
Amended by  
1935, No. 99.

(5.) The troops shall not, on any account, fire except by word of command of the commander, or as authorized in A.M.R. 412 (4.). Amended by  
1935, No. 99.

(6.) The commander, 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. Amended by  
1935, No. 99.

**410.** The commander of 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. Warning that  
fire will be  
effective.  
Amended by  
1935, No. 99.

**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. Detachment,  
how told off.

**412.—(1.)** If the commander of 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. Firing by files  
and sections.  
Sub-reg. (1.)  
amended by  
1935, No. 99.

(2.) If greater effort is required, the commander should give the command to one of the sections to fire. Amended by  
1935, No. 99.

(3.) The fire of each of the other sections, if required, shall only be given by the regular command of the commander, or as mentioned in the next succeeding sub-regulation. Amended by  
1935, No. 99.

(4.) If it is necessary for more sections than one to fire at a time, the commander should clearly indicate to the troops which subordinate commander is to order any of the sections to fire. Substituted by  
1935, No. 99.

(5.) An order to fire to any one or more selected soldiers or to a particular section shall be given only by the subordinate commander indicated by the commander. Substituted by  
1935, No. 99.

(6.) Care shall be taken to fire only upon those who can be seen to be implicated in the disturbance. Instructions  
as to firing.  
Amended by  
1930, No. 26.

(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. Serious nature  
of duty.

**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 commander decide that the military forces may be withdrawn. Magistrate and  
troops to  
remain on  
scene.  
Amended by  
1935, No. 99.

**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. General power  
of C.O. in cases  
of immediate  
and pressing  
danger.

(2.) In extraordinary cases of immediate and pressing danger which, in the opinion of a commander of a body of military forces which has been called out for protection against domestic violence, demand his Amended by  
1935, No. 99;  
and  
1936, No. 21.

immediate interference, the commander 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.

Application of this part when forces employed by Commonwealth on its own initiative.

**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.

Heading substituted by 1951, No. 125.

## **PART VI.—MEDICAL EXAMINATION, LEAVE OF ABSENCE, FURLOUGH, TRAINING AND EFFICIENCY.**

Division 1 repealed by 1951, No. 125.\*

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### **DIVISION 2.—MEDICAL EXAMINATION AND TREATMENT.**

#### **GENERAL.**

General instructions for medical examinations in Military Forces.

Amended by 1951, No. 125; and 1955, No. 31.

**432.** Medical examinations of members of the Military Forces 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.

Liability to be examined.

Amended by 1951, No. 125; and 1955, No. 31.

**433.** Any member of the Military Forces may be required at any time by an 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.

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

**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 may authorize a medical officer or a Medical Board to attend upon and examine the member and to make a report of the examination.

Obligations to undergo medical or dental treatment.

Sub-reg. (1.) amended by 1944, No. 1; and 1953, No. 87.

Amended by 1944, No. 1.

**435.—(1.)** Any member of the Military Forces may be required to undergo such medical treatment as is deemed by a medical officer, and such dental treatment as is deemed by a dental 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 or the dental 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, the fitting of artificial dentures and prophylactic treatment for the cure of pathogenic conditions of the gingivae.

\* Regulations 416, 416A (inserted by Statutory Rules 1939, No. 173), 417-419 (inclusive), 421-431 (inclusive) were repealed by Statutory Rules 1951, No. 125. Regulation 420 was repealed by Statutory Rules 1939, No. 173.



**436.**—(1.) Every medical officer who in the course of his duty as an officer of the Royal Australian Army Medical Corps medically examines or attends any member of the Military Forces 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 otherwise necessary for the efficiency of the Military Forces.

Medical officers' report on infectious diseases, &c.  
Amended by 1951, No. 125; and 1955, No. 31.

(2.) Every medical officer who in the course of his duty as an officer of the Royal 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 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.

**437.** Every member of the Military Forces suffering from a contagious or infectious disease shall—

Reporting infectious and contagious disease.

- (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.

**437A.**—(1.) To the intent that any necessary preventive medical measures may be taken to safeguard the health of members of the Military Forces, whenever any member of those Forces dies in camp or in any military hospital or other establishment or while on war service in circumstances permitting the issue of a medical certificate of death from natural causes, but it appears to the Director-General of Medical Services, a Deputy Director of Medical Services, an Assistant Director of Medical Services or to the Commanding Officer of a General Hospital, Casualty Clearing Station or a Field Ambulance that the cause of death of the member has not been satisfactorily diagnosed and that it is desirable or expedient that further investigation into the cause of the death should be made, any such officer may arrange for a legally qualified medical practitioner, whether an officer of the Royal Australian Army Medical Corps or not, to perform a post-mortem examination of the body of the deceased member, either with or without an analysis of the contents of the stomach or other viscera or intestines.

Post-mortem examinations.  
Inserted by 1942, No. 350. Sub-reg. (1.) amended by 1951, No. 125.

(2.) Whenever a post-mortem examination is arranged pursuant to the provisions of sub-regulation (1.) of this regulation, the body of the deceased member of which the post-mortem examination is to be made may, unless the officer arranging for that examination otherwise directs, be transferred to the military hospital, or to the mortuary of the public hospital, nearest of access.

(3.) A person or authority shall not refuse to receive into the mortuary of any public hospital the body of any deceased member taken to that mortuary, or refuse to permit any legally qualified medical practitioner to perform a post-mortem examination or analysis the performance of which is arranged, pursuant to this regulation.

Sub-heading  
and regs.  
438-444  
repealed by  
1951, No. 125.

\* \* \* \* \*

Divisions  
3 and 4  
(Regs. 445-456)  
repealed by  
1951, No. 125.

\* \* \* \* \*

Heading  
amended by  
1951, No. 125;  
and  
1955, No. 31.

## DIVISION 5.—LEAVE OF ABSENCE—CITIZEN FORCES.

Application of  
this division  
and leave of  
absence on  
active service.

**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.

Members of the  
Citizen Forces  
on continuous  
war service.

Inserted by  
1942, No. 85.

**457A.** The provisions of this Division shall not apply to such members of the Citizen Forces continuously employed on war service, but not on active service, as the Military Board directs, but the provisions of Division 6 of this Part, except regulation 472A, shall apply to those members in like manner as those provisions apply to members of the Permanent Forces.

Grant of leave  
of absence.

Sub-reg. (1.)  
amended by  
1951, No. 125;  
and  
1955, No. 31.

**458.**—(1.) On grounds being shown to the satisfaction of the authority having power to grant the leave, leave of absence from training (not being full time training under regulation 485 of these Regulations) or from other military duty may be granted to members of the Citizen Forces 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—
  - (i) for a period, in the case of an officer, not exceeding one month, or, in the case of a soldier, not exceeding three months—by his commanding 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.

(3.) Leave of absence from full time training may be granted to members of the Citizen Forces for such periods and on such conditions and by such authorities as may be determined by the Military Board.

Added by  
1951, No. 125.

\* \* \* \* \*

Reg. 459  
repealed by  
1951, No. 125.

**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.

Persons  
suffering from  
venereal  
disease.

\* \* \* \* \*

Sub-reg. (2.)  
omitted by  
1951, No. 125.

\* \* \* \* \*

Reg. 461  
repealed by  
1951, No. 125.

**462.**—(1.) Except as provided by this regulation, leave of absence shall be granted before the day of commencement of the absence.

When leave of  
absence may be  
granted.

(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 or, save as provided in this Division, to a member of any Expeditionary Force raised for service beyond the limits of the Commonwealth after his enlistment in, appointment or transfer to, or secondment for service with that Force.

Members of the  
Permanent  
Forces on  
active service.

Sub-reg. (1.)  
amended by  
1942, No. 85.

Amended by  
1942, No. 85.

(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, or, save as provided in this Division, to a member of any Expeditionary Force raised for service beyond the limits of the Commonwealth after his enlistment in, appointment or transfer to, or secondment for service with that Force, 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.

Meaning of  
word "year".

**462.** In this division, the word "year" (when not otherwise defined) means year ending on the thirtieth day of June.

Annual  
recreation  
leave.

Sub-reg. (1.)  
amended by  
1942, No. 85.

**465.**—(1.) In time of peace, 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 C.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.

Added by  
1942, No. 85.

(2.) In time of war, every member of the Permanent Forces whose services can be spared may, subject to the approval of his C.O., be granted leave of absence for recreation for six days, exclusive of Sundays and holidays, after each four months of his service.

Sickness on  
recreation  
leave.

Inserted by  
1938, No. 75.

**465A.** A member of the Permanent Forces who falls sick while on recreation leave may, at a time convenient to the service, be granted additional recreation leave equivalent to the period of sickness falling within the approved period of recreation leave:

Provided that—

- (a) he produces at the time he falls sick satisfactory medical evidence of his inability to leave the house where he is in residence; and
- (b) the period of such inability is not less than ten days.

When leave  
should be  
carried forward.  
Substituted by  
1936, No. 100.

**466.**—(1.) If in any year it is found impracticable to grant leave of absence under A.M.R. 465 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 year next following, in addition to the leave accruing for that year.

(2.) Leave which is permitted by a formation, &c., commander to be taken in the year next following that in which it accrues shall, unless otherwise approved by the Military Board, be commenced before the thirty-first day of December.

Added by  
1942, No. 85.

(3.) Notwithstanding anything contained in this regulation, if, in time of war, it is found impracticable in any year to grant to a member of the Permanent Forces any portion of the leave of absence for recreation for which under this Division he is eligible, the Military Board may permit that period of leave to be granted during the two years next following in addition to the leave of absence for recreation for which the member becomes eligible during those years.

By whom  
annual leave of  
absence for  
recreation  
granted.

**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 C.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.

Extended leave when duties cannot be performed in usual hours.

**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.

Extended leave in remote localities, &c.

(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.

When leave may be accumulated for three 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.

Travelling time in addition to recreation leave.

**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.

When leave lapses.

**472A.**—(1.) Notwithstanding anything contained in this Division, where a member of the Permanent Forces enlists in, is appointed or transferred to or seconded for service with any Expeditionary Force raised for service beyond the limits of the Commonwealth and has embarked for service overseas as a member of a body, contingent or detachment of the Expeditionary Force and it has been found impracticable, owing to the exigencies of the Service, to grant to him, prior to the commencement of his service with that Force, the recreation leave due to him, he shall be paid in lieu thereof.

Pay in lieu of recreation leave to a member of the Permanent Forces who joins an Expeditionary Force.

Inserted by 1942, No. 85. Sub-reg. (1.) amended by 1946, No. 113.

(2.) For the purposes of this regulation, "the recreation leave due" to a member means any portion of the leave of absence for recreation for which, under this Division, he was eligible on or after the thirtieth day of June, 1940, and which was not granted to him during the period from and including that date to the date of his enlistment in, appointment or transfer to or secondment for service with the Expeditionary Force.

(3.) The amount which a member may be paid in pursuance of sub-regulation (1.) of this regulation shall be an amount equal to the sum of the daily rate of pay and any allowances payable under the Regulations made under the Defence Act relating to pay and allowances at the date of his embarkation for service overseas to a member of his substantive rank in the Permanent Forces (other than the Expeditionary Force).

Substituted by 1946, No. 113; amended by 1956, No. 115.

Extended leave  
of absence  
without pay.

**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.

Reg. 473A  
inserted by  
1930, No. 67;  
repealed by  
1932, No. 80.

\* \* \* \* \*

Short leave  
of absence.

**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.

Public  
holidays.  
Sub-reg. (1.)  
amended by  
1935, No. 99.

**475.**—(1.) The following days, or any days prescribed under the law of any State or Territory to be observed in that State or Territory 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.

Amended by  
1956, No. 115.

(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 Command 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 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 Sunday or holiday, and may require the attendance and services of any member of the Permanent Forces during any Sunday or 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.

Attendance of a member on a holiday.

Amended by 1932, No. 80; and 1956, No. 115.

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Reg. 477 repealed by 1932, No. 80.

## **DIVISION 7.—FURLOUGH—PERMANENT FORCES.**

477A. For the purposes of this Division—

Certain officers and soldiers not "members" for purposes of this Division.

Inserted by 1945, No. 6.

- (i) an officer other than a graduate of the Royal Military College who graduated on or after the sixth day of October, 1939, or a soldier appointed or enlisted—
  - (a) for service in a Garrison Battalion, or
  - (b) on or after the third day of September, 1939, for service in a military force raised in time of war for war service, or
  - (c) on or after the sixth day of October, 1939, and before the termination of the time of war which commenced on the second day of September, 1939, or
- (ii) a soldier enlisted on or after the third day of September, 1939, solely for service in time of war,

shall not, by reason only of such appointment or enlistment, be deemed to be a member.

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:

Qualifying service over twenty years.

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 pay for a period of furlough not exceeding that which the member could have been granted under sub-regulation (1.) of this regulation.

Substituted by 1935, No. 99.

(3.) Upon the death of any member who at the date of his death was eligible under this regulation for the grant of furlough (or, if the Military Board, after consideration of all the circumstances, directs that the death of a member so eligible be presumed), 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,

Substituted by 1938, No. 75.

have been granted to the member had he retired immediately prior to the date of his death (or, in any case where the Military Board has directed that the death of a member be presumed, a date determined by the Board):

Provided that, where all or any of the dependants of the member are under the age of 21 years, the whole or part of any such sum of money payable under this sub-regulation may be paid, 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.

Qualifying  
service under  
twenty years.

**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:—

| Service.                        |    |    | Furlough. |
|---------------------------------|----|----|-----------|
| 16 years and less than 20 years | .. | .. | 5 months. |
| 12 years and less than 16 years | .. | .. | 4 months. |
| 8 years and less than 12 years  | .. | .. | 3 months. |
| 4 years and less than 8 years   | .. | .. | 2 months. |



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.

(2A.) Where a member of the Permanent Forces who is not eligible for furlough under the last preceding regulation is permitted to retire or is retired from those Forces in pursuance of the decision of the Government to re-organize and retrench the Department of Defence, the Military Board may authorize payment to him 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. Inserted by  
1930, No. 92.

(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, less such period as is equivalent to the period of leave of absence for recreation, if any, granted to the member in respect of the year in which he retires. Amended by  
1930, No. 26.

(4.) Where, before a member has completed twenty years' service in the Permanent Forces and either before or after he has attained the age of 60 years— Substituted by  
1938, No. 75.

(a) the member dies; or

(b) the Military Board, after consideration of all the circumstances, directs that the death of the member be presumed,

the Military Board may authorize payment to the dependants of the member of a sum equivalent to the pay for the period of furlough (less such period as is equivalent to the period of leave of absence for recreation, if any, granted to the member in respect of the year in which he died or is presumed to have died) which the member would have received had he, under sub-regulation (1.) of this regulation, been granted furlough immediately prior to the date of his death, or, in any case where the Military Board has directed that the death of the member be presumed, a date determined by the Board:

Provided that, where all or any of the dependants of the member are under the age of 21 years, the whole or part of any such sum of money payable under this sub-regulation may be paid, 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.

(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.

Meaning of  
"pay".

Amended by  
1946, No. 113.

**480.** For the purposes of the last two preceding regulations pay includes the remuneration paid to a member in respect of the appointment or rank held by him, including command pay, staff pay, and such allowances as are prescribed by the *Military Financial Regulations* to be reckoned as pay, but exclusive of all other allowances.

Counting of  
State service.

**481.** When any person has been transferred or 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.

Service in  
His Majesty's  
Regular Forces  
or the  
Indian Army.

Inserted by  
1940, No. 29.

**481A.** Where a member of the Permanent Forces is appointed to His Majesty's Regular Forces or to the Indian Army, and, immediately upon the termination of his service therein, re-appointed to the Australian Staff Corps, his service in His Majesty's Regular Forces or the Indian Army, as the case may be, shall, subject to the approval of the Minister, be deemed, for the purposes of this Division, to be service in the Permanent Forces.

Payment in  
lieu of  
furlough  
to members of  
the Permanent  
Forces who  
have enlisted,  
&c., in an  
Expeditionary  
Force.

Inserted by  
1944, No. 120;  
substituted by  
1946, No. 113.

**481B.—(1.)** When a member of the Permanent Forces who has enlisted in, been appointed or transferred to, or seconded for service with, any Expeditionary Force raised for service beyond the limits of the Commonwealth has embarked for service overseas as a member of a body, contingent or detachment of the Expeditionary Force and becomes, during the period of his service in that Expeditionary Force, entitled to furlough pursuant to the provisions of this Division, and the Military Board is of opinion that it is impracticable, owing to the exigencies of the service, to grant him that furlough, he shall be paid in lieu thereof.

(2.) The rate of pay at which a member may be paid in pursuance of sub-regulation (1.) of this regulation shall be the rate payable under the *Military Financial Regulations* at the twenty-sixth day of March, 1942, to a member of his substantive rank in the Permanent Forces (other than the Expeditionary Force) at the time at which the Military Board approves of his application for payment, subject to any cost of living adjustment under those Regulations at that time.

(3.) For the purpose of this regulation "pay" shall have the same meaning, subject to the last preceding sub-regulation, as it has in regulation 480 of these Regulations.

**DIVISION 8.—ORGANIZATION AND TRAINING, CITIZEN FORCES.** Heading amended by 1951, No. 125.

**482.** Except as provided by these Regulations or as otherwise directed by the Governor-General in time of war, the Citizen Forces shall be organized and maintained on a territorial basis. Territorial basis. Amended by 1951, No. 125.

**483.** Subject to A.M.R. 483A, the scope and syllabus of the annual training in the Citizen Forces shall be as approved from time to time by the Military Board. Annual training. Amended by 1939, No. 31; and 1951, No. 125.

**483A.—(1.)** If any person who has enlisted in the Active Citizen Forces volunteers for training with the Permanent Forces, he may be attached to those Forces for such period (not extending beyond the period of his enlistment) as the Military Board approves, and during that period he may, subject to the provisions of D.A. 51, be required to perform any duty which a member of the Permanent Forces could be required to perform. Attachment to Permanent Forces for training. Inserted by 1939, No. 31.

(2.) A member of the Citizen Forces while attached to the Permanent Forces in pursuance of this regulation shall, for the purposes of discipline, rations, pay and allowances, be deemed to be undergoing continuous training.

**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. Extra Territorial Units, Citizen Forces (D.A. 128). Amended by 1951, No. 125.

**485.—(1.)** The service to be rendered by a person under sub-section (2.) of section 33, or sub-section (8.) of section 51, of the National Service Act shall be— Service of persons called up under the National Service Act.

(a) full-time training at a camp of continuous training for ninety-eight consecutive days; and Substituted by 1955, No. 7.

(b) part-time training—

(i) at a camp or camps of continuous training for a total period of forty-two days; and

(ii) at parades (consisting of week-end bivouacs or courses, whole day, half-day and night parades), or at a camp or camps of continuous training, for a total period of thirty-six days.

(2.) The service to be rendered by a member of the Citizen Forces under sub-section (10.) of section 51 of the National Service Act shall be— Amended by 1956, No. 115.

(a) full-time training in accordance with paragraph (a) of the last preceding sub-regulation for the number of days by which the number of days on which he has rendered service in full-time training for the purposes of that Act is less than ninety-eight days; and

- (b) part-time training in accordance with paragraph (b) of the last preceding sub-regulation for the number of days by which the number of days on which he has rendered service in part-time training for the purposes of that Act is less than seventy-eight days.

Period of training—voluntarily enlisted members of Citizen Forces.  
Substituted by 1951, No. 125.

**486.** The period of training and the nature of parades in each year for members of the Citizen Forces, not being persons called up for service in accordance with the National Service Act, shall be as determined by the Military Board.

Year of training.  
Substituted by 1951, No. 125.

**487.** The year of training in the Citizen Forces shall commence on the first day of July of each year.

Programmes of parades.  
Substituted by 1951, No. 125.

**488.**—(1.) The Commanding Officer of each unit or sub-unit in the Citizen Forces shall prepare, for each year of training or for such other period as the Military Board authorizes, a programme of training for the unit or sub-unit.

(2.) The programme shall specify—

- (a) the date of commencement of each camp of continuous training and the period for which a member is required to attend at each camp; and  
(b) the nature of the part-time training and the times and the places at which that part-time training is to be held.

(3.) A parade shall be marked on the programme as an obligatory parade, an alternative parade or a voluntary parade.

(4.) Each member of the Citizen Forces shall be provided with a copy of the programme of training for his unit or sub-unit.

Obligatory attendance at training.  
Substituted by 1951, No. 125.

**489.**—(1.) A member of the Citizen Forces shall attend each camp of continuous training specified in the programme of training for his unit or sub-unit and every parade marked on that programme as an obligatory parade.

Substituted by 1952, No. 60.

(2.) A member of the Citizen Forces called up for service under the National Service Act who fails to attend any training referred to in the last preceding sub-regulation shall attend, at the place, and for the period, appointed by his commanding officer, a parade or a camp of continuous training of a duration equal to the duration of the training that he has failed to attend.

Alternative parades.  
Substituted by 1951, No. 125.

**490.** Alternative parades may be held for a unit or sub-unit in a year of training for periods not exceeding the duration of the obligatory parades held in that year.

Reg. 491 repealed by 1951, No. 125.

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Voluntary parades.  
Sub-reg. (1.) amended by 1951, No. 125.

**492.**—(1.) In addition to the obligatory and alternative parades, voluntary parades may be held in each unit or sub-unit of the Citizen Forces 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.

(2.) A voluntary parade may be marked as an alternative parade on the programme of training. Added by 1951, No. 125.

**493.—(1.)**

Duration of parades.

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Sub-reg. (1.) omitted by 1951, No. 125.

(2.) The duration of a whole-day parade, a half-day parade, and a night parade in the Citizen Forces shall not be less than six hours, three hours, and two hours 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 parades shall not exceed the prescribed minima. Amended by 1949, No. 68; and 1951, No. 125.

(3.) The duration of a whole-day parade at a camp of continuous training shall be 24 hours. Amended by 1951, No. 125.

(4.) A half-day parade may be conducted during the hours of darkness and a night parade during the hours of daylight. Added by 1951, No. 125.

(5.) For counting of parades (not being parades held during a camp of continuous training) for the purpose of pay, two half-day parades or three night parades shall be the equivalent of one whole-day parade. Added by 1951, No. 125.

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Reg. 494 repealed by 1951, No. 125.

**495.** If owing to severe weather conditions any parade for the Citizen Forces is not held, or having been begun, is discontinued, each member who attended for training at the parade shall be credited with attendance for the full period for which the parade would normally have continued. Prevention of training by inclemency of weather and counting of attendance. Amended by 1951, No. 125.

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Reg. 496 repealed by 1951, No. 125.

**497.** Subject to the Regulations made under the Defence Act relating to pay and allowances, attendance of a member of the Citizen Forces in any year of training at obligatory parades or at alternative parades attended in lieu of obligatory parades, or at voluntary parades, not being in excess of the total required of him in that year of training, shall count for pay. Parades which count for purposes of pay. Substituted by 1951, No. 125; amended by 1956, No. 115.

**498.** Attendance at a church parade or funeral shall be optional, and shall not be counted for pay or efficiency. Church parades and funerals. Amended by 1951, No. 125.

**499.** The attendance of a member of the Citizen Forces at a parade of a unit or sub-unit other than his own in a locality in which he is temporarily resident shall, subject to these Regulations, be counted for efficiency and pay. Parades attended with other units, &c. Amended by 1951, No. 125.

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Reg. 500 repealed by 1951, No. 125.

Obligatory  
parade for  
inspection of  
unit.

Amended by  
1951, No. 125.

**501.** The Military Board may direct that an obligatory parade shall be held in any unit in the Citizen Forces for the purpose of the inspection of the unit.

Heading  
amended by  
1951, No. 125.

### **DIVISION 9.—EFFICIENCY, CITIZEN FORCES.**

Application of  
Division.

Substituted by  
1951, No. 125.

**502.—**(1.) This Division shall not apply to officers on the Unattached List or to a member appointed or enlisted in the Citizen Forces who, in a year of training, has been employed on war service for not less than the period which he would have been required to serve under the last preceding Division during that year if he had not been employed on war service.

(2.) A member who is appointed to or enlisted in the Citizen Forces and who, in a year of training, has been called out and employed on war service for not less than the period which he would have been required to serve under the last preceding Division during that year if he had not been employed on war service, shall be classified “efficient”.

Sub-heading  
amended by  
1955, No. 31.

### **OFFICERS OF CITIZEN FORCES.**

Annual  
classification.

Sub-reg. (1.)  
amended by  
1951, No. 125.

**503.—**(1.) At the termination of each year of training, every officer of the Citizen Forces 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 an armoured or infantry brigade or larger formation, shall be classified “efficient” or “non-efficient” for that year.

Amended by  
1951, No. 125.

(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 an armoured or infantry brigade or larger formation, by its commander.

Amended by  
1951, No. 125.

(3.) To be entitled to be classified “efficient” under this regulation in respect of any year of training, an officer of the Citizen Forces shall, during that year, have—

(a) attended such training as is required of him under the last preceding Division during that year;

(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 an armoured or infantry brigade or larger formation, or to an officer whose duties did not require performance of training not performed by him.

Amended by  
1951, No. 125.

(4.) An officer of the Citizen Forces 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 and officers of the Citizen Forces above the rank of major, shall be classified "efficient" or "non-efficient" at the end of each year of training.

Efficiency of C.O.'s and officers above major.

(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.

Sub-reg. (1.) amended by 1951, No. 125.

**505.** The commission of an officer of the Citizen Forces who is classified "non-efficient" in respect of any year of training may be cancelled.

Cancellation of commission for non-efficiency.

Amended by 1951, No. 125.

W.O.'s, N.C.O.'s, AND MEN ENLISTED IN THE CITIZEN FORCES.

Sub-heading amended by 1951, No. 125.

**506.**—(1.) At the termination of each year of training, every enlisted soldier of the Citizen Forces shall be classified "efficient" or "non-efficient" for that year.

Annual classification.

Sub-reg. (1.) amended by 1951, No. 125.

(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, an enlisted soldier of the Citizen Forces shall, during that year, have—

Requirements for efficiency.

Sub-reg. (1.) amended by 1951, No. 125.

- (a) attended such training as is required of him under the last preceding Division during that year;
- (b) completed the authorized annual course in small arms training; and
- (c) performed satisfactory service.

The requirements of paras. (a) and (b) of this sub-regulation shall not apply to an enlisted soldier whose duties did not require performance of the training not performed by him.

(2.) An 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.

Amended by 1951, No. 125.

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Sub-heading repealed by 1951, No. 125.

**508.** When in this Division it is provided that to be classified "efficient" in respect of any year of training, an officer or soldier of the Citizen Forces shall have attended such training as is required of him by the last preceding Division during that year, the failure of the officer or soldier to have attended the obligatory portion of that training held—

Obligatory portions of training not required for efficiency.

Substituted by 1951, No. 125.

- (a) during his absence, where the period of absence exceeds one month and in respect of which leave has been granted on account of sickness or other unavoidable cause;
- (b) before his appointment as an officer, unless immediately prior to that appointment he was a soldier; or
- (c) before his enlistment.

shall not disentitle that officer or soldier to be classified "efficient" in respect of that year of training.

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Regs. 509-515 repealed by 1951, No. 125.

## GENERAL.

When small  
arms training  
not required  
for efficiency.

Amended by  
1951, No. 125.

**516.** When in this division it is provided that a member of the Citizen Forces 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.

Regs. 517-519  
repealed by  
1951, No. 125.

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Training  
abroad.

Amended by  
1951, No. 125.

**520.** A member of the Citizen Forces who, during any year of training 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.

Divisions  
10 and 11  
(Regs. 521-534)  
repealed by  
1951, No. 125.

\* \* \* \* \*

## PART VII.—PARTICULARS OF SERVICE IN CERTAIN CORPS AND DEPARTMENTS.

### DIVISION 1.—AUSTRALIAN STAFF CORPS.

Reg. 535  
repealed by  
1951, No. 56.

\* \* \* \* \*

Appointment of  
staff cadets.  
Amended by  
1951, No. 56.

**536.** Staff cadets on graduation at the Royal Military College shall be appointed to commissioned rank in the Australian Staff Corps or any other corps of the Australian Regular Army approved for the purpose by the Military Board, 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.  
Amended by  
1936, No. 44;  
and  
1951, No. 56.

**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 Armoured Corps, the Royal Australian Artillery, the Royal Australian Engineers, the Royal Australian Corps of Signals, the Royal Australian Infantry Corps, the Royal Australian Army Service Corps, 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.



**539.**—(1.) Except in time of war, an officer of the Australian Staff Corps, unless re-appointed, shall not hold the appointment of Inspector-General or an appointment on the staff of the Inspector-General for a longer period than four years.

Tenure of appointment.  
Sub-reg. (1.) amended by 1941, No. 260.

(2.) Except in time of war, an officer of the Australian Staff Corps, unless re-appointed, shall not hold the same appointment on the Headquarters 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.

Substituted by 1939, No. 134; amended by 1941, No. 260.

**540.** Officers of the Australian Staff Corps who have graduated at the Royal Military College may, on appointment to that corps, be attached for a tour of duty to His Majesty's Regular Army or Indian Army.

Tour of duty abroad.

**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.

Failure to pass examination.

\* \* \* \* \*

Division 2 (Regs. 542-543) repealed by 1955, No. 31.

### **DIVISION 3.—ROYAL AUSTRALIAN ARMY MEDICAL CORPS.**

Heading substituted by 1951, No. 56.

\* \* \* \* \*

Sub-heading omitted by 1944, No. 114.

**543A.** The Royal Australian Army Medical Corps shall consist of officers and soldiers—

Composition of Royal Australian Army Medical Corps. Inserted by 1944, No. 114; amended by 1951, No. 56.

(a) appointed to or enlisted in that Corps, or

(b) transferred to, or seconded for duty with, that corps, from other portions of the Military Forces.

**544.** Persons legally qualified to practice medicine in a State or Territory may be appointed officers of the Royal Australian Army Medical Corps.

Qualification for appointment as officer. Amended by 1944, No. 114; and 1951, No. 56.

**545.** First appointment to commissioned rank in the Royal Australian Army Medical Corps (Citizen Forces), other than of persons mentioned in A.M.R.'s 546 and 546B, shall be to the rank of captain, provisionally.

Rank on appointment and promotion. Substituted by 1932, No. 80; amended by 1942, No. 60; and 1951, No. 56.

**546.** Persons who are legally qualified in a State or Territory to practise as pharmaceutical chemists may be appointed officers of the Royal Australian Army Medical Corps and be granted the rank of lieutenant, provisionally, on appointment.

Pharmaceutical Chemists. Substituted by 1940, No. 16; amended by 1944, No. 114; and 1951, No. 56.

Reg. 546A  
inserted by  
1940, No. 16;  
repealed by  
1943, No. 219.

\* \* \* \* \*

Appointments  
in Royal  
Australian  
Army Medical  
Corps.

Inserted by  
1942, No. 60;  
substituted by  
1944, No. 114;

Sub-reg. (1.)  
amended by  
1951, No. 56.

**546B.**—(1.) Persons whose services are required for the purpose of filling vacancies upon the authorized establishment of—

- (a) a medical unit; or
- (b) a unit raised to assist in maintaining the health of members of the Australian Military Forces; or
- (c) the medical services at any Head-quarters,

in any of the appointments shown in the table hereunder, or in such other appointments as the Military Board from time to time directs, may be appointed officers of the Royal Australian Army Medical Corps, or may be transferred to or seconded for duty with the Royal Australian Army Medical Corps from any other part of the Australian Military Forces.

#### TABLE OF APPOINTMENTS.

1. Registrar;
2. Adjutant;
3. Quartermaster;
4. Company Officer;
5. Staff Officer, Medical Services;
6. Instructor, Royal Australian Army Medical Corps;
7. Bearer Officer;
8. Hygiene Officer;
9. Physiotherapist;
10. Assistant Pathologist;
11. Optometrist;
12. Bio-chemist;
13. Entomologist;
14. X-ray Technician;
15. Accountant;
16. Officer Commanding a Hospital Laundry Unit;
17. Officer Commanding a Mobile Bath Unit;
18. Officer Commanding a Malaria Control Unit;
19. Dietitian;
20. Occupational Therapist.

Amended by  
1951, No. 56.

(2.) Persons appointed to the Royal Australian Army Medical Corps pursuant to the provisions of this regulation may be granted the rank of Lieutenant, provisionally, upon appointment.

Reg. 546C  
inserted by  
1951, No. 152;  
repealed by  
1953, No. 87.

\* \* \* \* \*

Examinations.  
Amended by  
1951, No. 56.

**547.** The syllabus and scope of the examinations for appointment and promotion in the Royal Australian Army Medical Corps shall be as approved by the Military Board.

Allotment.  
Amended by  
1951, No. 56.

**548.** Officers of the Royal Australian Army Medical Corps may be allotted for duty with units and staffs of the Military Forces.

Reg. 548A  
inserted by  
1945, No. 68;  
repealed by  
1955, No. 31.

\* \* \* \* \*

**RESERVE OF OFFICERS, ROYAL AUSTRALIAN ARMY MEDICAL CORPS.**

Sub-heading amended by 1951, No. 56.

**549.** 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, Royal Australian Army Medical Corps, and may be granted the honorary rank shown in the table opposite that position:—

Positions and ranks.  
Amended by 1943, No. 219; 1951, Nos. 56 and 152; and 1953, No. 87.

| <i>Position in Royal Australian Army Medical Corps.</i>         | <i>Honorary Rank.</i>          |
|-----------------------------------------------------------------|--------------------------------|
| Consultant .. .. .                                              | Colonel or Lieutenant-Colonel. |
| Officer of the senior executive staff of a military hospital .. | Major.                         |
| Senior specialists .. .. .                                      | Major.                         |
| Officer on a junior executive staff of a military hospital ..   | Captain.                       |
| Officer of a field medical unit ..                              | Captain.                       |
| Senior pharmacist in a military district .. .. .                | Captain.                       |
| Pharmacist .. .. .                                              | Captain or Lieutenant.         |
| Masseur .. .. .                                                 | Captain or Lieutenant.         |
| Officer of the medical science section.. .. .                   | Captain or Lieutenant.         |

**550.** Officers of the Reserve of Officers, Royal Australian Army Medical Corps, may be employed for medical duties as approved from time to time by the Military Board.

Employment.  
Amended by 1951, No. 56.

**DIVISION 3A.—ROYAL AUSTRALIAN ARMY DENTAL CORPS.**

Division 3A inserted by 1943, No. 219. Heading amended by 1944, No. 114; and 1951, No. 56.

**550A.** The Royal Australian Army Dental Corps shall consist of officers and soldiers appointed to that Corps, or transferred to or seconded for duty with that Corps, from other portions of the Military Forces.

Constitution of Royal Australian Army Dental Corps.  
Inserted by 1943, No. 219; amended by 1944, No. 114; and 1951, No. 56.

**550B.** Subject to the provisions of A.M.R. 550cc, a person shall not be appointed as an officer of the Royal Australian Army Dental Corps unless he is legally qualified in a State or Territory of the Commonwealth to practise as a dentist or dental surgeon.

Eligibility for appointment.  
Inserted by 1943, No. 219; amended by 1944, No. 114; and 1951, No. 56.

**550c.** First appointment to commissioned rank in the Royal Australian Army Dental Corps, except in the case of persons mentioned in A.M.R. 550cc, shall be to the rank of Captain, provisionally.

First appointment.  
Inserted by 1943, No. 219; amended by 1944, No. 114; and 1951, No. 56.

Appointment of persons not legally qualified to practise as dentists or dental surgeons.

Inserted by 1944, No. 114. Sub-reg. (1.) amended by 1951, No. 56; and 1955, No. 31.

**550CC.**—(1.) Persons who are not legally qualified in a State or Territory of the Commonwealth to practise as dentists or dental surgeons whose services are required for the purpose of filling vacancies upon the authorized establishment of a dental unit or upon the authorized establishment of the Dental Services at any Head-quarters in any of the appointments shown in the table hereunder, or in such other appointments as the Military Board from time to time directs, may be appointed officers of the Royal Australian Army Dental Corps or may be transferred to or seconded for duty with that Corps from any other part of the Australian Military Forces.

#### TABLE OF APPOINTMENTS.

1. Staff Officer, Dental Services;
2. Quartermaster, A.H.Q. Depot of Dental Stores;
3. Instructor, Royal Australian Army Dental Corps.

Amended by 1951, No. 56.

(2.) Persons appointed to the Royal Australian Army Dental Corps pursuant to the provisions of this regulation may be granted the rank of Lieutenant, provisionally, upon appointment.

Examinations.

Inserted by 1943, No. 219; amended by 1951, No. 56.

**550D.** The syllabus and scope of the examinations for appointment and promotion in the Royal Australian Army Dental Corps shall be as approved by the Military Board.

Allotment for duty.

Inserted by 1943, No. 219; amended by 1951, No. 56.

**550E.** Officers of the Royal Australian Army Dental Corps may be allotted for duty with units and staffs of the Military Forces.

Sub-heading inserted by 1943, No. 219; amended by 1951, No. 56.

#### RESERVE OF OFFICERS—ROYAL AUSTRALIAN ARMY DENTAL CORPS.

Appointment to R. of O.

Inserted by 1943, No. 219; amended by 1951, No. 56.

**550F.** Any person, qualified under A.M.R. 120 (2.), who is competent to perform the duties of an appointment specified in the following table may be appointed an officer of the Reserve of Officers, Royal Australian Army Dental Corps, and may be granted the honorary rank shown in the table opposite that appointment:—

| Appointment in Royal Australian Army Dental Corps. |    |    |    |    | Honorary Rank.                |
|----------------------------------------------------|----|----|----|----|-------------------------------|
| Consultant                                         | .. | .. | .. | .. | Colonel or Lieutenant-Colonel |
| Senior Dental Surgeon                              | .. | .. | .. | .. | Major                         |
| Dental Surgeon                                     | .. | .. | .. | .. | Captain                       |

Duties of officers of R. of O., R.A.A.D.C.

Inserted by 1943, No. 219; amended by 1951, No. 56.

**550G.** Officers of the Reserve of Officers, Royal Australian Army Dental Corps may be employed for dental duties as approved from time to time by the Military Board.

Division 4 (Regs. 551-563) repealed by 1955, No. 31.

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Division 4A  
(Regs. 563A-  
563C)  
inserted by  
1938, No. 75;  
repealed by  
1951, No. 56.

Division 5  
(Regs. 564-574)  
repealed by  
1951, No. 56.

## **DIVISION 6.—JUDGE-ADVOCATE-GENERAL.**

Division 6  
substituted by  
1943, No. 245.

**575.**—(1.) The Governor-General may appoint a Judge-Advocate-General and Deputy Judge-Advocates-General.

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

(2.) The Judge-Advocate-General shall be a civilian, but shall be entitled to the status and privileges of a major-general.

Substituted by  
1943, No. 245.

(3.) Except in time of war, no Judge-Advocate-General or Deputy Judge-Advocate-General shall hold office for more than four years unless re-appointed.

(4.) The duties of the Judge-Advocate-General shall be—

- (a) to advise the Governor-General, the Minister for the Army, the Military Board and Principal Staff Officers on such matters of law or mixed law and fact as they refer to him for his advice;
- (b) to examine and advise on all court martial proceedings not reported upon by a Deputy Judge-Advocate-General;
- (c) to examine and advise on all petitions in respect of courts martial;
- (d) to give such rulings and opinions on military law as he thinks necessary or advisable; and
- (e) to consider amendments of regulations affecting the Military Forces.

(5.) The duties of a Deputy Judge-Advocate-General shall be—

- (a) if at the Head-quarters of the Military Forces in the Commonwealth, to assist the Judge-Advocate-General, and in his absence or when the office is vacant, if he is the senior Deputy Judge-Advocate-General, to perform the duties of the Judge-Advocate-General; or
- (b) 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.

(6.) The Judge-Advocate-General or a Deputy Judge-Advocate-General may, in relation to any matters or class of matters, or in relation to any particular part of Australia, by writing under his hand delegate all or any of the powers and functions vested in him by virtue of his appointment so that the delegated powers and functions may be exercised or performed by the delegate with respect to the matters or class of matters or the part of Australia specified in the instrument of delegation.

(7.) When a Judge-Advocate-General or Deputy Judge-Advocate-General makes a recommendation with reference to the finding or sentence of a court martial, the authority to whom the recommendation is made shall inform him of the action which is taken thereon.

(8.) Notwithstanding anything contained in these Regulations—

- (a) A Deputy Judge-Advocate-General may be transferred or seconded from his appointment and, if out of the Commonwealth, returned to Australia only by the Governor-General; and
- (b) An officer of the Australian Army Legal Corps attached to the staff of the Judge-Advocate-General or of a Deputy Judge-Advocate-General shall not be transferred, removed, suspended or seconded, or, if out of the Commonwealth, returned to Australia, without previous reference to and the approval of the Judge-Advocate-General or the Deputy Judge-Advocate-General, as the case may be.

(9.) A Deputy Judge-Advocate-General shall 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 senior Deputy Judge-Advocate-General at the Headquarters of the Military Forces of the Commonwealth.

(10.)\* All members of the Australian Military Forces shall be bound by the rulings 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 Senior Deputy Judge-Advocate-General at the Head-quarters of the Military Forces in the Commonwealth.

(11.) Subject to the provisions of sub-regulation (10.) of this regulation, the rulings and opinions of a Deputy Judge-Advocate-General attached to a body of the Military Forces out of the Commonwealth, on any subject of military law, shall be binding on a legal officer attached to that body.

Heading to  
Division 6A  
inserted by  
1943, No. 245.

#### **DIVISION 6A.—AUSTRALIAN ARMY LEGAL CORPS.**

Constitution of  
Australian  
Army Legal  
Corps and  
eligibility for  
appointment,  
&c.

Substituted by  
1943, No. 245.  
Sub-reg. (1.)  
amended by  
1951, No. 56.

**576.**—(1.) The Australian Army Legal Corps shall consist of officers of the Military Forces appointed to that Corps, or transferred to, or seconded for duty with, that Corps 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 Director of Legal Services as possessing in any part of His Majesty's Dominions a status and qualification equivalent to those of a person mentioned in paragraph (a) of this sub-regulation, and
- (c) over the age of twenty-five years,

shall be appointed or transferred to, or seconded for duty with, or continue to hold office in, the Australian Army Legal Corps.

\* *Held* by the High Court that rulings and opinions on questions of military law given by the Judge-Advocate-General are not binding on the High Court, and do not prevent the issue of a writ of prohibition by the Court to a Court Martial which acted upon them: *R. v. Cox; Ex parte Smith* (1945) 71 C.L.R. 1; 19 A.L.J. 194; 51 A.L.R. 330.

(3.) An officer shall not be seconded for duty with the staff of the Judge-Advocate-General or a Deputy Judge-Advocate-General, or appointed to the Directorate of Legal Services at the Head-quarters of the Australian Military Forces or to be a legal officer at the head-quarters of any formation or other command, unless he is a member of the Australian Army Legal Corps.

**577.**—(1.) Except as otherwise provided by these Regulations, the rank of officers of the Australian Army Legal Corps shall be substantive. Rank and command.  
Substituted by  
1943, No. 245.

(2.) The substantive or temporary rank of an officer of the Australian Army Legal Corps, shall not be higher than that of a Brigadier.

(3.) Officers of the Australian Army Legal Corps shall not exercise any military command except over such officers and soldiers as are 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 Corps shall be entitled, according to rank, to the presidency of courts-martial and courts of inquiry.

**578.**—(1.) First appointment to the Australian Army Legal Corps shall be in the rank of acting lieutenant for a period of three months and, at the termination of that period, if the Director of Legal Services certifies that the officer's service has been satisfactory, the officer shall be given the substantive rank of Captain: Appointment, transfer and seconding to and promotion in the A.A.L.C.  
Substituted by  
1943, No. 245.

Provided that the period of acting rank may be dispensed with and first appointment made to higher rank in any special case upon the recommendation of the Director of Legal Services.

(2.) An officer transferred to the Australian Army Legal Corps—

- (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 Director of Legal Services.

(3.) An officer seconded for duty with the Australian Army Legal Corps 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 Director of Legal Services, a higher temporary rank.

(4.) Appointment and transfer to, seconding for duty with, and promotion in, the Australian Army Legal Corps 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 Corps shall be to temporary rank only:

Provided that when an officer so seconded is eligible for promotion and would be promoted if serving with his unit, he may be promoted, and, thereupon, shall rejoin his unit.

(6.) Except in time of war an officer seconded for duty with the Australian Army Legal Corps shall not remain seconded for more than four years, but, while seconded, may, on the recommendation of the Director of Legal Services, be granted a transfer to the Australian Army Legal Corps with substantive rank equivalent to any temporary rank which he held immediately before his transfer.

Transfer from  
A.A.L.C.

Substituted by  
1943, No. 245.

**579.** Except in time of war, an officer appointed or transferred to the Australian Army Legal Corps shall not be transferred or re-transferred to any other unit of the Military Forces except to fill an available vacancy for which he is qualified by examination.

Appointment  
and transfer  
to reserve of  
officers,  
A.A.L.C.

Substituted by  
1943, No. 245.

**580.**—(1.) Notwithstanding anything contained in these Regulations, persons qualified for appointment to the Australian Army Legal Corps may be appointed to the Reserve of Officers, Australian Army Legal Corps.

(2.) An officer appointed or transferred to the Australian Army Legal Corps for whom no suitable appointment or duty is available may be transferred to the Reserve of Officers, Australian Army Legal Corps.

(3.) Officers appointed or transferred under this regulation may, notwithstanding anything contained in these Regulations, remain on the Reserve of Officers, Australian Army Legal Corps, until they reach the age of retirement.

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

Substituted by  
1943, No. 245.

**581.**—(1.) Officers of the Australian Army Legal Corps shall, subject to A.M.R. 575 (2.), be available for appointment as Judge-Advocate-General, Deputy Judge-Advocate-General, to the staff of the Judge-Advocate-General or of a Deputy Judge-Advocate-General, to the Directorate of Legal Services at the Head-quarters of the Australian Military Forces or as legal officers at the head-quarters of any formation or other command.

(2.) Except in time of war, officers of the Australian Army Legal Corps shall not, except with the approval of the Director of Legal Services, hold the same appointment for more than four years, unless re-appointed.

Duties of  
legal officers.

Substituted by  
1943, No. 245.

**582.**—(1.) The duties of a legal officer at the head-quarters of any formation or other command 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 a court martial when a judge-advocate is not appointed and the convening authority considers that a legal officer should be appointed;
- (d) to act as a prosecutor at a trial by court martial when the convening authority considers that a legal officer should be appointed;
- (e) to act as president or a member of a court of inquiry when the convening authority considers that the nature of the inquiry is such as to render the appointment of a legal 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 the D.A., as shall be referred to him;
- (h) to instruct in military law, including the conduct of prosecutions for offences against the D.A., the officers of the formation or other command to which he is attached; and
- (i) 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 Corps shall not express any opinion on a sentence, except as to its legality, unless in his opinion the sentence is excessive, or he is requested to do so by superior authority.

(3.) An officer of the Australian Army Legal Corps, whether belonging to the Active or Reserve Military Forces, who is not acting as Director of Legal Services or attached to that Directorate or at the head-quarters of any formation or other command may be detailed to perform or assist in performing any of the duties of a legal officer.

(4.) Except in time of war, officers of the Australian Army Legal Corps 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, schools of instruction, or elsewhere.

(5.) A barrister or solicitor of the High Court or of the Supreme Court of a State or Territory of the Commonwealth approved by the Director of Legal Services for the purposes of sub-regulation (1.) of regulation 334 of these Regulations may perform a duty or exercise a power of a legal officer under paragraph (a), (b), (f), (g) or (h) of sub-regulation (1.) of this regulation and a duty so performed or a power so exercised shall, for all purposes, be deemed to be the performance of the duty or the exercise of the power by a legal officer.

Added by  
1955, No. 7.

**583.**—(1.) All matters relating to any appointment, promotion or transfer to, in, or in connexion with, the Australian Army Legal Corps shall, subject to these Regulations, be under the control of—

Control and  
command of  
Corps.

Substituted by  
1943, No. 245.

- (a) in connexion with any portion of the Military Forces within the Commonwealth—the Director of Legal Services; or
- (b) in connexion with any body of the Military Forces out of the Commonwealth—the senior officer of the Australian Army Legal Corps (not being a Deputy Judge-Advocate-General) attached to that body of the Forces.

(2.) A certificate of the Director of Legal Services that the person concerned is suitable for the appointment or promotion shall be obtained when an appointment or promotion to or in the Australian Army Legal Corps is contemplated and no such appointment or promotion shall be made without such certificate.

(3.) An officer of the Australian Army Legal Corps at the headquarters of a formation or other command shall be under the command of the officer commanding the formation or other command, but any officer not so attached shall be under the command of the Director of Legal Services.

Communi-  
cations  
and rulings.  
Substituted by  
1943, No. 245.

**584.**—(1.) The legal officer, or the senior legal officer of a formation or other command forming part of a larger formation or other command, shall communicate on questions of military law directly with the legal officer or senior legal officer at the next larger formation or command to which the officer communicating belongs.

(2.) In respect of any matter upon which no ruling has been given by the Judge-Advocate-General, legal officers shall be bound by the ruling, direction or opinion of the officer with whom they are required by the last preceding sub-regulation to communicate, or, in the case of difference, by the ruling, direction or opinion of the legal officer or senior legal officer of the largest formation or other command to whom the question has been referred:

Provided that, on the application of any legal officer, a question shall be referred, for opinion, to the Director of Legal Services, who may, if it appears to him desirable, submit the question to the Judge-Advocate-General for his ruling.

Efficiency of  
officers of  
A.A.L.C.  
Substituted by  
1943, No. 245.

**585.** An officer of the Australian Army Legal Corps shall be classified as efficient for each year in which he satisfactorily performs the duties allotted to him.

Duties of  
Director of  
Legal Services.  
Inserted by  
1943, No. 245.

**585A.** The duties of the Director of Legal Services in respect of the Australian Army Legal Corps shall include—

- (a) the supervision, control, working and efficiency of legal service within the Australian Military Forces;
- (b) the submission of reports upon and the making of recommendations with reference to the instruction in military law of officers of the Military Forces;
- (c) advising upon and settling of the form of charges referred to him; and
- (d) advising upon all matters relating to court martial proceedings prior to confirmation referred for his opinion.

## **DIVISION 7.—AUSTRALIAN ENGINEER AND RAILWAY STAFF CORPS.**

Appointment.

**586.**—(1.) An official of the railways of the Commonwealth or of a State may be appointed an officer of the Engineer and Railway Staff Corps.

Honorary rank.

(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.

Rank to be  
held.

**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.

**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 Regulations made under the Defence Act relating to pay and allowances 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. Amended by 1956, No. 115.

# **DIVISION 8.—ROYAL AUSTRALIAN ARMY CHAPLAINS' DEPARTMENT.** Heading amended by 1951, No. 56.

**590.** The Royal Australian Army Chaplains' Department shall consist of chaplains appointed to that Department. Constitution of Chaplains' Department. Amended by 1944, No. 72; and 1951, No. 56.

**591.—(1.)** Only a person who is a minister of religion shall be eligible to be appointed a chaplain. Appointment. Substituted by 1944, No. 72; amended by 1951, No. 56.

**(2.)** A minister of religion shall not be appointed a chaplain or an officer transferred to the Royal Australian Army Chaplains' Department, and a chaplain shall not be promoted, except on the recommendation of the appropriate chaplain-general, or, in the case of a minister of the Jewish faith, the Senior Jewish Chaplain.

**(3.)** The examination to be passed to render a person eligible for first appointment as chaplain shall be such examination as is required to be passed to enable that person to be ordained or appointed a minister of religion.

**592.—(1.)** A chaplain shall be a commissioned officer of the Military Forces and shall wear badges of rank appropriate to his precedence as provided by these Regulations, but shall not hold any rank other than that of chaplain. Status, precedence and command. Substituted by 1945, No. 111.

**(2.)** A chaplain shall be entitled to precedence in accordance with sub-regulation (2.) of regulation 594, sub-regulation (5.) of regulation 595, sub-regulation (2.) of regulation 595A, sub-regulation (2.) of regulation 595B and sub-regulation (3.) of regulation 596 of these Regulations. Substituted by 1956, No. 115.

**(3.)** A chaplain shall not exercise any military command except over such members as are detailed for duty under his orders, and shall not be appointed as the president of a court-martial, a court of inquiry or a board. Inserted by 1956, No. 115.

Age limits for  
appointment to  
4th class.

Substituted by  
1944, No. 72.

Classes of  
Chaplains.

Sub-reg. (1.)  
amended by  
1944, No. 72;  
1945, No. 68;  
and  
1953, No. 87.

Command and  
precedence.

Amended by  
1944, No. 72.

**593.** A minister of religion who has attained the age of fifty years shall not be eligible to be appointed as chaplain, 4th class.

**594.**—(1.) Chaplains, other than chaplains-general, shall be divided into first, second, third and fourth classes.

(2.) Subject to sub-regulation (5.) of regulation 595, sub-regulation (2.) of regulation 595A, sub-regulation (2.) of regulation 595B and sub-regulation (3.) of regulation 596 of these Regulations, 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.            |

Sub-reg. (3.)  
omitted by  
1944, No. 72.

\* \* \* \* \*

Chaplains-  
General.

Substituted by  
1944, No. 72.

**595.**—(1.) The Governor-General may appoint five chaplains-general.

(2.) There shall be one chaplain-general for chaplains who are ministers of the Church of England or of a Church in communion with the Church of England, one chaplain-general for chaplains who are ministers of the Roman Catholic Church, one chaplain-general for chaplains who are ministers of the Presbyterian Church, one chaplain-general for chaplains who are ministers of the Methodist Church, and, for chaplains who are ministers of other Christian Churches, one chaplain-general, who shall be known as “Chaplain-General, United Churches”.

(3.) The appointment of chaplain-general, other than Chaplain-General, United Churches, shall not be conferred except upon the head in the Commonwealth of the Church concerned or a minister of religion recommended by that head or by the governing body of that Church in the Commonwealth.

(4.) The Chaplain-General, United Churches, shall be a minister of religion of a Christian Church other than the Church of England, or a Church in communion with the Church of England, the Roman Catholic Church, the Presbyterian Church or the Methodist Church, selected and appointed as Chaplain-General, United Churches, by the Governor-General.

Substituted by  
1945, No. 68.

(5.) A chaplain-general shall take precedence as a Major-General.

Deputy  
Chaplains-  
General.

Inserted by  
1943, No. 72.

Sub-reg. (1.)  
substituted by  
1946, No. 116.

**595A.**—(1.) If at any time any chaplain-general is unable to perform the duties appertaining to the office of chaplain-general, the Military Board, on his recommendation, may appoint a deputy chaplain-general to act for him:

Provided that, if that chaplain-general becomes able to perform the duties of the office of chaplain-general, the appointment of his deputy chaplain-general shall be terminated by the Military Board forthwith.

(2.) A deputy chaplain-general shall take precedence as a Major-General. Substituted by 1945, No. 68.

\* \* \* \* \*

Sub-reg. (3.)  
omitted by  
1944, No. 72.

**595B.**—(1.) The Governor-General may appoint a minister or chaplain of the Jewish faith to be Senior Jewish Chaplain. Senior Jewish Chaplain.

(2.) The Senior Jewish Chaplain shall take precedence as a Colonel. Inserted by 1944, No. 72; substituted by 1945, No. 68.

**595c.** A minister of religion or a chaplain appointed to be a chaplain-general or a deputy chaplain-general or the Senior Jewish Chaplain may be appointed a chaplain, 1st class. Chaplains,  
1st Class.  
Inserted by 1945, No. 68.

**596.**—(1.) The Governor-General may appoint five senior chaplains in each Command, each of whom shall be severally appointed on the recommendation of his respective chaplain-general. Senior chaplains and deputy senior chaplains.  
Substituted by 1944, No. 72.  
Sub-reg. (1.) amended by 1956, No. 115.

(2.) If at any time a senior chaplain in a Command is the Head of his denomination in the State which forms the greater part of the Command and is unable to perform the duties appertaining to the office of senior chaplain, the Military Board on the recommendation of the chaplain-general concerned may appoint a deputy senior chaplain to act for him: Sub-reg. (2.) substituted by 1946, No. 116; amended by 1956, No. 115.

Provided that, if the senior chaplain becomes able to perform the duties of the office of senior chaplain, the appointment of his deputy senior chaplain shall be terminated by the Military Board forthwith.

(3.) A deputy senior chaplain shall take precedence as a major. Substituted by 1945, No. 68.

**597.** The classification of a chaplain may, with the approval of the Military Board, be raised to a higher classification, upon the recommendation of his chaplain-general, or, in the case of a Jewish chaplain, on the recommendation of the Senior Jewish Chaplain, in time of peace, to fill an existing vacancy on a training establishment, or, in time of war, to fill an existing vacancy on an authorized war establishment. Advancement of classification.  
Substituted by 1944, No. 72.

**598.**—(1.) The classification of a chaplain may, with the consent of the Adjutant-General, be reduced to a lower classification at the request of that chaplain, and in any special circumstances may be reduced for such period as is specified by the Adjutant-General when consenting thereto. Reduction of classification.  
Substituted by 1944, No. 72.

(2.) The classification of a chaplain may be reduced to a lower classification, with the consent of the Adjutant-General, upon the recommendation of his chaplain-general or a senior chaplain in a Command, or, in the case of a chaplain of the Jewish faith, upon the recommendation of the Senior Jewish Chaplain. Amended by 1956, No. 115.

**599.**—(1.) If a chaplain ceases to be a minister of his church or faith, or is, in the opinion of his chaplain-general, or, in the case of a chaplain of the Jewish faith, in the opinion of the Senior Jewish Chaplain, unsuited for the duties of a chaplain, his appointment may be terminated on the recommendation of that chaplain-general, or the Senior Jewish Chaplain, as the case may be. Termination of appointment.  
Substituted by 1944, No. 72.

(2.) Subject to such exceptions in special cases as are made by the Military Board, the appointment of a chaplain who ceases to reside permanently in the Commonwealth shall be terminated.

Reg. 599A  
inserted by  
1933, No. 77;  
repealed by  
1944, No. 72.

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Reg. 600  
repealed by  
1942, No. 555.

\* \* \* \* \*

Division 9  
repealed by  
1955, No. 31.\*

\* \* \* \* \*

Heading  
amended by  
1933, No. 77;  
and  
1951, No. 56.

## DIVISION 10.—ROYAL AUSTRALIAN SURVEY CORPS.

Conditions of  
appointment.

Sub-reg. (1.)  
amended by  
1933, No. 77;  
1936, No. 44;  
and  
1951, No. 56.

**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 Royal Australian Survey Corps, if he—

(a) is not over the age of 45 years, except in special cases approved by the Military Board; and

(b) is certified by a medical board to be physically qualified; and

if the appointment is as an officer in a Topographical 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 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.

Amended by  
1933, No. 77;  
1941, No. 135;  
and  
1951, No. 56.

(2.) Before his appointment as an officer of the Royal Australian Survey Corps a person shall be required to pass the examination prescribed by regulation 605A of these Regulations for the rank of lieutenant.

Appointment  
to lieutenant.

Amended by  
1933, No. 77;  
and  
1951, No. 56.

**604.** First appointment in the Royal Australian Survey Corps, shall be to the rank of lieutenant.

Promotion to  
captain.

Amended by  
1933, No. 77;  
and  
1941, No. 135;  
and  
1951, No. 56.

**605.** A lieutenant in the Royal Australian Survey Corps, 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 prescribed by regulation 605A of these Regulations for the rank of captain, and is recommended by the Chief of the General Staff.

\* Regulations 601, 602 and 602A (inserted by Statutory Rules 1937, No. 45) were repealed by Statutory Rules 1951, No. 56; 1955, No. 31; and 1941, No. 135 respectively.

**605A.** Subject to these Regulations, a person, officer or soldier shall, upon passing an examination authorized by the Military Board which is specified in column two of the following table, be eligible for appointment or promotion to the rank specified in column one of the table opposite that examination:—

Examinations for appointment and promotion.  
Inserted by 1941, No. 135; amended by 1951, No. 56.

| Column One—Rank.         | Column Two—Examination.                                                |
|--------------------------|------------------------------------------------------------------------|
| Lieutenant .. ..         | The Lieutenant's Royal Australian Survey Corps (P) Examination         |
| Captain .. ..            | The Captain's Royal Australian Survey Corps (P) Examination            |
| Major .. ..              | The Major's Royal Australian Survey Corps (P) Examination              |
| Lieutenant-Colonel .. .. | The Lieutenant-Colonel's Royal Australian Survey Corps (P) Examination |

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Division 11 (Regs. 606-607) repealed by 1952, No. 8.

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Division 12 (Regs. 608-609) repealed by 1955, No. 31.

# **DIVISION 12A.—AUSTRALIAN ARMY PSYCHOLOGY CORPS.**

Division 12A inserted by 1940, No. 237; repealed by 1951, No. 56; inserted by 1954, No. 113.

**609A.** The Australian Army Psychology Corps shall consist of officers and soldiers who—

- (a) are appointed to or enlisted in that Corps; or
- (b) are transferred to, or seconded for duty with, that Corps from other parts of the Military Forces.

Constitution of Australian Army Psychology Corps.  
Inserted by 1940, No. 237; repealed by 1951, No. 56; inserted by 1954, No. 113.

**609B.** A person shall not be appointed as an officer of the Australian Army Psychology Corps unless—

- (a) he is the holder of, or qualified for admission to, a degree of a University approved by the Military Board; and
- (b) he has such qualifications as the Military Board considers necessary for the practice of psychology.

Qualification for appointment as an officer.  
Inserted by 1954, No. 113.

**609C.** The first appointment of a person to commissioned rank, as an officer of the Citizen Forces, in the Australian Army Psychology Corps shall be a provisional appointment to the rank of captain.

Rank on appointment—Citizen Forces.  
Inserted by 1954, No. 113.

**609D.—(1.)** The first appointment of a person to commissioned rank, as an officer of the Permanent Forces, in the Australian Army Psychology Corps shall be to the substantive rank of lieutenant with the temporary rank of captain.

Rank on appointment—Permanent Forces.  
Inserted by 1954, No. 113.

**(2.)** Where an officer appointed to the substantive rank of lieutenant under the last preceding sub-regulation qualifies for promotion to the

substantive rank of captain, he may, notwithstanding regulation 85 of these Regulations, be promoted to the substantive rank of captain after three years' service in the rank of lieutenant.

Examinations.

Inserted by  
1954, No. 113.

**609E.** The syllabus and scope of the examinations for appointment and promotion in the Australian Army Psychology Corps shall be as approved by the Military Board.

Allotment  
for duty.

Inserted by  
1954, No. 113.

**609F.** Officers of the Australian Army Psychology Corps may be allotted for duty with units and staffs of the Military Forces.

Reserve of  
Officers.  
Australian  
Army  
Psychology  
Corps.

Inserted by  
1954, No. 113.

**609G.**—(1.) A person who—

- (a) is qualified under sub-regulation (2.) of regulation 120 of these Regulations to be appointed to commissioned rank in the Reserve of Officers by reason that he possesses the professional qualifications prescribed by these Regulations for appointment to commissioned rank in the Australian Army Psychology Corps; and
- (b) is competent to perform the duties of an appointment in that Corps specified in the first column of the table to this sub-regulation,

may be appointed as an officer of the Reserve of Officers, Australian Army Psychology Corps, and may be granted the honorary rank specified in the second column of that table opposite to that appointment.

| Appointment in Australian Army Psychology Corps. |    |    |    |    | Honorary Rank.                |
|--------------------------------------------------|----|----|----|----|-------------------------------|
| Consultant                                       | .. | .. | .. | .. | Colonel or Lieutenant-Colonel |
| Senior Psychologist                              | .. | .. | .. | .. | Major                         |
| Psychologist                                     | .. | .. | .. | .. | Captain                       |

(2.) Officers of the Reserve of Officers, Australian Army Psychology Corps may be employed from time to time on such work in the practice of psychology as the Military Board approves.

Division 13  
(Regs. 610-619)  
repealed by  
1955, No. 31.

\* \* \* \* \*

Heading to  
Division 14  
repealed by  
1956, No. 102.

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Division 14  
(Regs. 620-629)  
repealed by  
1943, No. 68.

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Part VIII.  
(Regs. 630-672)  
repealed by  
1955, No. 31.

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Part IX.  
(Regs. 673-734)  
repealed by  
1955, No. 7.

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**PART X.—PERSONAL RECORDS.**

**DIVISION 1.—ROLL BOOKS.**

Sub-heading  
substituted by  
1955, No. 31.

**735.**—(1.) For the purposes of sub-section (1.) of section 110A of the Act, the prescribed persons are—

Company roll  
books.

(a) in relation to a company of the Permanent Forces—a member of the company not below the rank of sergeant appointed by the commanding officer; and

Substituted by  
1956, No. 115.

(b) in relation to a company of the Citizen Forces—an officer of the company appointed by the commanding officer.

(2.) For the purposes of sub-section (2.) of section 110A of the Act—

(a) the prescribed matters are—

(i) the names and particulars of the members of the company;

(ii) a record of attendance at, or absence from, parades;

(iii) leave of absence granted;

(iv) in the case of the Permanent Forces—a daily parade state; and

(v) in the case of the Citizen Forces—a classification of each member as “efficient” or “not efficient” as the case requires; and

(b) the prescribed persons are an officer, warrant officer or non-commissioned officer not below the rank of corporal.

**735A.**—(1.) A separate roll book shall be kept for each platoon or similar constituent part of a unit by the commander of the platoon or part of a unit or by such other member appointed by the Commanding Officer.

Platoon, &c.,  
roll books.

Inserted by  
1956, No. 115.

(2.) A roll book kept in pursuance of the last preceding sub-regulation shall contain—

(a) the names and particulars of the members of the platoon or other part of a unit; and

(b) a record of attendances at, or absences from, parades.

(3.) Entries in a roll book kept in pursuance of sub-regulation (1.) of this regulation shall be made by an officer, warrant officer or non-commissioned officer not below the rank of corporal.

**735B.** Entries in a roll book shall be made in the manner directed by the Military Board.

Keeping of  
roll books.

Inserted by  
1956, No. 115.

**736.**—(1.) A person who—

(a) without lawful authority—

(i) makes out or delivers a roll book;

(ii) makes or has in his possession a roll book; or

(iii) makes an entry in a roll book; or

Offences in  
relation to  
roll books.

Substituted by  
1955, No. 31.

(b) wilfully—

(i) makes a false or misleading entry in a roll book in circumstances not amounting to an offence under paragraph (a) of section 73B of the Act;

(ii) makes an incorrect alteration in a roll book;

(iii) omits to make an entry in a roll book which he is required to make; or

(iv) damages a roll book,

is guilty of an offence.

(2.) An offence by a person against this regulation is punishable upon conviction—

- (a) if the person is a member of the Military Forces—by penalties in accordance with regulation 215 of these Regulations; or
- (b) if the person is not a member of the Military Forces—by a fine not exceeding Twenty pounds or by imprisonment for a term not exceeding three months, or both.

Regs. 737-747  
repealed by  
1955, No. 31.

\* \* \* \* \*

## DIVISION 2.—CONDUCT SHEETS.

### REGIMENTAL CONDUCT SHEETS.

Officers.

**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.

W.O.'s.

**749.** Except as provided in this division, a regimental 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.

N.C.O.'s and  
men.

**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.

Regimental  
Conduct Sheet.  
Entries to be  
made.

Sub-reg. (1.)  
amended by  
1936, No. 100.

**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;
- (e) 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 the C.O. has directed, under A.M.R. 753, that an entry shall not 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 certified 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—

Entries of courts 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 has 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.

When civil convictions excepted.

Amended by 1936, No. 100; and 1938, No. 75.

**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-regulation (1.) (d) of A.M.R. 751, the C.O. may, except in a case of a charge of drunkenness, 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.

Signature.

**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 initialed by the C.O. or adjutant. The signature and initials should be placed in the last column.

Forfeiture of pay.

**755.** Forfeiture of pay entailed by any conviction or award shall be entered in the regimental conduct sheet in the column headed “Remarks” as follows:—“Forfeits.....days’ pay.”

Drunkenness.

**756.** Every offence of drunkenness committed by a soldier 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.

Abbreviations.

**757.** The following abbreviations shall be used in entries to be made in a regimental conduct sheet:—

C.B.—for confinement to barracks.

Impt. H.L.—for imprisonment with hard labour.

Detn.—for detention.

P.S.—for penal servitude.

#### COMPANY CONDUCT SHEETS.

For whom kept.

**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 notwithstanding any direction given by the C.O. under A.M.R. 753, and every entry authorized to be made in a soldier's regimental conduct sheet, shall be entered in his company conduct sheet.

*Company Conduct Sheets. Entries to be made.*

*Sub-reg. (1.) amended by 1936, No. 100.*

(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 or 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.

\* \* \* \* \*

*Sub-reg. (4.) omitted by 1936, No. 100.*

(5.) A deduction from pay ordered by a C.O. or formation, &c., commander, unless accompanied by a punishment higher in the authorized scale than admonition, shall not be entered in a soldier's company conduct sheet.

*Amended by 1935, No. 99.*

(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.) The company conduct sheet of a soldier shall be destroyed on his promotion to a rank superior to that of sergeant, or on discharge.

*Destruction of company sheets and substitution.*

(2.) The company conduct sheet of a soldier, if containing any entries, shall be destroyed and a new conduct sheet shall be substituted on the following additional occasions:—

*Substituted by 1933, No. 77.*

- (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.

**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.

*Entry in new sheet.*

(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.

Conduct sheets  
for Citizen  
Forces.

**762.—(1.)**

Sub-reg. (1.)  
omitted by  
1955, No. 31.

\* \* \* \* \*

Amended by  
1955, No. 31.

(2.) A regimental conduct sheet or a company conduct sheet shall not be kept for a 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.

Loss of 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.

Field conduct  
sheet.

**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.

Annual  
confidential  
reports on  
officers of  
P.M.F.

**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 initialled 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 initialled 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. Officer not serving under formation, &c., commander.

**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 it his own report to the extent to which he is able to form an opinion. Insufficient service to enable report to be made.

**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. Inserted by 1941, No. 14.

#### 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. Report on officer of Citizen Forces.

#### GENERAL.

**769.** The procedure mentioned in this division in relation to 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. Other reports similarly dealt with.

### DIVISION 4.—DISCLOSURE OF MEMBER'S MILITARY HISTORY.

**770.**—(1.) In this regulation—

“authorizing officer” means—

- (a) the Minister;
- (b) the Adjutant-General;
- (c) a formation, &c., commander; or
- (d) an officer appointed for the purpose of this regulation by the Adjutant-General;

“member” includes a person who has served in the Military Forces.

Authority to disclose.

Sub-reg. (1.) substituted by 1955, No. 31.

(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.

Amended by  
1955, No. 31.

(7.) No action or proceeding, civil or criminal, shall lie against any member of the Military Forces, nor against any person employed by the Department of the Army, by reason of the fact that he has, in pursuance of this regulation, disclosed information by the authority of an authorizing officer.

Division 4A  
inserted by  
1942, No. 333.

#### **DIVISION 4A.—RECORDS IN TIME OF WAR.**

Records of  
members of  
the Military  
Forces in  
time of war.

Inserted by  
1942, No. 333.

**770A.**—(1.) Notwithstanding anything contained in these Regulations, in time of war, all records relating to members of the Military Forces shall be organized, kept and maintained, in such manner as is determined from time to time by the Military Board.

(2.) For the purposes of this regulation “records” shall mean all documents of whatsoever description directed by the Military Board to be used to record any entry, minute or information relating to or concerning the personal history of members of the Military Forces.

Heading  
amended by  
1951, No. 125.

#### **PART XI.—MESSES, QUARTERS AND MARRIED SOLDIERS.**

Division 1  
(Regs. 771-781)  
repealed by  
1951, No. 125.

\* \* \* \* \*

Division 1A  
(Regs. 781A-  
781W)  
inserted by  
1940, No. 183;  
omitted by  
1942, No. 289.

\* \* \* \* \*



## **DIVISION 2.—MESSES.**

### **OFFICERS' AND SERGEANTS' MESSES.**

**782.** The administration and conduct of all messes in the Military Forces shall be subject to the control and direction of the Military Board. Under control of Military Board.

**783.**—(1.) Subject to the last preceding regulation the 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. Rules for messes.

(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.

(3.) The ownership of the funds and property of a mess shall be vested in the members for the time being of that mess as joint owners. Added by 1946, No. 114; substituted by 1952, No. 60.

**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. Messes in camp.

**785.**—(1.) The amount of any regimental debt owing by an officer or soldier 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. Debts to messes, &c. Substituted by 1943, No. 72.

(2.) In this regulation, "regimental debt" means any debt owing to a naval, military or air force mess, canteen or institute.

## **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— Retention during absence.

- (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. Eligibility for married roll.

Evidence of marriage.

**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.

Heading substituted by 1955, No. 31.

## PART XII.—UNIFORMS.

Heading to Division 1 omitted by 1955, No. 31.

\* \* \* \* \*

Authorized uniform.

**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.

Uniform to be worn on parade.

**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.

Unauthorized wearing an offence.

**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 (Regs. 792-800) repealed by 1955, No. 31.

\* \* \* \* \*

## PART XIII.—MISCELLANEOUS.

### DIVISION 1.—MISCELLANEOUS OFFENCES.

Intoxicants not to be taken into hospitals, &c.

Sub-reg. (1.) amended by 1935, No. 99.

**801.—(1.)** 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 liquor 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.

Added by 1943, No. 200.

**(2.)** In any prosecution for a contravention of this regulation, the averment of the prosecutor that any liquor is intoxicating or spirituous liquor shall be *prima facie* evidence of the matter averred.

False representation of authority.

**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 of 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.

Personation, false representation and assumption of title of rank in relation to Military Forces.

(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.

Defacing posters, &c.

(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, sea or air, 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.

Leaving part of document in blank. Amended by 1935, No. 99.

## **DIVISION 2.—ADMISSION TO MILITARY WORKS.**

**806.** In this Division—

“military work” means a military fort, or any work, place or thing which is appointed by the Military Board (by notification in Australian Army Orders or by a notice displayed upon it) to be a military work, and includes all ground, the property of the Commonwealth, adjoining the fort, work, place or thing;

“closed place” means any part of a military work which is appointed by the Military Board or by a formation, &c., commander to be a closed place.

Definitions. Substituted by 1939, No. 31.

Admission to  
military works.

**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.

Amended by  
1937, No. 45.

(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:

Provided that a person who is not a natural born British subject may not, without the approval of the Military Board, be employed, reside or stay in any military work.

Unauthorized  
persons to be  
excluded.

**808.** No person shall be permitted to enter any military work unless he is authorized by or under these Regulations to do so.

Admission to  
closed place.

**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.

Entrance by  
pass.

**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.

Added by  
1939, No. 31.

(3.) The holder of a certificate of identity under this Division may be permitted to enter the military work in respect of which the certificate is issued but, unless in possession of a special pass under this Division, shall not be permitted to enter any closed place.

By whom  
passes issued.  
Substituted by  
1939, No. 31.

**811.**—(1.) A special pass may be issued by a member of the Military Board, or by the formation, &c., commander to whose command the troops occupying or protecting the military work to which the pass relates belong.

(2.) An ordinary pass may be issued by any person empowered by this regulation to issue a special pass, or, to the extent directed by the formation, &c., commander concerned, by the C.O. of the troops occupying or protecting the military work to which the pass relates.

Certificate  
of identity.  
Inserted by  
1939, No. 31.

**811A.** Where a formation, &c., commander to whose command the troops protecting a military work (not being a military fort) belong is of opinion that it is not expedient to issue ordinary passes to all persons who are required to enter that work, he may approve of the issue, by a person authorized in that behalf by him, of certificates of identity in lieu of ordinary passes.

**812.** An officer authorized by this division to issue a special pass or an ordinary pass shall, before issuing any such pass, enter therein—

Entries on pass.  
Amended by 1928, No. 23.

- (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 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.

To return pass.

**814.** An authority may, if he thinks fit, before issuing 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.

Deposit.

**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).

Not to make notes or sketches.

### **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 Commander of the Command 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.

Assessment of claims.  
Sub-reg. (1.) amended by 1952, No. 60.

**(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 Command Paymaster.

Amended by 1952, No. 60.

**(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 Command Paymaster should be delivered to him for payment.

Amended by 1952, No. 60.

Substituted by  
1952, No. 60.

(4.) Where the compensation assessed by the board in respect of a claim or claims by a person, does not exceed Two hundred pounds and that person agrees to accept the amount so assessed in full settlement of his claim or claims, the amount agreed upon may be paid—

(a) by the Command Paymaster if the amount agreed upon does not exceed Fifty pounds; or

(b) by the Command Paymaster, with the approval of the Commander of the Command, if the amount agreed upon exceeds Fifty pounds but does not exceed Two hundred pounds.

Inserted by  
1952, No. 60.

(4A.) Where the compensation assessed by the board in respect of a claim or claims by a person, exceeds Two hundred pounds or in any case where the claimant does not agree to accept the amount of compensation assessed by the board, the Commander of the Command shall, as soon as practicable, forward the claim or claims to the Military Board for determination with a full statement of the case and his recommendation as to the amount of compensation payable.

Amended by  
1952, No. 60.

(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 Command Paymaster.

(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 or 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.  
 military survey party.

Signature of claimant.....

Signed at.....

Date.....

*For use of Compensation Board only.*

Amount of compensation assessed in respect of\*:-

£ s. d.

.....  
 .....  
 .....  
 .....

\*If the compensation cannot immediately be assessed for any item an entry will be made "Not yet assessed".

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. Exercises and bivouacs.

(2.) Officers in charge of these must obtain permission in writing to use the land required, *and must take steps to insure 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 Command Paymaster, who may authorize the payment of compensation not exceeding a sum of Fifty pounds. If the claim exceeds Fifty pounds, the Command Paymaster shall forward it with full particulars to the Military Board for determination. Amended by 1952, No. 60.

**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 Command Paymaster within seven days after the date on which the damage or loss is alleged to have been sustained. Surveys. Sub-reg. (1.) amended by 1952, No. 60.

Amended by  
1952, No. 60.

(2.) When a claim for compensation for damage or loss is received by the Command Paymaster he shall (except when the amount claimed does not exceed £5, or the Command Paymaster for any reason considers it is 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.

Amended by  
1952, No. 60.

(3.) The Command Paymaster 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 Command 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.

Substituted by  
1952, No. 60.

(4.) Where an officer appointed by the Command Paymaster to inquire into a claim made under this regulation certifies that—

- (a) the damage or loss caused by a member of a Survey Section or a person employed in connexion with the survey;
- (b) an amount assessed by him and specified in his certificate is reasonable compensation for the damage or loss sustained; and
- (c) the person making the claim agrees to accept the amount so addressed,

that amount be paid—

- (d) by the Command Paymaster if that amount does not exceed Fifty pounds; or
- (e) by the Command Paymaster with the approval of the Commander of the Command if that amount exceeds Fifty pounds but does not exceed Two hundred pounds.

Amended by  
1952, No. 60.

(5.) Cases in which the amount to be paid exceeds Two hundred 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.

Artillery  
practice—  
prescribed  
distance.

Substituted by  
1935, No. 109.

819.—(1.) The prescribed distance under D.A. 72 from any battery or gun engaged in artillery practice on a land range 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 the formation, &c., commander to whose command the persons carrying out the practice belong, or if there be more than one such commander the senior of them), 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 begins.



(3.) The prescribed distance under D.A. 72 from any gun engaged in artillery practice seaward shall be the distance from the gun to any point on the perimeter of an area which has been defined and notified in accordance with sub-regulation (4.) of this regulation, and which lies wholly within a figure bounded seaward by the arc of a circle, having the gun as its centre and a radius of twenty nautical miles, and shoreward by lines extending from the gun on each side to points at high water mark distant twenty nautical miles from the gun.

(4.) The areas mentioned in sub-regulation (3.) of this regulation shall be defined in Notices to Mariners which shall be issued from time to time by the Department of the Navy and notified by a Deputy Director of Navigation (or, in the Northern Territory of Australia, by the Collector of Customs at Darwin) by advertisement in a newspaper or newspapers circulating in the port concerned not less than twenty-four hours before the practice begins.

Substituted by  
1938, No. 75;  
amended by  
1956, No. 115.

(5.) When artillery practice seaward is to be carried out the formation, &c., commander to whose command the persons carrying out the practice belong shall notify the senior naval officer in charge in the area and the Deputy Director of Navigation concerned (or, in the Northern Territory of Australia, the Collector of Customs at Darwin), not less than seven clear days before the practice takes place, in order that His Majesty's ships and other ships at sea may be informed.

Substituted by  
1949, No. 68.

(6.) The notifications made under sub-regulation (5.) of this regulation by a formation, &c., commander shall specify which area, amongst those defined in accordance with sub-regulation (4.) of this regulation, is to be used for practice, the time at which the practice will take place, and, where applicable, whether star shell, rockets or other light signals are to be used.

Substituted by  
1938, No. 75.

(7.) (a) The Deputy Director of Navigation concerned or the Collector of Customs at Darwin, as the case may be, shall arrange for a visual signal in accordance with paragraph (b) of this sub-regulation to be made at the signal station customarily used for communicating with shipping moving or about to move in the area affected, from the time at which the practice is advertised to begin until its conclusion.

Substituted by  
1938, No. 75.

(b) The signal to be made at a signal station to denote that artillery practice is proceeding shall be—

(i) by day—

if the port is open, the letters "IB" in flags of the International Code; or

if the port is closed, two red balls suspended vertically with a green cone (apex uppermost) between them; or

(ii) by night—three lights suspended vertically, the top and bottom lights being red and the centre light green.

(8.) The provisions of this regulation shall apply to and be observed in respect of test or proof firing of any gun or battery in the same manner as if such test or proof firing were artillery practice.

Omitted by  
1938, No. 75  
added by  
1949, No. 68.

### DIVISION 5.—LEAVE OF ABSENCE ON GROUND OF ILLNESS— PERMANENT FORCES.

Certain officers  
and soldiers  
not "members"  
for purposes of  
this Division.

Inserted by  
1945, No. 6.

**819A.** For the purposes of this Division—

- (i) an officer other than a graduate of the Royal Military College who graduated on or after the sixth day of October, 1939, or a soldier appointed or enlisted—
  - (a) for service in a Garrison Battalion, or
  - (b) on or after the third day of September, 1939, for service in a military force raised in time of war for war service, or
  - (c) on or after the sixth day of October, 1939, and before the termination of the time of war which commenced on the second day of September, 1939, or
- (ii) a soldier enlisted on or after the third day of September, 1939, solely for service in time of war,

shall not, by reason only of such appointment or enlistment, be deemed to be a member.

How sick leave  
calculated.

Sub-reg. (1.)  
amended by  
1934, No. 26.

**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:—

|                                                         | Leave on<br>Full Pay. | Leave on<br>Half Pay. | Leave on<br>Third Pay. |
|---------------------------------------------------------|-----------------------|-----------------------|------------------------|
|                                                         | Days.                 | Days.                 | Days.                  |
| On date of appointment or enlistment                    | 7                     | 5                     | 3½                     |
| On completion of six months' service                    | 7                     | 5                     | 3½                     |
| On completion of twelve months' service                 | 14                    | 10                    | 7                      |
| On completion of each additional twelve months' service | 14                    | 10                    | 7                      |

- (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:

Provided that—

- (i) the continuous period for which a member may be granted leave on full pay immediately prior to his retirement or discharge shall not exceed 52 weeks; and
- (ii) a further credit of leave shall not accrue to a member subsequent to the date of the decision to effect his retirement or discharge; and
- (iii) notwithstanding anything contained in this paragraph, a member shall not be entitled to leave beyond the day on which he reaches the age for his retirement or discharge.

(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.

Substituted by  
1935, No. 99.

(3.) Applications for leave of absence under this regulation shall be supported by medical evidence: Provided that leave not exceeding three days in the aggregate in any period of twelve months may be granted without the production of medical evidence and that any continuous period of leave so granted shall not exceed two days.

Inserted by  
1935, No. 99.

(3A.) Subject to sub-regulation (3.) of this regulation, sick leave which is granted without the production by the applicant of medical evidence shall be without pay.

Inserted by  
1933, No. 77.

(4.) Notwithstanding anything contained in these Regulations, where a member of the Permanent Forces, to whom leave with pay has been granted in pursuance of this regulation, recovers or receives damages from a third party, the Military Board may review the grant of leave with pay, and may direct the member to refund, either in a lump sum or in such instalments as the Military Board direct, the whole or any portion of the amount of pay received by him in pursuance of this regulation, and thereupon the amount so directed to be refunded shall be a debt due to the Commonwealth.

Inserted by  
1933, No. 77.

(5.) If any member of the Permanent Forces—

(a) fails or refuses to refund the amount directed by the Military Board to be refunded in pursuance of the last preceding sub-regulation; or

(b) requests that the amount be deducted from any moneys from time to time becoming due to him as a member;

the Military Board may direct that the amount be deducted, in a lump sum or by instalments, from any moneys from time to time becoming due to the member, or may cause such other action to be taken for the recovery of the amount as to the Military Board seems fit.

Added by  
1940, No. 29.

(6.) Where a member of the Permanent Forces is appointed to His Majesty's Regular Forces or to the Indian Army, and, immediately upon the termination of his service therein, re-appointed to the Australian Staff Corps, his service in His Majesty's Regular Forces or the Indian Army, as the case may be, shall, subject to the approval of the Minister, be deemed to be service within the meaning of sub-regulation (1.) of this regulation.

Leave abroad.

**821.** A member of the Permanent Forces serving abroad who has exhausted his 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.

Medical  
examination of  
person before  
return to  
duty.

**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.

Illness  
contracted  
on duty.

**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— **Amended by 1933, No. 49.**

- (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 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, malaria, dengue, furunculosis, septic infection of abrasions or insect bites, or septic 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. **Leave whether in hospital or elsewhere.**

**825.** Leave of absence on the ground of illness shall not be reckoned as nor included in leave of absence for recreation. **Not to count against recreation leave.**

\* \* \* \* \*

**Reg. 826\* repealed by 1950, No. 29.**

**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. **Rate of pay for holidays.**

**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. **Medical examination may be ordered.**

\* The repeal of this regulation took effect on and from 10th January, 1950. See Statutory Rules 1950, No. 29, reg. 3.

Counting of  
prior service in  
Commonwealth  
or State.

**829.** When a person has been transferred or appointed to or enlisted in the Permanent Forces from a position of a permanent nature in the service of the Commonwealth or a State, his previous service in the Commonwealth or a State shall, if continuous with his service in those Forces, be counted for the purpose of this division as if it had been service in the Permanent Forces.

Credit on  
appointment or  
re-appoint-  
ment.

**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.

Recording  
of leave.

**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.**

Training  
abroad.

**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.

Attachment to  
A.M.F.

**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.

Division 7  
(Reg. 834)  
added by  
1942, No. 477.  
Heading  
repealed by  
1956, No. 102.

\* \* \* \* \*

Reg. 834  
repealed by  
1950, No. 65.

\* \* \* \* \*

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# 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) { a soldier  
an officer } \* of the Military Forces of the Commonwealth of Australia subject to military law under Australian Military Regulation 197, committed the following { offence  
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 thereunder which can be committed when not subject to military law. (D.A. 102):—

The accused (number, rank, name, regiment or corps) { a soldier  
an officer } \* of 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 thereunder, 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) { a soldier  
an officer } \* of the Military Forces of the Commonwealth of Australia, committed the following { offence  
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, when 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) { a soldier  
an officer } \* of the Military Forces of the Commonwealth of Australia on war service committed the following { offence  
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 { offence  
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 { a soldier  
an officer } \*— under the provisions of section 117A of that Act, committed the following { offence  
offences } \* :—

7. For the trial of a person who has ceased to be a member of the Military Forces, for an offence committed by him while serving a sentence awarded by a court-martial and liable to be tried by virtue of A.A. 158 (2)—

The accused [name] being a person serving a sentence of { penal servitude  
imprisonment  
detention } imposed on him by court martial while a member of the Military Forces of the Commonwealth of Australia on war service is charged with having during the term of such { penal servitude  
imprisonment  
detention } committed the following { offence  
offences } \*—.

\* Use only the one expression or word which is appropriate.

## DEFENCE ACT

APPENDIX I.—*continued.*

## 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. 73.

- (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.  
 (c) Being a member of the Defence Force, knowingly including in a  $\left\{ \begin{array}{l} \text{parade state} \\ \text{return} \end{array} \right\}$  the name of a person not a member of the Defence Force.
- (2.) (a) Being a member of the Defence Force, knowingly  $\left\{ \begin{array}{l} \text{claiming} \\ \text{receiving} \end{array} \right\}$ , 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  $\left\{ \begin{array}{l} \text{claiming} \\ \text{receiving} \end{array} \right\}$  pay on account of  $\left\{ \begin{array}{l} \text{drill} \\ \text{duty} \end{array} \right\}$  not performed.
- (3.) (a) Being a member of the Defence Force, knowingly obtaining by means of a false pretence  $\left\{ \begin{array}{l} \text{pay} \\ \text{money} \end{array} \right\}$   $\left\{ \begin{array}{l} \text{belonging} \\ \text{payable} \end{array} \right\}$  to another member of the Defence Force.  
 (b) Being a member of the Defence Force, knowingly  $\left\{ \begin{array}{l} \text{retaining} \\ \text{keeping in his possession} \end{array} \right\}$  with intent to apply it to his own use  $\left\{ \begin{array}{l} \text{pay} \\ \text{money} \end{array} \right\}$   $\left\{ \begin{array}{l} \text{belonging} \\ \text{payable} \end{array} \right\}$  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  $\left\{ \begin{array}{l} \text{a plan} \\ \text{a document} \\ \text{information} \end{array} \right\}$  relating to  $\left\{ \begin{array}{l} \text{a fort.} \\ \text{a battery.} \\ \text{a field work.} \\ \text{a fortification.} \\ \text{a defence work.} \\ \text{defences of the} \\ \text{Commonwealth.} \\ \text{a factory.} \\ \text{other Naval or} \\ \text{Military infor-} \\ \text{mation.} \end{array} \right\}$
- (2.) Unlawfully obtaining  $\left\{ \begin{array}{l} \text{a plan} \\ \text{a document} \\ \text{information} \end{array} \right\}$  relating to  $\left\{ \begin{array}{l} \text{a fort.} \\ \text{a battery.} \\ \text{a field work.} \\ \text{a fortification.} \\ \text{a defence work.} \\ \text{the defences of the Common-} \\ \text{wealth.} \\ \text{other Naval or Military infor-} \\ \text{mation.} \end{array} \right\}$

## D.A. 73B.

- (a) Knowingly signing a false  $\left\{ \begin{array}{l} \text{parade state.} \\ \text{roll.} \\ \text{pay list.} \\ \text{return.} \end{array} \right\}$
- (b)  $\left\{ \begin{array}{l} \text{Forging} \\ \text{Uttering, knowing it to be forged,} \end{array} \right\}$   $\left\{ \begin{array}{l} \text{a warrant} \\ \text{an order} \end{array} \right\}$  under the Defence Act.
- (c) Falsely personating another person  $\left\{ \begin{array}{l} \text{at a parade.} \\ \text{on an occasion when the latter was} \\ \text{required by the Defence Act to} \end{array} \right\}$   
 $\left\{ \begin{array}{l} \text{do an act.} \\ \text{attend at a place.} \end{array} \right\}$



APPENDIX I.—*continued.*

D.A. 73c.

- (2.) Being an officer of the Commonwealth, fraudulently receiving for use by the Defence Force { an article of food  
material  
equipment  
a beast of draught  
a beast of burden } supplied in contravention of Section 73c of the Defence Act.

D.A. 74.

- (1.) Being a person of whom information was required by { an officer  
a person } in order to enable him to comply with the provisions of the Defence Act relating to { enlistment  
enrolment } { refusing  
neglecting } without just cause to give such information.  
{ giving false information. }
- (2.) Being a person appointed in that behalf, without just cause { refusing  
neglecting } to { make an enrolment.  
make  
transmit } in the prescribed manner a { prescribed  
copy of a pre-  
scribed } roll.  
return.

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.  
enlistment. }
- (b) { Counselling  
Aiding } a person liable to enlist in the Defence Force to { fail to enlist.  
evade enlistment. }
- (c) { Counselling  
Aiding } a person { enlisted  
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) { Concealing  
Assisting in concealing } a person liable to enlist in the Defence Force.

D.A. 76.

- { Having enlisted  
Being liable to enlist } for service in the Defence Force { refusing  
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.  
an officer. }

D.A. 77.

- (a) { Procuring  
Persuading } a member of the Defence Force to desert.
- (b) { Aiding  
Assisting } a member of the Defence Force in deserting.
- (c) Knowing a person to be a deserter from the Defence Force { concealing him.  
aiding him in conceal-  
assisting ing himself. }

D.A. 78.

- Being { a member of the Citizen Military Forces and having been required to serve pursuant to a proclamation under Part III. of the Defence Act  
a person having been required to serve pursuant to Part IV. of the Defence Act } absents 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  
removing } } { arms  
accoutrements  
other naval or mili-  
tary articles }  
(b) { Failing to deliver up when lawfully required to do so }  
(c) { Having in his possession without lawful cause }  
belonging to { the Commonwealth.  
a Corps. }

## DEFENCE ACT

APPENDIX I.—*continued.*

## D.A. 80A.

Falsely representing himself to be a returned { soldier.  
sailor.

## D.A. 80B.

(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. 80F.

{ Defacing  
Destroying } { by melting  
otherwise } a military decoration.

## D.A. 81.

Unlawfully { obstructing  
interfering  
with } { a portion of the  
a member of  
the } Defence Force in the { naval  
performance of  
military }  
{ service.  
duty.

## D.A. 84.

Wearing { uniform  
dress having the appearance of uniform  
dress bearing { regimental marks  
other distinctive  
marks } of uniform } of the Defence Force { in a manner  
under cir-  
cumstances }  
likely to bring contempt upon that uniform.

## D.A. 89.

Wilfully { interrupting  
disturbing } the proceedings of a court martial.

Using insulting language towards { a court martial.  
the members of a court martial.

By { writing } using words calculated to { a court martial.  
speech } improperly influence { the members of a court martial.  
witnesses before a court martial.

## D.A. 95.

Having been { ordered  
lawfully { summoned } to attend a court { give evidence  
produce  
documents } and having { paid  
tendered }  
reasonable expenses of his attendance without just cause disobeying the  
{ order  
summons } to so appear.

Being before a court martial, { refusing to be sworn as a witness.  
refusing } { to answer a question which he was  
required by the court to answer.  
failing } { to produce a document which he was  
required by the court to produce.  
without just cause

APPENDIX I.—*continued.*

D.A. 123A.

{ Selling  
Supplying  
Having in his  
possession } at a military { canteen  
camp  
fort  
post } intoxicating  
spirituous } liquor otherwise than as  
prescribed for purely medical purposes during a time at which { (a)  
training of persons as prescribed in paragraph { (b)  
125 of the Defence Act was proceeding at that military { (c)  
camp.  
fort.  
post.

D.A. 135.

- (a) Being a person required by Part XII. of the Defence Act to render  
personal service { failing without lawful excuse in the year ended 30th  
June, 19 to render  
evading without lawful excuse in the year ended 30th  
June, 19 } the  
personal service required by that Part.  
(b) Being a person liable to training under Part XII. of the Defence Act  
{ failing without lawful excuse to attend a compulsory drill.  
committing a breach of discipline while on parade.

A.M.R. 204.

Being { an officer  
a soldier } of the Military Forces when examined { oath  
solemn declaration } before  
{ a court martial  
a court of  
inquiry  
a board  
an officer } authorized { the Defence Act  
a regulation made under the  
Defence Act } to administer  
an oath }  
wilfully giving false evidence.

A.M.R. 205.

Amended by  
1942, No. 555.

- (a) Having been { discharged } with disgrace from a { Naval  
dismissed } part of His Majesty's { Military  
Air } Forces, voluntarily  
{ enlisting in  
enrolling in } the Military Forces without declaring the circum- { discharge.  
entering } stances of his { dismissal.  
(b) When belonging to a part of the Active Defence Force without having obtained a  
regular discharge therefrom, or otherwise fulfilled the conditions enabling him  
voluntarily to { enlist in  
enrol in } the Military Forces voluntarily { enlisting in  
enter } the  
Military Forces.  
ba) When belonging to a part of a force raised in { the United Kingdom  
a British Possession } for permanent  
{ naval  
military } service without having obtained a regular discharge therefrom, or  
air }  
otherwise fulfilled the conditions enabling him voluntarily to { enlist in  
enrol in } the  
Military Forces voluntarily { enlisting in  
enrolling in } the Military Forces.  
(c) When belonging to the Active Military Forces, without having fulfilled the  
conditions enabling him voluntarily to { enlist in  
enrol in } the { Naval Forces  
enter } Air Force }  
voluntarily { enlisting in  
enrolling in } the { Naval Forces.  
enter } Air Force.

APPENDIX I.—*continued.*

## A.M.R. 206.

When  $\left\{ \begin{array}{l} \text{an officer} \\ \text{a soldier} \end{array} \right\}$  of the Military Forces being concerned in the voluntary  $\left\{ \begin{array}{l} \text{enlistment} \\ \text{enrolment} \end{array} \right\}$  in the Military Forces of a man when he  $\left\{ \begin{array}{l} \text{knew} \\ \text{had reasonable} \\ \text{grounds to believe} \end{array} \right\}$  such man to be so circumstanced that by  $\left\{ \begin{array}{l} \text{enlisting} \\ \text{enrolling} \end{array} \right\}$  in the Military Forces he committed an offence.

## A.M.R. 207.

Being a member of the  $\left\{ \begin{array}{l} \text{on duty within the} \\ \text{meaning of Australian} \\ \text{Military Regulation 197} \\ \text{in uniform} \end{array} \right\}$   $\left\{ \begin{array}{l} \text{using} \left\{ \begin{array}{l} \text{blasphemous} \\ \text{obscene} \end{array} \right\} \text{ language.} \\ \text{speaking} \\ \text{acting} \end{array} \right\}$  indecently.  
engaging 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  $\left\{ \begin{array}{l} (a) \\ (b) \\ (c) \end{array} \right\}$  of section 125 of the Defence Act  $\left\{ \begin{array}{l} \text{intoxicating} \\ \text{spirituous} \end{array} \right\}$  liquor.

## A.M.R. 210.

(1.) Being  $\left\{ \begin{array}{l} \text{an officer} \\ \text{a soldier} \end{array} \right\}$  of the  $\left\{ \begin{array}{l} \text{in military} \\ \text{premises} \\ \text{in uniform} \end{array} \right\}$   $\left\{ \begin{array}{l} \text{institut-} \\ \text{ing} \\ \text{attend-} \\ \text{ing} \end{array} \right\}$  a  $\left\{ \begin{array}{l} \text{meeting} \\ \text{demon-} \\ \text{stration} \\ \text{process-} \\ \text{sion} \end{array} \right\}$  for a  $\left\{ \begin{array}{l} \text{religious} \\ \text{political} \end{array} \right\}$  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  $\left\{ \begin{array}{l} \text{an officer} \\ \text{a soldier} \end{array} \right\}$  of the Permanent Military Forces without the express consent of the Military Board  $\left\{ \begin{array}{l} \text{accepting} \\ \text{continuing to hold} \end{array} \right\}$  an office  $\left\{ \begin{array}{l} \text{in} \\ \text{under} \end{array} \right\}$   $\left\{ \begin{array}{l} \text{the Govern-} \\ \text{ment of a} \\ \text{State.} \\ \text{a public cor-} \\ \text{poration.} \\ \text{a municipal} \\ \text{corpora-} \\ \text{tion.} \end{array} \right\}$

(b) Being  $\left\{ \begin{array}{l} \text{an officer} \\ \text{a soldier} \end{array} \right\}$  of the Permanent Military Forces without the express consent of the Military Board  $\left\{ \begin{array}{l} \text{accepting} \\ \text{continuing to hold} \\ \text{discharging the duties of} \\ \text{being employed in} \end{array} \right\}$  a paid office in connexion with a  $\left\{ \begin{array}{l} \text{banking} \\ \text{insurance} \\ \text{mining} \\ \text{mercantile} \\ \text{other commercial} \end{array} \right\}$  business.

(c) Being  $\left\{ \begin{array}{l} \text{an officer} \\ \text{a soldier} \end{array} \right\}$  of the Permanent Military Forces without the express consent of the Military Board  $\left\{ \begin{array}{l} \text{engaging in} \\ \text{undertaking} \end{array} \right\}$  as  $\left\{ \begin{array}{l} \text{principal} \\ \text{agent} \end{array} \right\}$  a  $\left\{ \begin{array}{l} \text{banking} \\ \text{insurance} \\ \text{mining} \\ \text{mercantile} \\ \text{other commercial} \end{array} \right\}$  business.

APPENDIX I.—*continued.*

A.M.R. 211—*continued.*

- (d) Being { an officer  
a soldier } of the Permanent Military Forces without the express consent of the Military Board { engaging  
continuing } in the private practice of a profession.
- (e) Being { an officer  
a soldier } of the Permanent Military Forces without the express consent of the Military Board { accepting  
engaging in  
continuing in } a paid employment other than in connexion with the duties of his { office  
offices } under the Commonwealth.

A.M.R. 212.

- Being { an officer  
a soldier } { of the Permanent Military Forces, without the consent of the Military Board  
of the Citizen Military Forces, without the consent of the Military Board and in relation to a transaction in which he was concerned in a military capacity,
- { demanding  
requesting  
receiving  
offering to receive  
consenting to receive  
agreeing to receive } { for his own benefit  
for the benefit of another } a { payment  
reward  
gift  
loan } from a person
- (a) { in connexion with the } { sale  
disposal  
prospective sale  
prospective disposal } of { public property.  
property belonging to a } { military mess.  
military band.  
military institution.  
part of His Majesty's Military Forces.
- (b) { in connexion with the } { acquisition  
prospective acquisition } of property for the use of a { military mess.  
military band.  
military institution.  
part of His Majesty's Military Forces.
- (c) { in connexion with the } { performance  
prospective performance } by a person other than the accused of a service in relation to a { military mess.  
military band.  
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  
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  
a soldier } of the Military Forces, and having been summoned to attend { court of inquiry  
board } by the authority who assembled it to { give evidence,  
produce documents,  
give evidence and produce documents, } without lawful excuse, failing to attend.

APPENDIX I.—*continued.*

## A.M.R. 747.

- (a) Without lawful authority { making out  
delivering } a { record book.  
prescribed copy of entries in a record  
book.  
company roll book.
- (b) Without lawful authority { making  
having in his possession } a (form of) { record book.  
prescribed copy of entries in a  
record book.  
company roll book.
- (c) Wilfully making a false entry in a { record book  
prescribed copy of entries  
in a record book  
company roll book } in circumstances not  
amounting to an of-  
fence against D.A.  
73B (a).
- (d) Wilfully making an improper alteration in a { record book.  
prescribed copy of entries in a record book.  
company roll book.
- (e) Wilfully omitting to make an entry in a { record book.  
prescribed copy of entries in a record book.  
company roll book.
- (f) Without lawful authority making an entry in a { record book.  
prescribed copy of entries in a record book.  
company roll book.
- (g) Wilfully and without lawful authority damaging a { record book.  
prescribed copy of entries in a record book.  
company roll book.

Inserted by  
1935, No. 99.

## A.M.R. 791.

Being a member of the Citizen Military Forces, when not on duty and not authorized by proper military authority to wear uniform, wearing { the uniform  
part of the } authorized uniform for the Citizen Military Forces.

Inserted by  
1935, No. 99.

## A.M.R. 801.

- (a) Without the permission of the Officer-in-Charge of the hospital being in possession of { intoxicating  
spirituous } liquor within the boundaries of a military hospital.
- (b) Without the permission of the Officer-in-Charge of the hospital knowingly { supplying  
selling } { intoxicating  
spirituous } liquor to an inmate of a military hospital.

Inserted by  
1935, No. 99.

## A.M.R. 805.

Being { an officer  
a soldier } of the Military Forces when signing a document relating to the conveyance by { land  
sea  
air } of { a person  
persons  
an animal  
animals  
goods } leaving in blank a material part for which his signature was a voucher.

# APPENDIX II.

TO THE

## AUSTRALIAN MILITARY REGULATIONS.

### FORMS RELATING TO COURTS-MARTIAL.

FORM 1.

#### APPLICATION FOR COURT-MARTIAL.

Station. Regiment.  
Date.  
Application for a Court-Martial, (a)  
I submit (a charge) ( charges) (b) against No. of  
the under my command, and request that a  
Court Martial be assembled for his trial at  
The case was investigated by (c)  
A court of inquiry was held on the day of 19 at  
(insert name of Station).

President  
Members { Ranks, names and corps (d)

The accused is now at

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 (h).
5. Statement as to character and particulars of service of the accused to be proved by (h).

Signature of C.O.

To

- (a) If the accused has elected to be tried under D.A. 108, A.M.R. 268, or A.A. 46 (8), 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, &c., commander who made preliminary inquiry into case, and (3) officer who took down summary of evidence. (R.P. 19 (B) (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 C.O.  
(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 desertion 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.

Amended by  
1933, No. 77.

### 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 on  
the day of 19 at .m. for the  
purpose of trying by a { General } (a) Court-Martial the accused { person } (a) named  
{ District } persons in the margin [and such other person or persons as may be brought before them].  
(b)

- (a) Use only the one word or expression which is appropriate.  
(b) Any opinion of the convening officer with respect to the composition of the Court (see A.A. 48 (10) (as adapted by A.M.R. 299) R.P. 20 and 21 and A.M.R. 302 and 303) should be added here; thus, where a court martial is ordered to assemble composed exclusively of officers of the same regiment of cavalry or of the same brigade of artillery or of the same battalion of infantry, the following should be added:—  
"In the opinion of the convening officer, other officers are not, having due regard to the public service, available", (or as the case may be).

## DEFENCE ACT

APPENDIX II.—*continued.*FORM 2—*continued.*

President (c).

is appointed President (d)

Members (c)

are appointed members.

Waiting members (c).

are appointed waiting members.

Judge Advocate (c) (e) { has been } (a) appointed judge advocate.  
is hereby

The accused will be warned and all witnesses duly required to attend.

The proceedings will be forwarded to

Signed this

day of

19

Signature of Convening Officer (f).

(c) The president, members, waiting members and judge advocate must be appointed by rank and name, and their units should be stated. As to the officers of the Staff Corps, see A.M.R. 302.

(d) Add here, in the case of either a G.C.M. or D.C.M. where a captain is appointed president and the officer convening the court is not under field rank, "In the opinion of the convening officer, a field officer is not, having due regard to the public service, available." Where it is necessary for an officer under the rank of captain to be appointed president of a D.C.M., add, "In the opinion of the convening officer a field officer or captain is not (having due regard to the public service) available." (A.A. 48 (9)).

(e) See A.M.R. 306.

(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. 306.)\*An  
appointment  
for *part* of a  
trial may  
not be made.I, the undersigned, being { the officer by whom the court  
an authority by whom { the court  
a court similar to the } } (a)  
courtconvened by order dated the day 19 , for the trial by  
{ general  
field general } (a) court-martial of [No. rank, name, unit]. [and such other  
districtperson or persons as might be brought before the court] { was  
could have been } (a)  
could beconvened, appoint [rank, name, unit] to be Judge Advocate to that court [for the  
trial of [No. rank, name, unit] ] [and such other person or persons as shall be  
brought before that court].

Signed at

this

day of

19

(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  
field general } (a)  
district } court-martial has been ordered to assemble at.....



## FORM 4—continued.

## THE SCHEDULE.

President of the above-mentioned court-martial.

shall be liable to a penalty not exceeding One hundred pounds.

(a) Use only the one word or expression which is appropriate.

President of the above-mentioned court-martial.

(b) Insert "His Majesty's" or as may be required according to the title of the prison.

## DEFENCE ACT

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,

10. Whereas [Name, or if name cannot be ascertained, description] not being a member of the Defence Force, has within the {view  
hearing} (a) of a {general  
field general  
district} (a) court-martial now sitting at....., committed an act amounting to contempt of court by {wilfully {interrupting  
disturbing} (a) the proceedings of the said court:  
using insulting language towards the {said court.  
members of the said court.} (a)} (a)

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 { Commonwealth  
State of ..... } <sup>(a)</sup> 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.....this.....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 case.

# APPENDIX III.

TO THE

## AUSTRALIAN MILITARY REGULATIONS.

### FORMS OF COMMITMENT, ETC.

FORM A.

Amended by  
1928, No. 23.

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 } (b) of the Military  
Forces of the Commonwealth of Australia was, by a { general  
field general } (b) court-martial  
held at....., convicted of having (c).....while on  
war service committed the { offence  
offences } (b) of (d).....and, by a sentence  
signed on the.....day of....., 19....., sentenced (e) to suffer penal  
servitude for { life,  
the term of.....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.....19..... 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) (h).

(And whereas an order has been duly made that { the whole  
[describe the part].....  
commencing on..... }  
of the said sentence shall be undergone in a military prison). (h)

Now therefore I, the undersigned, the (i)....., 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

{ { commuted  
with such remission } (b) as aforesaid } (h) 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 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 } (b) and subject to the Defence Act as if he were { an officer  
Territory } (b) of the Military  
Forces," and omit the description of the convict 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 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.

(e) When the sentence was 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 { life  
the term of.....years } (b) commencing on the aforesaid day."

(f) Add, if necessary, "with a remission of....."

(g) Omit when approval not required by A.A. 54 (9).

(h) Omit when inappropriate or irrelevant.

(i) Insert "the president 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.

## APPENDIX III.—continued.

Amended by  
1928, No. 23.

## FORM B.

WARRANT OF COMMITMENT IN EXECUTION OF A SENTENCE OF PENAL  
SERVITUDE PASSED OUT OF THE COMMONWEALTH, AND TO BE  
UNDERGONE IN THE COMMONWEALTH (A.M.R. 350, 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)  
 { an officer } (a)  
 { a soldier } of the Military Forces of the Commonwealth of Australia was by a  
 { general }  
 { field general } (a) court-martial held at.....convicted of having (b)  
 while on war service committed the { offence } (a) of (c).....and by a sentence  
 { offences }  
 signed on the.....day of....., 19....., sentenced (d) to suffer  
 penal servitude for { life } (a) commencing on the aforesaid day,  
 { the term of.....years }  
 and such sentence has been confirmed by.....as required by law,  
 .....(e)..... (and has also been approved by.....as required by law). (f)

(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  
 { concurrently }  
 .....day of.....19..... and of which.....have been undergone.

(And whereas an order has been duly made that { the whole }  
 { describe the part }.....  
 commencing on..... }  
 of the said sentence shall be undergone in a military prison.) (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, order that the convict be transferred to such  
 { penal servitude } (a) prison in the State of.....as any other competent  
 { military }  
 military authority shall appoint, there to undergo his firstly above-mentioned sentence  
 { { commuted } } (a) as aforesaid } (g) according to law.  
 { with such remission }

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  
 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

(a) Use only the one expression or word which is appropriate.

(b) When the convict 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 } (a) of the  
 { Territory, } { a soldier }  
 Military Forces"; and omit the description of the convict as an officer or soldier.

(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 { life, } (a) commencing on the aforesaid day".  
 { the term of.....years }

(e) Add, if necessary "with a remission of....."

(f) Omit when approval not required by A.A. 54 (9).

(g) Omit when inappropriate.

(h) Insert "the president of the said court-martial" or the description of a competent military  
 authority under A.M.R. 353 (1.) by whom the warrant will be signed.

## FORM B—continued.

(A.M.R. 357). (i)

(Personal signature of authority making the commitment.)

- (Personal signature of authority under A.M.R. 350 (2.) ).

- (Personal signature of an authority under A.M.R. 350 (2.) ).

## DEFENCE ACT

APPENDIX III.—*continued.*

## FORM E.

Amended by  
1928, No. 23.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, 353 (1.) ).

To the { Governor or Chief Officer in charge of (b) ..... Prison } (a)  
 { Commandant of the Place of Detention }  
 at.....

Whereas.....[No., rank, name].....of the.....[unit].....{ an officer } (a) of the Military  
 { a soldier }  
 Forces of the Commonwealth of Australia was by a { general } (a) court martial  
 { field general }  
 { district }  
 held at.....convicted of having { while on war service } (a)(c)  
 { while subject to Military law under the }  
 { Australian Military Regulations }  
 committed the { offence } (a) of.....(d).....and by a sentence signed on the  
 { offences }  
 .....day of.....19....., sentenced to be  
 imprisoned { with } (f) hard labour for.....(e), commencing on the  
 { without }  
 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 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 } with a sentence of { penal servitude } for.....signed on the  
 { concurrently } { imprisonment }  
 { detention }  
 .....day of.....19..... and of which.....have been  
 undergone) (h).

(And whereas the Governor-General of the Commonwealth of Australia has directed  
 that sub-regulation (5.) of Australian Military Regulation 348 shall not apply to the  
 said sentence) (h).

Now therefore I, the undersigned, the.....(i)....., 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

{ { commuted { remission } } } (a) as aforesaid } (h) according to law, and for so  
 { with such { mitigation } }  
 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 prison.  
 (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.*  
 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 } (a) and subject to the Defence Act as if he were { an officer } (a) of the  
 { Territory } { a soldier }  
 Military Forces" and omit the description of the prisoner 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 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.  
 (e) Substitute if the sentence was death or penal servitude which has been commuted into imprisonment  
 to suffer { death }  
 { penal servitude for { life } } (a) and such sentence has been confirmed by  
 { the term of years }  
 as required by law, but has been commuted into imprisonment { with } (f)  
 { without }  
 hard labour for .....commencing on the aforesaid day."  
 (f) If the sentence or commutation does not specify hard labour, use the word "without."  
 (g) Add, if necessary "with a remission of ..... " or, "but has been mitigated by the omission  
 of the hard labour" or as the case may be.  
 (h) Omit when inappropriate or irrelevant.  
 (i) Insert "the president of the said court martial" or, the description of the office of the competent  
 military authority under A.M.R. 353 (1.).

## FORM F.

Amended by  
1928, No. 23.

(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.)

Commonwealth of Australia, was by a  $\left\{ \begin{array}{l} \text{general} \\ \text{field general} \\ \text{district} \end{array} \right\} (a) \text{ court-martial held at} \dots\dots\dots$

convicted of having, while <sup>(a) (b)</sup> { on war service,  
subject to military law under the  
Australian Military Regulations, } (a), (b) committed the

{ offence }  
 { offences } } (a) of ..... (c) ..... and by a sentence .....  
 signed on the ..... day of ..... 19....., sentenced (d) to be

imprisoned  $\left\{ \begin{array}{l} \text{with} \\ \text{without} \end{array} \right\} (e)$  hard labour for.....commencing on the  
aforesaid day, and such sentence has been confirmed by.....as required by  
law (f).

(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  
concurrently} with a sentence of ..... for ..... signed on the .....  
..... day of ..... 19..... and of which ..... have been undergone) (a).

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, order that the prisoner be transferred to such place of imprisonment or place of detention in the State of....., as any other competent military authority shall appoint, there to undergo his firstly

above-mentioned sentence { { commuted with such { remission mitigation } (a) as aforesaid } (g)

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 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.

(a) Use only the one word or expression which is appropriate.

203. 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 Territory } (a) and subject to the Defence Act as if he were { an officer } (a) 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) Substitute, if the sentence was death or penal servitude which has been commuted into imprisonment, "to suffer { death  
penal servitude for { life  
the term of ..... years } } (a) and such sentence

has been confirmed by \_\_\_\_\_ as required by law, but has been commuted into imprisonment  
{with } (e) hard labour for \_\_\_\_\_  
{without }

(e) If the sentence or commutation does not specify hard labour, use the word "without."

(f) Add, if necessary, "with a remission of \_\_\_\_\_," "but has been mitigated by the omission of the hard labour," or as the case may be.

(g) Omit if inappropriate.

(h) Insert, "the president of the said court martial" or the description of the office of the competent military authority under A.M.R. 353 (1.).

## DEFENCE ACT

APPENDIX III.—*continued.*FORM F—*continued.*

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 lock 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.)

*In the case of commitment to any intermediate place of confinement being necessary (i)*  
(A.M.R. 357).

To the { Governor or Chief Officer in charge of (j).....Prison, }  
          { Commandant of the Place of Detention, Officer in Charge of the }  
          { Police Station, } (a)  
          { 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 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 { Governor or Chief Officer in charge of (j).....Prison, }  
          { Commandant of the Place of Detention, } (a)  
at.....

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, order you to receive the above-mentioned prisoner into your custody and detain him to undergo the firstly above-mentioned sentence

{ { commuted { remission } } } (a) as aforesaid { (g) according to law, and for so }  
          { with such { mitigation } }

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.  
(g) Omit if inappropriate.  
(h) Insert, "the president of the said court martial" or the description of the office of the competent military authority under A.M.R. 353 (1).  
(i) This order may be made as often as necessary.  
(j) Insert, "His Majesty's" or as required according to the title of the prison.  
(k) 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, 356).

To the { Governor or Chief Officer in charge of (b).....Prison } (a)  
          { Commandant of the Place of Detention }

at.....

Whereas.....[No., rank, name].....of the.....[unit].....  
{ an officer } (a) of the Military Forces of the Commonwealth of Australia, was by a  
          { a soldier }  
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  
                  { offences }

- 
- (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) Omit when the offence or all the offences are *not* against A.M.R. 203.  
(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 of time and place.



APPENDIX III.—continued.

FORM G—continued.

to imprisonment {with  
without} (f) hard labour for.....(e),  
commencing on the.....day of....., 19.....(g).

Now therefore I, the undersigned, the.....(h), 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.....

(Personal signature of authority making the commitment.)

(e) 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 default has been made in payment of the said and the person so sentenced has been by warrant of the said court committed into imprisonment for commencing on the day of 19 and has been delivered into military custody."

(f) If the sentence does not specify hard labour, use the word "without."

(g) If the sentence has been mitigated or partly remitted insert—"but such sentence has been mitigated by the omission of the hard labour" or ["but days of such sentence have been remitted"] by (rank and name and description of office of an authority under A.M.R. 330 and 344 (2.)) as authorized by law."

(h) 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.).

(i) Omit when commitment is by the civil authority.

FORM H.

Amended by  
1928, No. 23.

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.....[unit],.....  
a soldier of the Military Forces of the Commonwealth of Australia, was by a  
{general  
field general} (a) court-martial held at.....  
district

convicted of having {while on war service  
while subject to military law under the Australian  
Military Regulations} (a) (b)

committed the {offence  
offences} (a) of.....(c), and by a sentence signed on  
the.....day of....., 19....., sentenced (d) to undergo  
detention for....., commencing on the aforesaid  
day, and such sentence has been confirmed by.....as required by  
law (e).

(a) Use only the one expression or word which is appropriate.

(b) Omit when the offence or all the offences are against 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, omitting the statement of particulars containing the details of time, place and circumstances.

(d) Substitute if the sentence was death, penal servitude or imprisonment which has been commuted

to detention:—"to {suffer death,  
suffer penal servitude for {life,  
the term of years, } (a)  
be imprisoned {with  
without } (a) hard labour for } and such sentence has  
been confirmed by as required by law, but has been commuted into detention  
for commencing on the aforesaid day."

(e) Add, if necessary, "with a remission of ....."

## DEFENCE ACT

APPENDIX III.—*continued*.FORM H—*continued*.

(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) (f).

(And whereas a direction has been duly given that the said sentence shall run { consecutively } with a sentence of.....for.....signed on the { concurrently } day of.....19..... and of which.....have been undergone) (f).

(And whereas the Governor-General of the Commonwealth of Australia has directed that sub-regulation (5.) of Australian Military Regulation 348 shall not apply to the said sentence) (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 you to receive the person so sentenced into your custody, and detain him to undergo his firstly above-mentioned sentence

{ { commuted } (a) as aforesaid } (f) according to law, and for so doing { with such remission }

this shall be your warrant.

Signed at.....this.....day of....., 19.....  
(Personal signature of authority making the commitment.)

(f) Omit when inappropriate or irrelevant.

(g) Insert "the president of the said court martial" or the description of the office of the competent military authority under A.M.R. 353 (1.).

Amended by  
1928, No. 23.

## 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. 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 detention in another or from a distant station.)

Whereas.....[No., rank, name].....of the.....[unit],  
hereinafter called "the soldier," a soldier of the Military Forces of the Commonwealth  
of Australia, was by { general } (a)  
{ field general } court-martial, held at.....  
{ district }

.....convicted of having { while on war service }  
{ while subject to military law under }  
the Australian Military Regulations } (a) (b) committed the { offence } (a) of.....  
{ offences }  
.....(c), and, by a sentence signed on the.....day of.....,  
19....., sentenced (d) to undergo detention for.....,  
commencing on the aforesaid day, and such sentence has been confirmed by.....  
.....as required by law (e).

(a) Use only the one word or expression which is appropriate.

(b) Omit when the offence is or all the offences are against 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 } (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, omitting the statement of particulars containing details of time, place and circumstances.

(d) Substitute if the sentence was death, penal servitude or imprisonment which has been commuted into detention:—"to { suffer death }  
{ suffer penal servitude for { life, } (a)  
{ the term of } years, }  
{ be imprisoned { with } hard labour for }  
{ without }"  
has been confirmed by.....as required by law but has been commuted into detention for  
commencing on the aforesaid day."

(e) Add, if necessary "with a remission of....."

APPENDIX III.—continued.

FORM I.—continued.

(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) (f).

(And whereas a direction has been duly given that the said sentence shall run { consecutively } with a sentence of.....for.....signed on the { concurrently } 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

{ { commuted } (a) as aforesaid } (f) according to law. { with such remission }

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 } (a) { Officer in Charge of the { Police Station } at..... { Lock-up }

For the purpose of carrying into effect the above warrant, I, the undersigned, the.....(i), 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

{ { commuted } (a) as aforesaid } (f) according to law, and for so doing this { with such remission } shall be your warrant.

Signed at.....this.....day of....., 19.....

(Personal signature of authority making the commitment.)

(a) Use only the one word or expression which is appropriate.

(f) Omit if inappropriate.

(g) Insert, "the 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.).

## DEFENCE ACT

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. 348, 356).

To the Commandant of the Place of Detention at.....

Whereas.....[No., rank, name].....of the.....[unit].....  
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) (b) committed  
the { offence } (a) of (c).....and sentenced (d) to detention  
for.....commencing on the.....day of.....19.....(e)

Now therefore I, the undersigned, the (f).....being an  
authority empowered (by the Defence Act and the Australian Military Regulations) (g)  
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.....

(Personal signature of authority making the commitment.)

(a) Use only the one word which is appropriate.

(b) Omit when the offence or all the offences are *not* against A.M.R. 203.

(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 information, or if amended, as amended, omitting details  
of time and place.

(d) Substitute if the offence was imprisonment which has been commuted into detention "to  
imprisonment { with } (a) hard labour for ..... but such sentence has been commuted into  
detention for ..... days commencing on the ..... day of ..... 19 ....."

(e) If the sentence has been partly remitted, insert, "but ..... days of such sentence have been  
remitted by ..... (rank, name and description of office of an authority under A.M.R. 330 and  
344 (2.)) as authorized by law."

(f) Insert description of civil authority having power to issue the warrant or of the office of the  
competent military authority under A.M.R. 353 (1.).

(g) Omit when commitment is by the civil authority.

## FORM K.

WARRANT OF COMMITMENT IN EXECUTION OF AWARD OF DETENTION  
BY A COMMANDING OFFICER (A.M.R. 348, 353 (1.)).

To the Commandant of the Place of Detention at.....

Whereas.....[No., rank, name].....of the.....[unit].....  
a soldier of the Military Forces of the Commonwealth of Australia was at.....  
on the.....day of.....19....., awarded by his Commanding  
Officer detention for.....{ hours } (a) for having  
{ days }

while { on war service (b) }  
{ subject to military law under the Australian Military Regula- } (a) committed  
{ tions (c) }  
the { offence } (a) of (d).....  
{ offences }

Now therefore I, the undersigned, the Commanding Officer of the said soldier (e)  
....., 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 said soldier into your custody and detain him to  
undergo the said detention and for so doing this shall be your warrant.

Signed 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 inappropriate.

(c) Omit when inappropriate or the offence or all the offences are *not* against A.M.R. 203.

(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 award.

(e) If necessary the description of any other committing authority under A.M.R. 353 (1.) may be  
inserted.

APPENDIX III.—*continued.*

\* \* \* \* \*

Form L  
omitted by  
1955, No. 31.

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)  
the Commandant of the Place of Detention at..... }  
Whereas.....[No., rank, name].....of the.....  
[unit].....is now in your custody undergoing a sentence of { penal servitude } (a)  
{ imprisonment }  
detention }  
by { court-martial } (a) and whereas the { said sentence } (a)  
award of his commanding officer }  
a court of summary jurisdiction } { currency of the said }  
sentence }  
has been { remitted. } (a)  
quashed. }  
suspended. }

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 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. 353 (2).

FORM N.

\*ORDER FOR TRANSFER OF SOLDIER UNDER SENTENCE FROM ONE PRISON OR PLACE OF DETENTION TO ANOTHER (A.M.R. 348 (7.), 350 (7.)).

\*This order should be in duplicate and accompanied by a new warrant of commitment.

To { The Governor or Chief Officer in charge of (b).....Prison } (a)  
the Commandant of the Place of Detention }  
at.....  
Whereas.....[No., rank, name].....of the.....  
[unit].....is now in your custody undergoing a sentence of { penal servitude } (a)  
{ imprisonment }  
detention }  
by { a court martial. }  
an award of a commanding officer. } (a)  
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 { Prison } (a) at.....  
the Place of Detention }  
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 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).

## DEFENCE ACT

## APPENDIX III.—continued.

## FORM O.

\*This order should be in duplicate and accompanied by a new warrant of commitment.

**\*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. 352 (1.)).**

To the Governor or Chief Officer in charge of (b).....Prison at.....

Whereas.....[No., rank, name].....of the.....[unit].....  
is now in your custody undergoing a sentence of {penal servitude } (a) by a  
{imprisonment }  
{court-martial } (a) and whereas the said sentence has been  
{court of summary jurisdiction }  
commuted into {imprisonment. } (a)  
{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 to convey him in military custody in such manner as may be directed by proper military authority to the {place of imprisonment } (a) to which he shall be  
{place of detention }  
committed by proper military authority and for so doing this shall be sufficient warrant.

Signed at.....this.....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.).

## FORM P.

\*This order should be in duplicate, and when the place of imprisonment or detention is changed, should be accompanied by a new warrant.

**\*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. 351 (1.)).**

To {the Governor or Chief Officer of (b).....Prison } (a)  
{the Commandant of the Place of Detention }  
at.....

Whereas.....(No., rank, name).....of the.....  
(unit).....is now in your custody undergoing a sentence  
of {penal servitude } (a) by {a court-martial. } (a)  
{imprisonment } {an award of his commanding officer. }  
{detention } {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 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 {civil court } (a) {as a witness } (d) and then return him to the above-mentioned  
{court-martial } {for trial }  
{prison } (a) or such other {prison } (a) as may be determined  
{place of detention } {place of detention }  
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.  
(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. 353 (2.).  
(d) If not to be brought before a court, insert description of purpose.

APPENDIX III.—continued.

FORM P—continued.

*If the Prison or Place of Detention to which he is returned is altered.*

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 that the above-mentioned person undergoing sentence be forthwith taken in military custody to { Prison } (a) at..... the place of detention 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.)

FORM Q.

**\*ORDER FOR REMOVAL OF MILITARY PRISONER OR SOLDIER UNDER SENTENCE OF DETENTION FOR SERVICE OUT OF THE COMMON-WEALTH (A.M.R. 348 (9.) ).**

\*This order should be in duplicate and one copy should accompany the soldier.

To the { Governor or Chief Officer in charge of (b)..... Prison, } (a)  
at..... Commandant of the Place of Detention

Whereas..... [No., rank, name]..... of the.....  
[unit]..... is now in your custody undergoing a sentence of { imprisonment } (a)  
detention

by { court-martial }  
award of his commanding officer } (a)  
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 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 { serving } (a) 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 the description of a competent military authority under A.M.R. 353 (3.).

\* \* \* \* \*

Form R  
omitted by  
1955, No. 31.

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 } (a)  
Commandant of the Place of Detention  
Officer in charge of the { Police Station }  
Lock-up

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.

## DEFENCE ACT

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.....this.....day of.....19.....  
(Personal signature of authority under A.M.R. 232 (2)).

(c) 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 { Governor or Chief Officer in Charge of (a).....Prison }  
          { Commandant of the Place of Detention }  
          { Officer in Charge of the { Police Station } } (b)  
                                                          { Lock-up }  
at.....

Whereas.....[No., rank, name].....of the.....[unit].....  
is a person sentenced by court-martial to { penal servitude. }  
                                                          { imprisonment. } (b)  
                                                          { detention. }

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.....this.....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 { Governor or Chief Officer in Charge of (a).....Prison }  
          { Commandant of the Place of Detention }  
          { Officer in Charge of the { Police Station } } (b)  
                                                          { Lock-up }  
at.....

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.....this.....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, 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.....  
[unit].....a member of the Military Forces of the Commonwealth of Australia  
is { an absconder.  
a deserter.  
a person liable to be tried by court-martial for an offence committed by him. } (a)

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, 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.)).

(a) Use only the one expression which is appropriate.

(b) Insert description of an authority mentioned in A.M.R. 232 (1.).

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. 283).

To the Officer of Police having the custody of the undermentioned person.

Whereas.....[No., rank, name].....of the.....[unit].....  
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 (a).....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:—

(a) Insert "the Commanding Officer of the said person" or description of any superior military authority.

Appendix IIIA.  
inserted by  
1939, No. 173.

## APPENDIX IIIA.

Form M.3  
omitted by  
1955, No. 31.

\* \* \* \* \*

Inserted by  
1941, No. 4;  
amended by  
1942, No. 556;  
and  
1955, No. 31.

COMMONWEALTH OF AUSTRALIA.

M.3A.

*Defence Act 1903-1953—Part IV.*

## ENROLMENT FORM FOR MILITARY SERVICE.

## PERSONAL INFORMATION.

Name of Person { Surname (block letters)  
to be Enrolled. { Other Names (in full)

Date of Birth day of , 19

Town and Country of Birth

Nationality

Postal Address of Place of Abode

, State

(Any subsequent Change of Address should be at once notified to the Area  
Officer of the Area in which enrolled.)

Full particulars of any previous Naval, Military or Air Force Service

Marital Condition (married, single, or widower)

Dependants (if any)

## INFORMATION REGARDING EMPLOYMENT.

(Any subsequent change of employment, industry or occupation should be  
notified at once to the Area Officer of the Area in which enrolled.)

Trade (and Grade, if any)

Present Occupation

Name and address of person, company or

Government Department or authority

by whom or by which employed

## INFORMATION REGARDING NEXT OF KIN.

Name of Next of { Surname (block letters)  
Kin. { Other Names (in full)

Nationality

Relationship to Person to be Enrolled

Occupation

Postal Address of Place of Abode

If exemption from military service 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.

Dated / /19 .

(Signature of Person making the  
Enrolment.)

If you have any preference for any Service, arm, or unit, state same.

(No guarantee can be given that allotment will be made to the Service, arm, or  
unit desired, but individual preferences will be considered, where possible.)

Form M.7  
omitted by  
1955, No. 31.

\* \* \* \* \*

**AUSTRALIAN MILITARY (PLACES OF DETENTION) REGULATIONS.\***

1. These Regulations may be cited as the Australian Military (Places of Detention) Regulations.\* Citation.

2.—(1.) In these Regulations, unless the contrary intention appears— Definitions.  
Sub-reg. (1.)  
amended by  
1943, No. 250;  
1944, No. 171;  
and  
1949, No. 93.

“Commandant” means, in relation to a detention barrack, the officer, warrant officer or non-commissioned officer appointed to be the Commandant, and, in relation to a military prison, means the officer appointed to be superintendent or governor of the prison, and includes any person for the time being performing the duties of a Commandant or superintendent or governor, as the case may be;

“commanding officer” means the officer appointed in accordance with regulation 4A of these Regulations to be the commanding officer of soldiers temporarily committed for safe keeping and soldiers under sentence;

“detention barrack” includes a military corrective establishment;

“proper authority” means—

(a) in relation to a detention barrack or military prison situated in a Lines of Communication Area, the Commander of the Lines of Communication Area in which the detention barrack or military prison, as the case may be, is situated; and

(b) in relation to any other detention barrack or military prison, the Formation, &c., commander responsible for the command, control and administration of that detention barrack or military prison, as the case may be;

“soldier temporarily committed for safe keeping” means any person charged with an offence triable by court-martial who is committed to a detention barrack or military prison under a warrant for temporary detention issued in pursuance of section 115 of the *Defence Act* 1903-1941 and regulation 232 of the Australian Military Regulations or under a warrant of temporary commitment issued in pursuance of that section and regulation 357 of those Regulations;

“soldier under sentence” means any person undergoing sentence in a detention barrack or military prison;

“the staff” means the staff of a detention barrack or military prison.

\* The Australian Military (Places of Detention) Regulations, in force under the *Defence Act* 1903-1956, comprise the following Statutory Rules:—

| Year and Number. | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|------------------|----------------------------------------------------------------|
| 1940, No. 58     | 11th April, 1940                                               |
| 1941, No. 165    | 17th July, 1941                                                |
| 1943, No. 218    | 2nd September, 1943                                            |
| 250              | 30th September, 1943                                           |
| 1944, No. 171    | 30th November, 1944                                            |
| 1948, No. 41     | 24th March, 1948                                               |
| 1949, No. 93     | 25th November, 1949                                            |

Substituted by  
1944, No. 171.

(2.) Except as provided in this regulation, words and abbreviations used in these Regulations have the same meanings as they have when used in the Australian Military Regulations.

Control of  
detention  
barracks and  
military  
prisons.

3. The Military Board shall have control of military prisons and detention barracks, and, for this purpose, may issue orders and instructions, not inconsistent with the provisions of these Regulations, in relation to the management, inspection, discipline, interior economy and military training therein.

Reception of  
Naval and  
Air Force  
prisoners.  
Inserted by  
1941, No. 165.

3A. Any person who is—

- (a) under the Naval Discipline Act in its application to the Naval Forces of the Commonwealth; or
- (b) under the Air Force Regulations;

committed to a military prison or detention barrack, being a place appointed by the Governor-General as a place in which members of the Defence Force sentenced to imprisonment or detention for a naval, military or air-force offence may be imprisoned or undergo detention, there to undergo the whole or portion of his sentence, shall be received into custody by the Commandant thereof, if accommodation is available, and these Regulations shall, subject to the *Naval Defence Act 1910-1934* or the *Air Force Act 1923-1941* and any regulations made under either of those Acts, as the case may be, apply to and in relation to any such person as if that person were a soldier under sentence.

The  
Commandant.

4.—(1.) The Commandant shall be charged with the general discipline, management and care of the detention barrack or military prison under his command.

Amended by  
1943, No. 250.

(2.) The Commandant shall, in relation to the warrant and non-commissioned officers on the staff of the detention barrack or military prison under his control, have and exercise such powers and functions as are vested in a commanding officer by the Army Act, the Rules of Procedure and the Australian Military Regulations.

Commanding  
Officer of  
detention  
barrack or  
military prison.  
Inserted by  
1944, No. 171.

4A.—(1.) The proper authority shall, in respect of each detention barrack or military prison, appoint a combatant officer of field rank not on the staff to be commanding officer.

(2.) For the purposes of the imposition of punishments under these Regulations, 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 commanding officer appointed pursuant to sub-regulation (1.) of this Regulation shall be the C.O. of the soldiers temporarily committed for safe keeping and soldiers under sentence in the detention barrack or military prison, as the case may be.

Powers, &c.  
of Members  
of Staff.

5. A member of the staff of a detention barrack or military prison shall, by virtue of his appointment to that staff, while in the course of, and for the purpose of the execution of, his duty as a member of that staff, have all such powers, authorities, protection and privileges as a

constable of the Police Force of the State or Territory within which the detention barrack or military prison, as the case may be, is situated has in the course of, and in relation to the execution of, his duty as a constable of the Police Force.

6.—(1.) The proper authority shall, in respect of each detention barrack or military prison, detail an officer to be the visiting officer (in these Regulations referred to as “the visiting officer”), who shall have such powers and functions as are conferred upon him by these Regulations.

Visiting  
Officer.

(2.) The visiting officer shall at such times or regular intervals as are directed by the proper authority visit the barrack or prison and shall see all men under sentence or temporarily committed for safe keeping.

(3.) Any soldier under sentence or temporarily committed for safe keeping shall be entitled to make complaints regarding his welfare or treatment to the visiting officer who shall inquire into any complaint which he considers reasonable.

(4.) The visiting officer shall furnish to the proper authority a report in respect of each visit, including a report upon any complaints into which he has inquired, together with any remarks or recommendation thereon which he deems fit to make.

7.—(1.) Subject to such orders and instructions as are issued under the authority of the Military Board with respect to soldiers undergoing sentences in military corrective establishments, soldiers in detention barracks or military prisons undergoing detention under sentences of civil courts or courts-martial, or awards of a Commanding Officer shall be dealt with alike, and subjected to the same discipline.

Discipline.  
Sub-reg. (1.)  
amended by  
1949, No. 93.

(2.) Military prisoners undergoing imprisonment with hard labour in detention barracks or military prisons may be required to perform such labour as is approved by the Military Board, but otherwise they shall be treated in the same manner as soldiers undergoing detention.

8.—(1.) Soldiers under sentence and soldiers temporarily committed for safe keeping shall be searched on admission and at such other times as the Commandant directs, and all prohibited articles shall be taken from them.

Searching of  
soldiers under  
sentence.

(2.) In this regulation, “prohibited articles” means any articles which the Military Board, by order, declares to be prohibited articles.

9. Every soldier under sentence or temporarily committed for safe keeping shall, as soon as possible after admission be examined by the medical officer, who shall record the state of health of the soldier and any observation which he thinks fit to include in the particulars recorded.

Medical  
examination  
of soldiers  
under  
sentence.  
Amended by  
1943, No. 250.

10. Every soldier under sentence shall, both on admission and on release, be weighed by the medical officer, and his weight shall be recorded.

Weight of  
soldiers  
under  
sentence.

Measuring,  
photographing,  
&c., of  
soldiers  
under  
sentence.

**11.**—(1.) A soldier under sentence may be photographed and his physical measurements and finger-prints may be taken on his admission and at such other times as the Commandant directs.

(2.) A copy of a photograph or finger-prints taken in pursuance of this regulation shall not be supplied to any person unless he is authorized by the Commandant to receive the copy of the photograph or the finger-prints, as the case may be.

Employment  
of soldiers  
under  
sentence.

**12.** Soldiers under sentence shall not be employed—

- (a) directly or indirectly, for the private benefit or advantage of any person or persons; or
- (b) upon industrial work for private firms, individuals or regimental institutes,

unless an order for such work is received through the Australian Army Ordnance Corps.

Employment  
on Sundays,  
Christmas  
Day and  
Good Friday.

**13.**—(1.) A soldier under sentence shall not be required to work on Christmas Day, Good Friday or on Sundays, except on such duties as are strictly necessary for the service of the detention barrack or prison.

(2.) Sub-regulation (1.) of this regulation shall not apply in the case of any soldier under sentence who is of the Jewish religion, but any such soldier shall not be required to work on any day observed in that religion as the Sabbath Day.

Hours of  
employment.

**14.** Except as otherwise provided in these Regulations, every soldier under sentence shall, during the period of his sentence, be employed for not less than six, but not more than nine, hours a day, exclusive of the time allotted for meals.

Soldiers under  
sentence—  
fitness for  
work.

**15.**—(1.) A soldier under sentence shall not be required to perform any work of any description unless and until he is certified by the medical officer to be fit for such work.

(2.) A soldier under sentence who is suffering from physical or other infirmity shall be employed on such work and in such manner as the medical officer directs.

Disposal of  
soldier's  
private  
property.

**16.** The private property of a soldier under sentence shall be forwarded to the detention barrack or military prison in which he is confined or temporarily committed for safe keeping, and shall be returned to him on his release.

Intoxicating  
liquor.  
Amended by  
1948, No. 41.

**17.** A soldier under sentence shall not be allowed the use or possession of any intoxicating liquor.

Reg. 18  
repealed by  
1944, No. 171.

\* \* \* \* \*

**19.**—(1.) If a soldier sentenced to imprisonment or detention for a period of or exceeding twenty-eight days has displayed—

Remission of part of term of imprisonment or detention for good conduct, &c.

(a) special industry and good conduct; and

(b) (except in the case of a soldier sentenced to discharge from the Military Forces on the expiration of a term of imprisonment or detention) proficiency in and attention to drill and military training,

Substituted by 1943, No. 218.

the Commandant may remit any such part of the term of imprisonment or detention of that soldier as does not exceed—

(a) one-fourth of the period of the term, when the soldier has not previously been sentenced to a term of imprisonment or detention of or exceeding twenty-eight days;

(b) one-fifth of the period of the term, when the soldier has on one previous occasion been sentenced to a term of imprisonment or detention of or exceeding twenty-eight days; or

(c) one-sixth of the term, when the soldier has on two or more previous occasions been sentenced to a term of imprisonment or detention of or exceeding twenty-eight days.

(2.) The Commandant shall not remit any part of a term of imprisonment or detention imposed for escaping or attempting to escape from lawful custody or from any prison or place of detention.

**20.**—(1.) A soldier under sentence shall not be released before the date of the termination of the period of his sentence of detention or imprisonment, after the deduction of any period of that sentence which has been remitted, except by written order of the competent military authority made in pursuance of regulation 352 of the Australian Military Regulations and delivered to the Commandant.

Release of person under sentence.

(2.) For the purposes of the application of this regulation to and in relation to any person received into custody in pursuance of regulation 3A of these Regulations, the reference in sub-regulation (1.) of this regulation to a written order of the competent military authority made in pursuance of regulation 352 of the Australian Military Regulations shall be read as a reference to—

Added by 1941, No. 165.

(a) in the case of a member of the Naval Forces, an order in writing made or issued by the Naval Board in pursuance of section 78 of the Naval Discipline Act in its application to the Naval Forces of the Commonwealth; or

(b) in the case of a member of the Air Force, an order of a competent air-force authority made or issued under Division 13 of Part VI. of the Air Force Regulations.

**21.** A soldier under sentence or temporarily committed for safe keeping shall be guilty of an offence against these Regulations if he—

Offences by soldier under sentence.

(a) disobeys any lawful order given by the Commandant or any member of the staff;

Amended by 1943, No. 250.

(b) treats with disrespect any member of the staff, the visiting officer or any person employed in connexion with the detention barrack, prison or works;

- (c) is idle, careless or negligent at work, or refuses to work;
- (d) is absent without leave from educational training or any parade;
- (e) behaves irreverently at Divine Service;
- (f) swears, curses or uses any abusive, insolent, threatening or other improper language;
- (g) is indecent in language, act or gesture;
- (h) without authority, converses or otherwise holds intercourse with another soldier under sentence;
- (i) sings, whistles, or creates any unnecessary noise or disturbance, or gives any unnecessary trouble;
- (j) without permission, leaves his room or other appointed location, or his place of work;
- (k) in any way wilfully disfigures or damages any part of the detention barrack or prison, or any Departmental property to which he has access;
- (l) commits any nuisance;
- (m) has in his room or possession any article which he is not lawfully entitled to have;
- (n) without permission, gives to, or receives from, any other soldier under sentence or temporarily committed for safe keeping any article whatever;
- (o) is inattentive at drill, useful instruction or educational training;
- (p) uses or offers personal violence to a member of the staff or to another soldier under sentence or temporarily committed for safe keeping;
- (q) escapes or attempts to escape from a detention barrack or prison; or
- (r) offends in any way against good order and discipline.

Powers of  
Commandant  
or C.O. to  
deal with  
offences.

Substituted by  
1944, No. 171.

**22.**—(1.) Subject to these Regulations, the Commandant may deal summarily with or remand to the C.O. the case of any soldier under sentence or temporarily committed for safe keeping charged with an offence against these Regulations.

(2.) The C.O. may deal summarily with any case remanded to him pursuant to sub-regulation (1.) of this regulation.

(3.) Where the Commandant or the C.O. deals summarily with the case, he may, if he finds the soldier guilty of the offence, impose such one or more of the following punishments as he considers appropriate:—

- (a) Close confinement for any period not exceeding three days;
- (b) No. 1 scale punishment diet for a period not exceeding three days;
- (c) Deprivation of mattress for any period not exceeding three days;
- (d) No. 2 scale punishment diet for a period not exceeding seven days;
- (e) Such extra drill as the Commandant or the C.O. in his discretion directs;
- (f) Deprivation of library books.



(4.) In any detention barrack or military prison not under the control of a Commandant who is a commissioned officer the powers conferred by this regulation upon the Commandant may be exercised by the visiting officer.

**23.** If any soldier under sentence or temporarily committed for safe keeping is charged with an offence or with repeated offences against these Regulations for which the punishments which the C.O. is authorized to inflict are, in the opinion of the C.O., too lenient, having regard to the nature of the offence or the offences, the C.O. may in his discretion—

Powers of C.O. where he considers prescribed punishments too lenient.  
Substituted by 1944, No. 171.

- (a) report the case to the proper authority with a view to the assembling of a board of visitors, or
- (b) instead of proceeding with such charge, in an appropriate case, charge the accused with an offence against the A.A., the D.A., or the A.M.R.

**24.—(1.)** The proper authority, upon receipt of a report by the C.O. in pursuance of the last preceding regulation, may direct the C.O. to dispose of the case summarily or may assemble a board of visitors for the purpose of hearing and determining a charge against a soldier under sentence or temporarily committed for safe keeping.

Board of Visitors.  
Substituted by 1944, No. 171.

(2.) A board of visitors, assembled in pursuance of this regulation, shall, except as provided in the next succeeding sub-regulation, consist of three field officers who shall be not below the rank of Lieutenant-Colonel.

(3.) If the officers specified in the last preceding sub-regulation cannot, with due regard to the needs of the Defence Force at the time, be assembled, the board may consist of two field officers of whom at least one shall be of a rank not below that of Lieutenant-Colonel.

(4.) A C.O., if of the requisite rank, shall be eligible for appointment to a board of visitors.

(5.) The conduct of proceedings relating to the hearing and determination by boards of visitors of charges against soldiers under sentence or temporarily committed for safe keeping shall be as ordered or directed by the Military Board.

**25.** A board of visitors may order a soldier under sentence or temporarily committed for safe keeping whom it finds guilty of an offence to be punished by such one or more of the following punishments as it considers appropriate:—

Punishment by board of visitors.  
Substituted by 1944, No. 171.

- (a) Close confinement for a period not exceeding fourteen days;
- (b) No. 1 scale of punishment diet for a period not exceeding fifteen days.

**26.—(1.)** No punishment of any kind shall be imposed upon a soldier under sentence or temporarily committed for safe keeping except as provided for in the *Defence Act* 1903-1941, the Australian Military Regulations or these Regulations.

Punishment—generally.  
Sub-reg. (1.) amended by 1943, No. 250.

(2.) Any punishment imposed shall begin as from the date of its imposition.

**Sub-reg. (3.)  
amended by  
1943, No. 250.**

(3.) A soldier under sentence or temporarily committed for safe keeping shall not be punished for an offence against these Regulations unless and until he has been afforded an opportunity of hearing the charges and evidence against him and of making his defence.

**Soldier under  
punishment not  
to be deprived  
of certain  
things.**

**Amended by  
1943, No. 250.**

**27.** A soldier under sentence or temporarily committed for safe keeping, if punished for an offence by being placed on a punishment diet, or in close confinement, or on a punishment diet in close confinement in his own room, shall not on that account be deprived of his room furniture or books, or be subjected to any discipline beyond that specified in the sentence:

Provided that any soldier under sentence or temporarily committed for safe keeping who is violent or inclined to violence may be confined in a room, or, in the case of a military prison, a special cell, from which all articles of furniture, except the urinal, may be removed during the daytime.

**No. 1 scale  
punishment  
diet.**

**Sub-reg. (1.)  
amended by  
1943, No. 250.**

**28.—(1.)** No. 1 scale punishment diet, in the case of any soldier under sentence or temporarily committed for safe keeping placed on this diet for a period of three days or less, shall consist of 1 lb. bread per day and water.

**Amended by  
1943, No. 250.**

(2.) If a soldier under sentence or temporarily committed for safe keeping is placed on No. 1 scale punishment diet for a period in excess of three days, his diet shall consist of bread and water, as prescribed in sub-regulation (1.) of this regulation, for periods of one, two or three days, alternating with periods of corresponding duration on the ordinary diet of the detention barrack or prison, as the case may be.

(3.) The duration of the periods on the respective diets referred to in the last preceding sub-regulation shall be as the Commandant, in his discretion, but having regard to any recommendation by the medical officer, directs.

**Amended by  
1943, No. 250.**

(4.) A soldier under sentence or temporarily committed for safe keeping placed on No. 1 scale punishment diet shall not be required to work or attend parades during the whole period for which the punishment is imposed.

**Amended by  
1943, No. 250.**

(5.) No soldier under sentence or temporarily committed for safe keeping who has been on No. 1 scale punishment diet for a period of three days continuously shall again be placed upon this diet in respect of a fresh offence until the expiration of an interval of three days after the termination of the period for which he was on this diet, during which interval he shall be placed on the ordinary diet of the detention barrack or prison, but shall not be required to work or attend parades.

29.—(1.) No. 2 scale punishment diet shall be as follows:—

No. 2 scale  
punishment  
diet.

*Breakfast.*

Daily—

|                             |                   |
|-----------------------------|-------------------|
| Bread .. .. .               | 6 oz.             |
| Porridge .. .. .            | 1 pint            |
| Margarine or Butter .. .. . | $\frac{1}{2}$ oz. |
| Water.                      |                   |

*Dinner.*

Daily—

|                  |       |
|------------------|-------|
| Bread .. .. .    | 6 oz. |
| Meat .. .. .     | 4 oz. |
| Potatoes .. .. . | 8 oz. |
| Rice .. .. .     | 2 oz. |
| Water.           |       |

*Supper.*

Daily—

|                             |                   |
|-----------------------------|-------------------|
| Bread .. .. .               | 6 oz.             |
| Porridge .. .. .            | 1 pint            |
| Margarine or Butter .. .. . | $\frac{1}{2}$ oz. |
| Water.                      |                   |

(2.) A soldier under sentence placed on No. 2 scale punishment diet shall attend all parades and take part in all work performed by other soldiers on the ordinary diet of the detention barrack or prison, and may also be required to perform such extra drill as the Commandant, in his discretion, directs.

(3.) No soldier under sentence who has been on No. 2 scale punishment diet for a period of seven consecutive days shall again be placed upon a punishment diet in respect of a fresh offence until the expiration of an interval of three days after the termination of the period for which he was placed on No. 2 scale punishment diet, during which interval he shall be placed on the ordinary diet of the detention barrack or prison.

30.—(1.) A soldier under sentence or temporarily committed for safe keeping shall not be put under mechanical restraint by the Commandant except in cases of urgent necessity and only for the purpose of restraining the soldier, and not as or by way of punishment.

Mechanical  
restraint.

(2.) An order for mechanical restraint shall be in writing and shall specify the cause that gave rise to the order and a definite period not exceeding twenty-four hours from the time of the making of the order during which it is to remain in operation, whether the restraint is continuous or intermittent.

(3.) Where an order for mechanical restraint is made on the recommendation of the medical officer, the recommendation shall be in writing and shall state that the mode and the time of restraint ordered are, in the opinion of the medical officer, in accordance with the necessity of the case.

(4.) The fact that mechanical restraint is ordered on the recommendation of the medical officer shall be stated in the order.

(5.) The Commandant shall record in his journal full particulars of each case in which mechanical restraint is necessary and of every order made with regard thereto, and shall report the matter to the proper authority immediately upon the making of the order.

(6.) A soldier under sentence or temporarily committed for safe keeping shall not be kept under mechanical restraint (whether continuous or intermittent) for any longer period than twenty-four hours without a further order in writing from the proper authority or the medical officer specifying the cause that gave rise to the further order.

(7.) The Commandant shall record in his journal full particulars of each further order for mechanical restraint, and, if the order is made by the medical officer, or the Commandant, shall report the matter to the proper authority immediately upon the making of the order.

(8.) Notwithstanding anything contained in this regulation, any further order made by the medical officer for mechanical restraint in any particular case shall be subject to any orders made by the proper authority.

(9.) Handcuffs, strait jackets and body belts of a pattern approved by or under the direction of the Military Board shall be the only means of mechanical restraint to be used upon soldiers under sentence or temporarily committed for safe keeping.

Use of  
handcuffs.

**31.**—(1.) In the event of violence by a soldier under sentence or temporarily committed for safe keeping, the Commandant may by order in writing direct that such soldier be placed in handcuffs.

(2.) An order made in pursuance of this regulation shall specify the date and hour when the handcuffs are to be put on and whether they are to be placed with the hands in front of or behind the body.

(3.) The person carrying out any order made in pursuance of this regulation shall endorse on the order how it was carried out and the date and hour of each removal and replacement or change of position of the handcuffs.

(4.) If, on account of the peculiar violence of a soldier in respect of whom an order under this regulation is made, it is necessary that the handcuffs be placed behind his body, they shall be removed to the front of his body at meal times and bed time, and replaced behind his body after meals, and after he rises from bed in the morning.

Strait jackets.

**32.**—(1.) The strait jacket may be used, upon the recommendation of the medical officer, when a restraint is necessary to prevent a soldier under sentence or temporarily committed for safe keeping from injuring himself or others or destroying clothing or other articles.

Supervision  
by the  
medical  
officer.

(2.) The medical officer shall visit a soldier placed under restraint in the strait jacket as often as the circumstances warrant, but in any case at least twice in every twenty-four hours, and shall keep a record of the day and the hour when the restraint was applied, the day and the hour at which it was finally discontinued, and the reasons for which he certifies its employment to be necessary.

(3.) Restraint by strait jacket shall not be continued longer than the period certified in the record by the medical officer as necessary.

(4.) If, after any period of twenty-four hours (whether continuous or intermittent), it is necessary for restraint by strait jacket to be continued, the strait jacket shall be removed at the end of that period, and one hour at least shall be allowed to elapse before it is re-applied.

**33.**—(1.) The body belt may be used for restraining soldiers under sentence or temporarily committed for safe keeping who are guilty of violent conduct, and for whom the other means of restraint are inappropriate. Body belts.

(2.) A body belt shall not be continued for a longer period than is necessary for the soldier's own safety, or for that of others, and it shall in all cases be used only on the recommendation of the medical officer.

(3.) Subject to this regulation, the use of the body belt shall be subject to the same restrictions as are specified in the last preceding regulation in relation to the use of the strait jacket.

**34.**—(1.) Soldiers under sentence or temporarily committed for safe keeping who destroy their ordinary clothing may be clothed in a canvas suit, consisting of frock and trousers made of canvas sail cloth, not exceeding twelve pounds in weight. Canvas clothing.

(2.) The Commandant shall record the dates upon which each soldier put into canvas clothing begins and ceases to wear the dress, and shall report the particulars of each case to the visiting officer who next visits the detention barrack or prison.

**35.** In the event of any article, the property of the detention barrack or prison, being lost or damaged wilfully or through carelessness, by a soldier under sentence, or in the event of any damage being committed by a soldier to his room, room furniture, or any part of the detention barrack or prison, the Commandant shall make a charge of the amount of such loss or damage against the Commanding Officer of the unit to which the soldier belongs, who shall recover the amount from the soldier on his return to his unit by stoppage from his pay. Liability for loss or damage caused by soldier under sentence.

**36.** Members of the staff shall be liable to pay for any articles committed to their charge which through their negligence may be lost or damaged, or for any other damage which they may commit. Liability for loss or damage caused by member of staff.

#### *Military Corrective Establishments.*

**37.** Regulations 38, 39, 40 and 41 of these Regulations shall, in respect of soldiers undergoing sentences in military corrective establishments, take effect notwithstanding anything inconsistent therewith contained in the preceding provisions of these Regulations. Effect of regulations 38-40.  
Added by 1949, No. 93.

**38.** The Military Board may issue orders and instructions providing for the establishment and operation of a system of progressive stages in a military corrective establishment, with specific privileges attached to each stage. System of progressive stages.  
Added by 1949, No. 93.

**39.** Soldiers undergoing sentence in a military corrective establishment may be allowed out of such an establishment upon parole for such periods and upon such conditions as are approved by the Military Board. Parole.  
Added by 1949, No. 93.

Offences in  
relation to  
parole.

Added by  
1949, No. 93.

**40.**—(1.) A soldier undergoing sentence in a military corrective establishment shall be guilty of an offence against these Regulations if he—

- (a) fails to observe any of the conditions under which he is granted parole; or
- (b) returns from parole in a state of insobriety.

(2.) A soldier undergoing detention in a military corrective establishment who, having been allowed out on parole, does not return thereto on the expiration of the period of parole shall, if the Commandant in his discretion so decides, be deemed to be guilty of an offence against these Regulations in lieu of the offence of escaping from lawful custody.

Special  
punishments.  
Added by  
1949, No. 93.

**41.**—(1.) In addition to, or in substitution for, any other punishment which may be imposed in accordance with these Regulations upon a soldier undergoing punishment in a military corrective establishment for an offence against these Regulations, the Commandant, or the C.O. dealing summarily with the case, or the Board of Visitors dealing therewith, may order the relegation of the offender from a higher to any lower stage of the progressive stages, or to a recidivist wing.

(2.) For the purposes of this regulation, a “recidivist wing” means a detention barrack, not being a military corrective establishment.

## AUSTRALIAN RIFLE CLUB REGULATIONS.\*

### PART I.—PRELIMINARY.

Citation.

**1.** These Regulations may be cited as the Australian Rifle Club Regulations.\*

Repeal.

**2.** The Australian Rifle Club Regulations (being Statutory Rules 1931, No. 120, as amended by Statutory Rules 1932, Nos. 47 and 108; 1934, No. 15; 1936, No. 16; 1939, Nos. 7 and 93; and 1945, No. 81) are repealed.

Parts.

**3.** These Regulations are divided into Parts as follows:—

- Part I.—Preliminary. (Regulations 1-4.)
- Part II.—Rifle Clubs. (Regulations 5-68.)
- Part III.—Rifle Associations. (Regulations 69-78.)
- Part IV.—Miscellaneous. (Regulation 79.)

Definitions.

**4.** In these Regulations, unless the contrary intention appears—

“Command Secretary” means, in relation to any Command or Military District, the Command Secretary appointed for that Command or Military District;

“rifle club” includes a vulnerable point guard;

“shoot” includes a rifle shoot conducted as part of the musketry course approved by the Secretary, rifle practice, club or inter-club competitions and competitions conducted by a District or Miniature Rifle Club Union, a State Rifle Association or the Australian Council of State Rifle Associations;

\* Statutory Rules 1948, No. 94; in force under the *Defence Act* 1903-1956; notified in the *Gazette* and commenced on 29th July, 1948.

“Supervisor” means a Supervisor of Rifle Clubs, and, in relation to any person, rifle club, District or Miniature Rifle Club Union or State Rifle Association, means the Supervisor of Rifle Clubs for the Military District in which the person resides or the recognized head-quarters of the rifle club, District or Miniature Rifle Club Union or State Rifle Association is situated;

“the Act” means the *Defence Act 1943-1947*;

“the Department” means the Department of the Army;

“the Secretary” means the Secretary, Department of the Army.

## PART II.—RIFLE CLUBS.

5. These Regulations shall be administered by the Minister of State Administration for the Army.

6.—(1.) A rifle club shall not be formed or disbanded except with the approval of the Secretary. Formation of rifle clubs.

(2.) A rifle club formed under any Regulations made prior to these Regulations and in existence at the commencement of these Regulations, shall be deemed to be a rifle club formed under these Regulations.

(3.) The Australian Rifle Clubs shall consist of such rifle clubs as are formed or deemed to have been formed under these Regulations.

(4.) A rifle club formed or deemed to have been formed under these Regulations shall affiliate with the State Rifle Association for the State in which the recognized head-quarters of the club is situated, and shall pay such affiliation fee as is prescribed by the Rules of the State Rifle Association.

7. The Australian Rifle Clubs shall be under the control of the Secretary, who may appoint, in addition to the officers provided for in regulations 8 and 10 of these Regulations, such inspectors of rifle ranges, range clerks, range and office staffs as he considers necessary for the efficient administration thereof. Control of rifle clubs.

8.—(1.) There shall be a Director of Australian Rifle Clubs who, if he is a person other than the Secretary, shall be appointed by and be responsible to the Secretary for the supervision and control of all matters relating to— Director of rifle clubs.

(a) the efficiency of rifle clubs in any training and musketry that may be authorized;

(b) the issue of arms, ammunition, equipment and other stores to rifle clubs;

(c) the construction, reconstruction, maintenance, repair, and equipment of rifle club ranges;

(d) questions affecting Supervisors of Rifle Clubs and staffs, inspectors of rifle ranges, range clerks, range foremen, and staffs of military ranges;

(e) matters relating to the acquisition of land in connexion with rifle club ranges, including—

(i) the adjustment of leases and the acquisition of private property, and

(ii) under arrangements with the Department of the Interior, the permissive occupancy of Crown lands by rifle clubs;

(f) the Australian Council of State Rifle Associations;

- (g) State Rifle Associations;
- (h) District and Miniature Rifle Club Unions;
- (i) proposals for distribution of such grants to Associations and Unions as are provided; and
- (j) such other duties as are allotted to him from time to time by the Secretary.

Delegation of powers.

**9.**—(1.) The Secretary may, in relation to any particular matter or class of matters, or in relation to any particular State or part of Australia, by writing under his hand, delegate to the Director of Australian Rifle Clubs such of his powers and functions under these Regulations as he thinks fit (except this power of delegation) so that the delegated powers or functions may be exercised by the Director of Australian Rifle Clubs with respect to the matters or class of matters or the State or part of Australia specified in the instrument of delegation.

(2.) Any delegation under this regulation may be revoked at any time.

(3.) A delegation under this regulation shall not prevent the exercise of any power or function by the Secretary.

Supervisor of rifle clubs.

**10.**—(1.) The Secretary may appoint in each Military District a Supervisor of Rifle Clubs who shall be responsible to the Command Secretary for all matters relating to rifle clubs in the Military District for which he is appointed.

(2.) A Supervisor shall be responsible for—

- (a) ensuring that the rifle clubs and the members thereof and the District and Miniature Rifle Club Unions and State Rifle Association in his Military District observe the requirements of the Australian Rifle Club Regulations;
- (b) ensuring that all orders and directions issued in connexion with Rifle Associations, District Rifle Club Unions, rifle clubs, Miniature Rifle Club Unions and miniature rifle clubs are carried out in his district;
- (c) the issue of instructions to rifle clubs within his Military District in respect of musketry, the checking of returns and compilation of the results of any authorized annual course of musketry or return of efficient;
- (d) the supply of necessary information regarding classes of instruction at which the attendance of members of rifle clubs has been approved and the notification of the results to the rifle clubs concerned;
- (e) the supply of information to persons desirous of forming rifle clubs or miniature rifle clubs; and
- (f) such other matters as are allotted to him from time to time by the Command Secretary.

Application to form a club.

**11.** Subject to the next succeeding regulation, a rifle club shall not be formed unless an application in the form authorized by the Secretary and signed by not less than thirty male persons of or over the age of sixteen years and under the age of sixty years who are of British nationality and bona fide residents of the locality in which it is desired to form the club is forwarded to the Supervisor.



**12.** The Secretary may, if he thinks fit, authorize the formation in a remote district of a rifle club with an initial membership of less than thirty persons. Remote clubs.

**13.** An application for the formation of a rifle club shall be forwarded by the Supervisor to the Secretary through the Command Secretary, accompanied by the Supervisor's recommendation and report on the following matters:— Particulars in application to form club.

- (a) whether suitable rifle range accommodation is available, or, if not, whether a suitable site has been selected;
- (b) the expenditure that would be necessary;
- (c) the availability of funds for the payment of a grant for the construction and equipment of a rifle range; and
- (d) the proportion of the cost of construction (if any) of the range that would be borne by the rifle club.

**14.—(1.)** For the purpose of encouragement of rifle shooting, any rifle club, upon application approved by a general meeting of the rifle club and subject to the consent of the Commanding Officer of a unit of the Defence Force may, on the approval of the Secretary, be associated with that unit. Allotment to Military Reserve Forces.

(2.) All active members of the rifle club so associated who are not members of the Active Forces or Senior Cadets (and are over eighteen years and under forty-five years of age) shall, by force of this regulation, be allotted to the Military Reserve Forces.

**15.—(1.)** Rifle clubs shall consist of—

- (a) active members; and
- (b) honorary members.

Composition of rifle clubs.

(2.) Male persons over the age of sixteen years who are British subjects and are financial members of a rifle club who have taken and subscribed the oath or affirmation prescribed by regulation 19 of these Regulations shall be active members of a rifle club.

(3.) A member of the Defence Force or Senior Cadets is eligible to be an active member of a rifle club.

(4.) Male persons who are British subjects may be elected as honorary members by the committee of a rifle club.

(5.) Honorary members shall not have a voice in the management of rifle clubs, and their names shall not be shown in any list of active members in respect of any claims for any privilege or concession allowed to active members.

**16.—(1.)** Vulnerable point guards may be formed from active members of rifle clubs and shall be composed of such number of active members of rifle clubs as is approved by the Secretary who are members of any rifle clubs situated in localities or districts approved by the Military Board. Vulnerable point guards.

(2.) Members of rifle clubs who are members of vulnerable point guards shall, by force of this regulation, be allotted to the Military Reserve Forces.

(3.) The Officer Commanding a vulnerable point guard may be granted an honorary rank of Captain in the Military Reserve Forces whilst holding that appointment.

(4.) Members of vulnerable point guards when called out for war service shall be paid the rates of pay prescribed for their ranks.

(4.) The Supervisor shall submit to the Commander of the Military District for which he is appointed the names of those members of vulnerable point guards recommended for appointment as honorary captain, sergeant and corporal for the approval of the Adjutant-General.

(5.) If at any time after the expiration of twelve months from the date of its formation more than thirty per centum of the members of a vulnerable point guard are non-efficient, that guard may be disbanded.

Drill for  
vulnerable  
point guard.

**17.** Each vulnerable point guard shall conduct twelve two-hour drills in two periods each year, and in each period, five drills shall be conducted at night and one on an afternoon.

Nearest club  
to be joined.

**18.—(1.)** A person desiring to become a member of a rifle club shall join the rifle club the recognized headquarters of which are situated nearest to his place of residence, but the Supervisor may permit him to join another club.

(2.) A person shall not join a rifle club as an active member whilst he is an active member of another rifle club.

Oath of  
allegiance.

**19.—(1.)** A person before being enrolled as an active member of a rifle club shall take and subscribe before an officer of the Defence Force, a Justice of the Peace, or the captain of the rifle club the oath or affirmation set forth hereunder:—

#### OATH.

I swear that I will well and truly serve our Sovereign Lord the King as a member of the Australian rifle clubs, and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained, and that I will in all matters appertaining to my service as a member of the Australian Rifle Clubs faithfully discharge my duty according to law. So help me God.

#### AFFIRMATION.

I solemnly and sincerely affirm and declare that I will well and truly serve our Sovereign Lord the King as a member of the Australian Rifle Clubs, and that I will resist His Majesty's enemies, and cause His Majesty's peace to be kept and maintained, and that I will in all matters appertaining to my service as a member of the Australian Rifle Clubs faithfully discharge my duty according to law.

(2.) Where a person undertakes to serve in a vulnerable point guard, the form of oath or affirmation to be taken and subscribed by him in accordance with the last preceding sub-regulation shall be varied by the omission of the words "Australian Rifle Clubs" (wherever occurring) and the insertion of the words "vulnerable point guards" in their stead.

Qualification  
for  
membership.

**20.—(1.)** A person may not join a rifle club as an active member unless he is a British subject and over the age of sixteen years and under the age of sixty.

(2.) Before enrolling a person as an active member of a rifle club, the captain shall satisfy himself—

(a) that the person is eligible for enrolment; and

(b) that his eyesight is satisfactory by test with the aid of "Army test types"

and shall sign a certificate to the following effect on the form on which the oath or affirmation to be subscribed is set out:—

I, \_\_\_\_\_ do certify that \_\_\_\_\_ appears to be of or about the age entered in this attestation form, that his eyesight has been tested by me with the aid of "Army test types" and appears to be good; and that he is in my opinion suitable to be enrolled as an active member of the Australian Rifle Clubs.

(3.) A member of a rifle club shall retire as an active member upon reaching the age of sixty-five years.

**21.**—(1.) The enrolment of all persons as active members of rifle clubs shall be subject to the approval of the Supervisor. Enrolment.

(2.) The Supervisor shall not withhold approval for the enrolment of any person as an active member of a rifle club without the concurrence of the Command Secretary.

**22.** Any member of a rifle club may resign by giving fourteen days' notice, in writing, to the captain of his rifle club, and, on such resignation being accepted, his name shall be removed from the list of members and if he is in possession of or responsible for any Government property, he shall return the property in good order to the captain of the rifle club at such place as the captain appoints, or pay the value of the article or damage or deterioration before his resignation is accepted. Resignation.

**23.**—(1.) The captain of a rifle club shall notify the Supervisor immediately of the death or resignation of any member of the rifle club or of the absence of a member from the district for a period exceeding three months. Death, absence or resignation of members.

(2.) If a member of a rifle club is absent from the district in which the rifle club is situated for a period exceeding three months he shall inform the captain of the rifle club of his absence.

(3.) If a member fails to comply with the requirements of the last preceding sub-regulation his name may be struck off the roll of the rifle club.

**24.** An active member of a rifle club who fails to become efficient for two consecutive years shall be struck off the roll of that club, and shall be ineligible to rejoin a rifle club for a period of twelve months from the date of his having been struck off. Non-efficients to be struck off.

**25.** Any member on leaving the locality of his rifle club may, at his own request made in writing to the captain of the rifle club, be transferred to a rifle club convenient to his intended place of residence, if the transfer is approved by the captain of the rifle club to which transfer is sought and also by the Supervisor. Transfers.

**26.**—(1.) If the Supervisor, after due inquiry, is satisfied that a member of a rifle club has committed a breach of these Regulations or has been guilty of any other conduct which would bring discredit on the Australian Rifle Clubs, he may strike the name of that member off the roll of the rifle club. Dismissal of members.

(2.) If, after due inquiry, the committee of a rifle club is satisfied that a member of the rifle club has been guilty of misconduct or that other sufficient cause exists, the captain of the club may recommend to the Supervisor that the member's name be struck off the roll of the club, and the Supervisor, on receipt of such a recommendation, may strike the name of the member off the roll of the club.

(3.) If the name of a person is struck off the roll of a rifle club in pursuance of either of the last two preceding sub-regulations, the Supervisor shall forthwith notify him by registered post that his name has been struck off the roll of the club and of the reason therefor.

(4.) A person may, within twenty-one days of receiving a notice in pursuance of the last preceding regulation, appeal in writing to the Secretary against the decision to strike his name off the roll of a rifle club and the Secretary may confirm the decision or reverse it.

(5.) If the Secretary reverses the decision of a Supervisor of rifle clubs to strike the name of a member off the roll of a rifle club, the name of the member shall be forthwith restored to that roll.

(6.) A person whose name is struck off the roll of a rifle club in pursuance of sub-regulation (1.) or sub-regulation (2.) of this regulation may not thereafter join a rifle club without the express approval of the Supervisor:

Provided that this sub-regulation shall not apply in any case where the Secretary has reversed the decision to strike the name of a person off the roll of a rifle club.

Committee of  
a club.

**27.** A rifle club shall elect a committee consisting of a captain, a secretary, a treasurer and four other members and the property of the club shall be vested in such committee.

Removal of  
office bearers.

**28.**—(1.) If he is satisfied that it is necessary in the interests of national safety, the Secretary may at any time, with or without the consent of the members and with or without notice, remove from office the captain or any other member of the committee of a rifle club.

(2.) The Secretary shall forthwith notify any person removed from office in pursuance of this regulation.

(3.) Any person removed from office in pursuance of this regulation shall immediately deliver to the Supervisor or to a person nominated by the Supervisor, all books and records in his possession relating to the rifle club and all rifles, ammunition or range equipment in his possession belonging to the club.

Correspondence  
and payments.

**29.**—(1.) Correspondence from rifle clubs shall be addressed to the Supervisor of Rifle Clubs.

(2.) Payments by rifle clubs shall be made by bank draft, cheque, post-office order, or postal note payable to the "Receiver of Public Moneys". Postage stamps in excess of fivepence shall not be used as portions of remittance.

Discipline and  
safety of rifle  
practice.

**30.**—(1.) The captain of a rifle club shall maintain order and discipline at rifle practices and general and committee meetings of the club and shall be responsible for such measures as will—

- (a) ensure compliance by the committee and members of the club with these Regulations and with all orders issued by the Secretary, the Director of Australian Rifle Clubs or the Supervisor;
- (b) ensure that rifle practice is carried out with due precautions for the safety of the public and all concerned;
- (c) ensure that ammunition is issued only for the purposes of authorized shoots and in sufficient quantities only to enable each member participating to complete the shoot; and

- (d) ensure that all ammunition which is issued for the purposes of a shoot and which is unexpended at the end of the shoot is returned to his custody.

(2.) The captain of a rifle club may appoint any member of the club to discharge any of the responsibilities mentioned in sub-regulation (1.) of this regulation during any absence of the captain.

(3.) At all times when members of rifle clubs are carrying out training or rifle practice under these Regulations or rules thereunder, the regulations for the time being governing the Military Forces shall apply generally in all matters of discipline not provided for by these Regulations and the captain and the individual members of the committee shall be responsible for the maintenance of discipline and due compliance with these Regulations.

(4.) The honorary captain of a vulnerable point guard shall maintain order and be responsible for discipline amongst the members of the guard at such times as they are undergoing military training as prescribed by regulation 17 of these Regulations and whenever the members are called out for service.

**31.** For the purpose of legal proceedings, all arms, ammunition, or other military articles belonging to or used by any rifle club shall be deemed to be the property of the captain of the rifle club. Legal proceedings.

**32.—**(1.) A captain of a rifle club may, on application by him, be supplied with rifles and spare parts for active members of the club at the prices notified from time to time by the Department and he may be supplied, on payment, with oil and flannelette for cleaning rifles and with target paper. Rifles, equipment and stores for clubs and members on payment and loan, issue of.

(2.) All stores supplied by the Ordnance Branch of the Department shall be paid for before delivery.

(3.) An active member of a rifle club may purchase a service rifle at such price and under such conditions as are approved by the Secretary from time to time.

(4.) Service rifles may be issued to rifle clubs on such scale and under such conditions as are approved by the Secretary from time to time.

(5.) The proportion of rifles issued to rifle clubs furnishing vulnerable point guards may be increased to provide for the issue of a rifle to each member of the guard.

**33.—**(1.) A service rifle shall not be sold to a member of a rifle club on a deferred payment system unless the rifle club to which he belongs undertakes to act as guarantor for the due fulfilment of the agreement by the purchaser. Club to guarantee instalment payments.

(2.) When a member of a rifle club has not paid any instalment due by him or has failed to comply with any condition of the agreement between himself and the Supervisor for the sale of a rifle, the rifle club of which the purchaser is, or was, a member shall, within such time as is specified in a demand by the Supervisor, pay the amount due, and, if the amount so due is not paid within the time specified in the demand, it shall be deducted from the annual efficiency allowance of the club or may be recovered from the rifle club by action in any court of competent jurisdiction.

(3.) If any member of a rifle club fails to pay any instalment when due, the captain of the club may require the member to deliver up the rifle to him or any other member of the rifle club deputed by him to act on his behalf, and may recover such rifle by proceedings in a court of summary jurisdiction.

Care of arms.

**34.** A member of a rifle club shall keep his arms and accoutrements in good order and shall produce them for inspection when called upon.

Carriage of and accounting for stores on issue to a club.

**35.**—(1.) Rifles, ammunition, and accoutrements, or any other articles supplied by the Government to a rifle club either on purchase, on loan, or free issue, shall be delivered, carriage free, at any railway station or seaport in the vicinity of that club.

(2.) The captain of the rifle club, or in his absence, a member authorized by him in writing, shall sign the receipt for any articles of Government property issued for the use of members of the rifle club and he shall be responsible for their safe custody and proper distribution, and shall issue no article without obtaining in a book the written receipt of the member to whom he issues it.

(3.) When a rifle is forwarded by a rifle club to the Ordnance Branch of the Department for repairs, the cost of carriage between the nearest port or railway station in the vicinity of the club shall be borne by the rifle club vote.

(4.) The captain of a rifle club shall account to the Supervisor for stores on issue to the club at least once annually in the manner directed by the Secretary.

Classification of members.

**36.** Active members of rifle clubs shall be classified as “efficient” or “non-efficient” for each year ending on the 30th day of June.

Requirements for efficiency classification.

**37.**—(1.) An active member of a rifle club shall be classified “efficient” for any year if during that year he has—

- (a) satisfactorily completed the musketry course approved by the Secretary; and
- (b) fulfilled the requirements of regulation 34 of these Regulations.

(2.) A member of a vulnerable point guard shall not be classified “efficient” for any year unless, in addition to complying with the requirements of paragraphs (a) and (b) of the last preceding regulation, he has attended sixteen hours’ drill in that year.

(3.) An active member of a rifle club who is not classified “efficient” for any year shall be classified “non-efficient” for that year.

Special efficiency classification.

**38.** If, through the temporary closure of a rifle range, a rifle club is prevented from carrying out the rifle practices prescribed by the Secretary for the purposes of paragraph (a) of sub-regulation (1.) of the last preceding regulation, the Command Secretary may, after due investigation, classify as “efficient” such members of the club as he considers fit:

Provided that the number of members of any rifle club so classified “efficient” shall not exceed the number of members classified “efficient” for the preceding year or, in the case of a new rifle club, thirty.

**39.**—(1.) Subject to the next succeeding sub-regulation, service ammunition may be issued free to all rifle clubs by the Department in accordance with the following scale:—

Ammunition  
by free issue.

- (a) 200 rounds in each year ending on the 30th day of June for each member classified efficient for the preceding year;
- (b) 100 rounds for each active member on first enrolment.

(2.) The captain of a rifle club shall furnish to the Supervisor on or before the 15th day of July in each year a return verified by statutory declaration showing the amount of ammunition issued free to the club in pursuance of the last preceding sub-regulation which is unexpended at 30th June immediately preceding, and such amount shall be deducted from issue.

**40.**—(1.) The captain of a rifle club shall be responsible for the safe custody of all ammunition issued free to or purchased by the club and, except with the approval of the Supervisor, ammunition shall not be stored in a club hut on a rifle range.

Safe custody of  
ammunition.

(2.) Before any ammunition is issued to a rifle club, the captain of the club shall inform the Supervisor of the quantity of ammunition held by the club and of the place where the ammunition will be stored when issued and shall certify to the Supervisor—

- (a) that all ammunition issued free or sold to the club, other than that held by the club, has been expended on rifle shoots; and
- (b) that the provisions of paragraphs (c) and (d) of sub-regulation (1.) of regulation 30 and of the next succeeding regulation have been observed and will continue to be observed.

**41.** The captain of a rifle club shall keep a record of ammunition issued for the purposes of each shoot and the record shall be made available for inspection by the Supervisor whenever required by him.

Ammunition  
record to be  
kept.

**42.**—(1.) A rifle club may purchase service rifle ammunition from the Department at a rate approved by the Minister in accordance with the following scale:—

Ammunition  
by purchase.

- (a) 200 rounds in each year for each member classified “efficient” for the preceding year;
- (b) 50 rounds in each year for each member classified “non-efficient” for the preceding year.

(2.) Where a rifle club has purchased service rifle ammunition in pursuance of the last preceding sub-regulation each efficient member of the club may purchase from the club 200 rounds and each non-efficient member may purchase from the club 50 rounds in each case at the rate approved by the Minister for sale to rifle clubs.

(3.) A State Rifle Association may purchase service rifle ammunition from the Department at the rate approved by the Minister for sales to rifle clubs as follows:—

- (a) the whole quantity of ammunition expended at prize meetings conducted each year by the State Rifle Association; and
- (b) 5,000 rounds each year for State teams’ practices.

(4.) A District Rifle Club Union may purchase from the Department at the rate approved by the Minister for sales to rifle clubs the whole quantity of service rifle ammunition expended at prize meetings conducted each year by the District Rifle Club Union.

(5.) A Miniature Rifle Club Union may purchase from the Department small-bore ammunition at such rate and in such quantity as are approved by the Secretary.

Ammunition  
where range  
staff employed.

**43.** The issue of service rifle ammunition at rifle ranges where rangers are stationed shall be in accordance with instructions issued from time to time by the Secretary.

Irregular  
disposal of  
ammunition  
and penalties.

**44.**—(1.) Service rifle ammunition issued free or sold to a rifle club by the Department shall be issued free or sold by the club to members of the club only for authorized shoots on ranges approved by the Command Secretary.

(2.) A member of a rifle club who sells or issues free any service rifle ammunition sold or issued free to a rifle club otherwise than in accordance with this regulation shall be guilty of an offence.

Penalty: Twenty pounds.

(3.) Any person who buys from a rifle club or any member of a rifle club any service rifle ammunition sold or issued free to a rifle club otherwise than in accordance with this regulation shall be guilty of an offence.

Penalty: Twenty pounds.

Seizure of  
ammunition.

**45.**—(1.) Any service rifle ammunition issued to a rifle club which is found in the possession of any person not a member of a rifle club may be seized without warrant by a police constable and taken before a court of summary jurisdiction.

(2.) The court before which any service rifle ammunition is brought in pursuance of this regulation shall declare such ammunition to be forfeited unless the person in whose possession it was found satisfies the court that he was lawfully in the possession of such ammunition.

(3.) Any service rifle ammunition declared to be forfeited under this regulation shall be delivered to the Supervisor who may dispose of it as he thinks fit, subject to any directions of the Secretary.

Disposal of  
empty  
cartridge  
cases.

**46.**—(1.) A captain of a rifle club shall make arrangements for the collection and sale of empty cartridge cases and the proceeds of any sale shall be credited to rifle club funds, and shall be used only for rifle club purposes.

(2.) A captain of a rifle club shall, when offering empty .303 cartridge cases for sale, give in writing to the purchaser a certificate in the following terms:—

This is to certify that we have carefully examined the empty .303 cartridge cases the property of the \_\_\_\_\_ Rifle Club offered for sale to \_\_\_\_\_ and that no live cartridges are included among them.

Captain of Rifle Club.

Secretary or Treasurer.

Date.



(3.) The captain of a rifle club shall forward a copy of the certificate given under the last preceding sub-regulation to the Supervisor immediately the sale is effected and each person who signs the above certificate shall be personally responsible that there are no live cartridges included in any consignment of empty cartridge cases offered for sale.

**47.—**(1.) The Command Secretary may approve of a grant for the construction and equipment of a rifle range for each newly-formed rifle club: Grants for rifle ranges.

Provided that the grant to any rifle club shall not, without the approval of the Secretary, exceed £75.

(2.) In order that every rifle range shall at all times be safe for rifle practice the Command Secretary may approve of such grants as are required, from time to time, to carry out reconstruction, alteration, or repairs thereto:

Provided that the maximum grant to a rifle club in respect of any particular work of reconstruction, alteration, or repair shall not, without the approval of the Secretary, exceed £75.

(3.) A grant made under this regulation shall be made from such moneys as are appropriated for expenditure within the Military District concerned.

**48.—**(1.) A grant for the construction, equipment, and maintenance of a rifle club range shall be made subject to the following conditions:— Conditions governing grants for rifle ranges.

- (a) the amount of any grant exceeding £10 shall be based on the written report of a person qualified to inspect the site who has inspected the site and calculated the probable cost of the work proposed;
- (b) the land upon which the range is situated shall be held by the Commonwealth under a permissive occupancy, or, in the case of private property, under a lease approved by the Command Secretary of at least five years' duration or of such less time as is approved by the Secretary, and in the case of alteration, reconstruction, or repairs the unexpired tenure held by the Commonwealth over the site shall be taken into consideration;
- (c) a rifle club range shall be available for use by the Naval, Military, or Air Forces, and Senior Cadets at such times as are arranged between the captain of the rifle club and the officers commanding the units concerned.

(2.) Except with the approval of the Secretary, a grant shall not be paid towards the establishment of a branch range in connexion with any rifle club.

(3.) A claim for any work carried out on a rifle range which is not authorized in accordance with these Regulations shall not be recognized.

**49.—**(1.) Where a rifle club range is used by a military unit or units as well as a rifle club and it is found necessary to provide additional accommodation to meet military requirements, the cost of such additional accommodation shall be paid from moneys appropriated for military purposes and the work shall be carried out under the supervision of the Inspector of Rifle Ranges or other person qualified to do so. Rifle ranges used conjointly by military units and rifle clubs.

(2.) Where a military rifle range is used by a rifle club and it is found necessary to provide additional accommodation to meet the requirements of that club, the cost of such additional accommodation may, with the approval of the Secretary, be paid from moneys appropriated for rifle clubs and the work shall be carried out by the Department of Works and Housing.

(3.) Subject to the approval of the Secretary and the concurrence of the Military Board, the cost of maintaining in an efficient state the constructional works on a military rifle range or a rifle club range used conjointly by military units and a rifle club shall be apportioned between moneys appropriated for military purposes and moneys appropriated for rifle clubs.

Expenditure  
on military  
ranges, how  
apportioned.

**50.**—(1.) Where a military range, in which no range staff is employed, is used by a rifle club, the target materials and stores required by such a club shall be provided by the club at its own expense, the cost of which shall be deemed to be an expenditure for the purposes of paragraph (b) of regulation 61 of these Regulations, and accommodation for the separate storage of rifle club targets and material may be provided in pursuance of sub-regulation (2.) of the last preceding regulation.

(2.) Where a military range on which a range staff is employed is used by a rifle club, stores shall be obtained by the requisition of the Range Superintendent or Officer in Charge of the range on the Ordnance Branch of the Department and the cost of stores required for rifle clubs' usage shall be paid from moneys appropriated for rifle clubs.

(3.) Where a rifle club range is used by a military unit, the military unit shall obtain target materials required by the requisition of the Chief Engineer or the Commander, Royal Engineers, on the Ordnance Branch of the Department, and a rifle club shall provide its own target material, the cost of which shall be deemed to be an expenditure for the purposes of paragraph (b) of regulation 61 of these Regulations, and accommodation for the separate storage of military targets and material may be provided in pursuance of sub-regulation (2.) of the last preceding regulation.

(4.) Money shall not be paid to a rifle club in consideration of a range being used by a military unit.

Grant for  
District Union  
Range.

**51.**—(1.) The Secretary may approve a grant for the construction, reconstruction, alteration, or enlargement of any rifle club range selected to be the District Rifle Club Union rifle range.

(2.) Any grant under this regulation shall be made from such moneys as are appropriated for expenditure within the Military District concerned.

Miniature  
Rifle Ranges.

**52.**—(1.) The Command Secretary may approve of a grant not exceeding £30 towards the construction of a miniature rifle range which is established by a rifle club:

Provided that where two or more rifle clubs unite for the building of a joint or central range a grant of such amount as is approved by the Secretary may be made.

(2.) Any grant under the last preceding sub-regulation shall be made from such moneys as are appropriated for expenditure within the Military District concerned.

(3.) A rifle club which has constructed a miniature rifle range under these Regulations may allow any miniature rifle club or clubs of the district to practise and hold competitions on its miniature range on such terms and conditions as are fixed by the rules of the rifle club concerned.

(4.) Before a grant is made towards the cost of construction of a miniature rifle range an approved tenure to the Commonwealth over the land in the site shall be obtained.

**53.** The Command Secretary shall forward to the Secretary not later than the 31st day of July in each year a return showing the amounts expended under regulations 47 to 52 (inclusive) of these Regulations during the preceding financial year.

Returns showing expenditure on rifle ranges.

**54.** A new or reconstructed rifle range shall not be used for rifle shooting until authorized by the Command Secretary.

Range not to be used until authorized.

**55.** A rifle range which is used by any Naval, Military or Air Force unit shall be available for the rifle clubs in the locality, but a rifle club shall only be permitted to use the range at such times as are arranged by the responsible officers of the services concerned.

Use of military ranges.

**56.** If, on the disbandment of a rifle club holding a rifle range site under permissive occupancy from a State Government, it is desired to retain the range for possible future requirements, the site shall be retained on the district register as an existing range, and the Secretary shall be notified accordingly, and the targets and other Government property shall be available for removal to any other range.

Retention of rifle range.

**57.** If an accident occurs to any person on a rifle range during a shoot the captain shall forthwith make a full report of the accident to the Supervisor.

Accident on rifle range.

**58.—(1.)** A person under the age of eighteen years shall not act as a marker or be in or in the vicinity of the target pit of a rifle range during any shoot.

Persons under eighteen not to act as marker or be near target pit during shoot.

(2.) A person under the age of eighteen years who is in or in the vicinity of the target pit of a rifle range during any shoot may be removed from or from the vicinity of the target pit by the person on the range responsible for discipline during the shoot.

**59.** The captain of a rifle club shall prepare and forward to the Supervisor on or before the 15th day of July in each year—

Efficiency return.

- (a) a return, verified by statutory declaration, showing the names of all members of the club classified "efficient" for the preceding years; and
- (b) a statutory declaration as to the condition of all Government rifles on issue to the club.

**60.—(1.)** The Secretary may, in respect of each financial year, approve of the payment to a rifle club of a rifle club efficiency grant not exceeding in any case the amount of Five shillings for each active member of the club classified efficient for the preceding year.

Efficiency grant.

(2.) The following amounts shall be deducted from the rifle club efficiency grant payable to a rifle club:—

- (a) the amount of the rental (if any) of the rifle range used by the rifle club which amount shall be paid to the lessor by the Department; and

- (b) the amount of any affiliation fees due by the rifle club to a State Rifle Association or a District Rifle Club Union, which amount shall be applied by the Department in the payment of such fees.

(3.) If the total rifle club efficiency grant payable to a rifle club is not sufficient to pay the rental of the rifle range used by the rifle club and any unpaid affiliation fees due by the rifle club to a State Rifle Association or a District Rifle Club Union, the rifle club shall pay the amount of the deficiency.

Disbursement  
of efficiency  
grant.

**61.** A rifle club efficiency grant shall not be divided amongst members of a club, but may be used only for the following purposes:—

- (a) payment of markers at shoots;
- (b) maintenance and repair of rifle ranges and accessories and rifles on issue to the club;
- (c) stationery and postage;
- (d) general expenses in connection with the interior economy of the club;
- (e) rental of rifle ranges;
- (f) affiliation fees to State Rifle Associations and District Rifle Club Unions; or
- (g) necessary expenditure in connection with shoots and other expenditure approved by the Supervisor.

Efficiency grant  
for vulnerable  
point guard.

**62.**—(1.) In addition to any rifle club efficiency grant that may be payable to a rifle club under sub-regulation (1.) of regulation 60 of these Regulations, there shall be payable to each rifle club in respect of each financial year a vulnerable point guard efficiency grant of One pound for every member of the rifle club who is classified efficient as a member of a vulnerable point guard for the preceding year.

(2.) A member of a rifle club who is classified efficient as a member of a vulnerable point guard in any year shall be paid the sum of One pound from the vulnerable point guard efficiency grant payable to the rifle club in respect of the succeeding financial year.

Efficiency  
grants not  
payable after  
close of  
financial  
year.

**63.** The rifle club efficiency grant and the vulnerable point guard efficiency grant payable in any financial year shall not, without approval of the Secretary, be payable after that financial year if the reason for non-payment during that financial year was neglect on the part of the rifle club to comply with any regulation, order or instruction or failure to furnish any required information within that financial year.

Efficiency  
grants—  
banking and  
recording  
procedure.

**64.**—(1.) The captain and the secretary and treasurer of a rifle club shall maintain a joint bank account in their names distinct from any private account.

(2.) An efficiency grant under regulation 60 or regulation 62 of these Regulations shall immediately upon receipt thereof be paid into the joint account maintained in pursuance of the last preceding sub-regulation.

(3.) The treasurer of a rifle club shall keep a cash book in which he shall record all sums received by the club being efficiency grants and any payment made for any purpose specified in regulation 61 of these Regulations or in pursuance of sub-regulation (2.) of regulation 62 of these Regulations.

(4.) Receipts for all payments made by the treasurer of a rifle club shall be obtained by him, but in respect of payments not exceeding five shillings a certificate by the captain and secretary of the club that the amount has actually been paid for the purpose stated may be accepted instead of a receipt.

(5.) Receipts shall be obtained by the treasurer of a rifle club in respect of any payments for which reimbursement is sought from the Department.

**65.** The accounts of a rifle club shall be balanced on the 30th day of June in each year and a statement in the form authorized by the Secretary showing the receipts from the Department during the financial year and the expenditure for the purposes specified in regulation 61 of these Regulations shall be prepared and signed by the captain or the treasurer or secretary of the club and forwarded to the Supervisor not later than the 15th day of July next following. Accounts to be balanced each year.

**66.**—(1.) The fares of efficient members of rifle clubs travelling to shoots may, in such cases as are approved by the Secretary, be paid in whole or in part out of moneys appropriated for expenditure on rifle clubs. Travelling.

(2.) Each Supervisor shall furnish to the captain of each rifle club in his district particulars of fares concessions under this regulation.

**67.**—(1.) The Secretary may establish in each Military District such District Rifle Club Unions as he considers desirable. District and Miniature Rifle Club Unions.

(2.) Each rifle club shall be allotted to a District Rifle Club Union and shall affiliate with, and pay such affiliation fee as is prescribed by the by-laws of, the District Rifle Club Union to which it is allotted.

(3.) The Secretary may establish in each Military District such Miniature Rifle Club Unions as he considers desirable.

(4.) A Miniature Rifle Club formed under the rules governing such clubs shall affiliate with a Miniature Rifle Club Union in order that the club or its members may be eligible to participate in any Government grant for miniature rifle shooting.

(5.) The Secretary may approve grants for—

- (a) fares of delegates attending such number of meetings of the Council or Executive Committee of the respective District Rifle Club Union as are approved by the Secretary; and
- (b) District Rifle Club Union and Miniature Rifle Club Union Prize Meetings.

(6.) Any prize meeting for which a Government grant is made available under the last preceding sub-regulation shall, unless otherwise approved by the Secretary, be restricted to active members of rifle clubs affiliated with the District or Miniature Rifle Club Union (or Unions where two or more combine for the purpose) promoting the prize meeting.

(7.) The Secretary may from time to time issue rules, standing orders and instructions for the government and functions of District Rifle Club Unions, Miniature Rifle Club Unions, rifle clubs, and miniature rifle clubs.

**68.** The wearing of uniform clothing by members of rifle clubs shall be optional. Uniform.

## PART III.—RIFLE ASSOCIATIONS.

*Australian Council of State Rifle Associations.*Council of  
Rifle  
Associations.

**69.**—(1.) There shall be an Australian Council of State Rifle Associations composed of two representatives from, and elected by, each State Rifle Association. The Chief Instructor, Army School of Infantry shall ex-officio be a member of the Australian Council of State Rifle Associations.

(2.) The Secretary may, if and when he considers desirable, approve of a subsidiary Rifle Association or equivalent body established under regulation 77 of these Regulations being directly represented at meetings of the Australian Council of State Rifle Associations, with or without vote.

Objects of  
Council.

**70.**—(1.) The objects of the Australian Council of State Rifle Associations shall be—

- (a) to promote and conduct all international and inter-State rifle competitions held in Australia;
- (b) to decide any question affecting rifle shooting referred to it by a State Rifle Association; and
- (c) to advise the Minister on any matters affecting rifle shooting upon which he desires the opinion of the Council.

(2.) The Australian Council of State Rifle Associations may make recommendations to the Minister in respect of the conduct of rifle shooting generally throughout the Commonwealth (other than the training of troops) and may advise the Minister with regard to the allocation of any funds appropriated for the encouragement of rifle clubs or rifle shooting generally.

Rules for  
Council.

**71.** Subject to the approval of the Secretary, the Australian Council of State Rifle Associations may make, alter or repeal rules for the conduct of its affairs and for the conduct of any rifle competitions promoted by it, and any rule or alteration thereof shall be notified to the Secretary within twenty-one days after being made and shall become effective from the date of notification unless within twenty-one days after receipt of any such notification, the Secretary informs the Council in writing that he disapproves of the rule or alteration thereof so notified.

Grants for  
Council.

**72.** The Secretary may approve of grants to the Australian Council of State Rifle Associations for the following purposes:—

- (a) office administration expenses and maintenance of the Australian Pavilion at Bisley, England;
- (b) Council and Executive Committee meetings; or
- (c) Commonwealth, Dominion and Empire Teams Matches.

*State Rifle Associations.*State  
Associations.

**73.** In each State there shall be a State Rifle Association.

Council of  
State Rifle  
Associations.

**74.**—(1.) A State Rifle Association shall be governed by a Council consisting of a president, one representative each of the Naval, Military and Air Forces nominated by the respective Commanders in the Military District, the number of representatives of the District Rifle Club Unions

and such members elected from and by the members of the State Rifle Association as are approved by the Secretary and provided by the rules of the Association, and a number of members equal to the number of elected members to be appointed by the Command or District Secretary.

(2.) A member of the Council other than the president shall be nominated, elected or appointed annually.

(3.) The Council shall be responsible for the conduct of all State Rifle Association matches and the promotion of rifle shooting generally in the Military District concerned.

(4.) The Command Secretary shall be the president of the Council, and shall preside at all meetings of the Council at which he is present, but may, at any such meeting, delegate such duty to the chairman elected by the Council.

(5.) The Council may advise the Command Secretary on any matters affecting rifle shooting upon which he desires the opinion of the Council.

**75.** Subject to the approval of the Secretary, the Council of each State Rifle Association may make, alter or repeal rules for the conduct of its affairs and for the conduct of any rifle competitions promoted by it, and any rule or alteration thereof shall be notified to the Secretary within twenty-one days after being made and shall become effective from the date of notification unless within twenty-one days after receipt of any such notification the Secretary informs the Council in writing that he disapproves of the rule or alteration thereof so notified.

Rules for  
State  
Association.

**76.—**(1.) The Secretary may approve grants to State Rifle Associations for the following purposes:—

Grants to  
State  
Associations.

- (a) office administration expenses;
- (b) fares of members of the Council and Executive Committee attending a prescribed number of meetings of the Council and Executive Committee; or
- (c) prize meetings promoted and conducted by the State Rifle Association.

(2.) Except as provided in the next succeeding sub-regulation, any prize meeting for which a grant is made available under this regulation shall, unless otherwise approved by the Secretary, be restricted to active members of rifle clubs within the Military District concerned.

(3.) The State Rifle Association Prize meeting, held in conjunction with the Commonwealth series of matches, shall be open to any competitor from any rifle club in the British Empire.

(4.) A State Rifle Association receiving a grant under this regulation shall send two copies of its annual report to the Command Secretary.

**77.—**(1.) For the encouragement of rifle shooting in a remote area of a Military District, the Secretary may establish a subsidiary Rifle Association, or equivalent body, and allot thereto such District Rifle Club Unions and Rifle Clubs as he considers desirable.

Association of  
clubs in a  
remote area.

(2.) The Secretary may from time to time issue rules, standing orders and instructions for the government of a Rifle Association or other body established under this regulation, and may approve the allocation thereto of such proportion of the grants and fees due to the State Rifle Association in respect of the District Rifle Club Unions and rifle clubs concerned.

(3.) The Secretary may approve a prize meeting grant for any rifle club in a remote area.

Officers of  
Defence Force  
to co-operate.

**78.**—(1.) Officers of the Defence Force shall, on all occasions, use their utmost endeavours to promote the success of the annual competitions of the various Rifle Associations and the activities of rifle clubs generally and shall promulgate within the limits of their respective commands all notices forwarded to them by the Councils of the different associations, and direct attention to the date on which returns of entries or other matters are to be rendered.

(2.) Competitors at rifle meetings shall conform to the conditions under which the competitions are carried out.

#### PART IV.—MISCELLANEOUS.

Canteen may be  
conducted in  
connection  
with a shoot.

**79.**—(1.) The Council of a State Rifle Association or the District Council of a District Rifle Club Union or the Committee of a rifle club may, with the approval in writing of a Command Secretary, conduct a canteen on a rifle range during the continuance of a meeting held for the purpose of competition or practice in rifle shooting.

(2.) Subject to this regulation, a State Rifle Association, District Rifle Club Union, or rifle club, may enter into a contract with any person for the conduct by that person of a canteen on a rifle range during the continuance of any meeting held for the purpose of competition or practice in rifle shooting on that range.

(3.) The making of any such contract shall be authorized by a resolution passed by the majority of a duly constituted quorum at a duly constituted meeting of the Council of the State Rifle Association, the District Council of the Districts Rifle Club Union or the Committee of the rifle club, as the case may be, and the resolution may also authorize one or more persons to sign the contract on behalf of the State Rifle Association, District Rifle Club Union, or rifle club.

(4.) Any such contract may authorize the person contracting to conduct the canteen to erect, on the rifle range (though belonging to the Commonwealth) on which the canteen is to be conducted, such accommodation as shall be necessary or convenient for the conduct of the canteen, and may require him, after the conclusion of the meeting, to remove the accommodation so erected.

(5.) A contract authorized under this regulation shall be in writing signed by or on behalf of the parties thereto, but shall not have effect until it has been approved, in writing, by a Command Secretary.

(6.) All profits derived from a canteen conducted in pursuance to this regulation by the Council of a State Rifle Association, or the District Council of a District Rifle Club Union, or the Committee of a rifle club, and all moneys received from any contractor for the privilege of conducting



a canteen under a contract made in pursuance of this regulation, shall form part of the funds of the State Rifle Association, District Rifle Club Union, or rifle club by whose Council, District Council or Committee, or on behalf of which, the canteen was conducted.

(7.) Intoxicating liquor shall not be sold or supplied at any canteen conducted in pursuance of this regulation without the approval in writing of a Command Secretary:

Provided that when a canteen is conducted by a contractor, intoxicating liquor may be sold or supplied at the canteen if such is permitted by the contract under which the canteen is conducted.

(8.) It shall not be necessary under or by reason of any law of a State to obtain or have any licence or permission for—

(a) keeping, or permitting the consumption of, intoxicating liquor; or

(b) supplying intoxicating liquor, on sale or otherwise, to or at the expense of, members of the Military Forces or of rifle clubs,

at any canteen conducted in accordance with the provisions of this regulation.

## CONTROL OF DEFENCE AREAS REGULATIONS.\*

1. These Regulations may be cited as the Control of Defence Areas Regulations.\* Citation.

2. The Control of Defence Areas Regulations (being Statutory Rules 1927, No. 109, as amended by Statutory Rules 1929, No. 18 and 1932, No. 7) are hereby repealed. Repeal.

3. In these Regulations, unless the contrary intention appears— Definition.

“Defence area” means an area proclaimed by the Governor-General to be an area in which the regulation, control, or prohibition of the construction of buildings or other erections is necessary for the defence of the Commonwealth;

“The Schedule” means the Schedule to these Regulations.

\* The Control of Defence Areas Regulations in force under the *Defence Act* 1903-1956 comprise the following Statutory Rules:—

| Year and Number.     | Date of Notification in <i>Gazette</i> and of Commencement. |
|----------------------|-------------------------------------------------------------|
| 1937, No. 99 .. .. . | 14th October, 1937                                          |
| 107 .. .. .          | 25th November, 1937                                         |
| 1939, No. 35 .. .. . | 11th May, 1939                                              |

**Delegation.**

**4.**—(1.) The Minister may, by writing under his hand, delegate to any person any of his powers or functions under these Regulations so that the delegated powers or functions may be exercised by the person with respect to the matters specified in the instrument of delegation.

(2.) Every delegation under this regulation shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Minister.

**Proclamation of defence areas.**

**5.** The Governor-General may, by proclamation, declare any area to be an area in which the regulation, control or prohibition of the construction of buildings or other erections is necessary for the defence of the Commonwealth.

**Building of oil or explosive stores.**

**6.** Any person who, without the consent in writing of the Minister (proof whereof shall be upon that person), constructs in any defence area specified in Table I. of the Schedule any building or erection for the manufacture or storage of explosives, oil or other readily combustible material, shall be guilty of an offence.

**Height of buildings.**

**7.** Any person who, without the consent in writing of the Minister (proof whereof shall be upon that person), constructs—

- (a) in any defence area specified in Table II. of the Schedule—any building or erection of a greater maximum height than fifteen feet;
- (b) in any defence area specified in Table III. of the Schedule—any building or erection of a greater maximum height than fifty feet; or
- (c) in any defence area specified in Table IV. of the Schedule—any building or erection of a greater maximum height than one hundred feet,

shall be guilty of an offence.

**Applications for consent.**

**8.** Any person who desires to construct a building or erection to which either regulation 6 or regulation 7 of these Regulations applies may apply in writing to the Minister for consent to the construction, stating in his application the site, maximum height and purposes of the building or erection.

**Minister may require further information.**

**9.** Upon receipt of any application made under regulation 8 of these Regulations the Minister may require from the applicant such particulars and information as he thinks fit.

**Application how dealt with.**

**10.** The Minister may, in his absolute discretion, grant or refuse any application made under these Regulations or may grant any such application subject to such conditions as to construction, marking of the building or otherwise as he thinks fit.

**Failure to comply with conditions.**

**11.** Any person to whom consent has been granted under these Regulations to the construction by him of a building or erection subject to any condition as to construction, marking or otherwise, who fails to comply with that condition shall be guilty of an offence.

12.—(1.) No person who is prevented by or under these Regulations from building in a defence area shall have any action or claim, or make any demand, against the Commonwealth or any officer of the Commonwealth by reason of his being prevented from building. No compensation payable.

(2.) No person who has received consent under these Regulations to the construction in a defence area of a building or erection shall have any action or claim, or make any demand, against the Commonwealth or any officer of the Commonwealth by reason of any damage caused to that building or erection by the vicinity of defence works or by defence operations.

13. Any person who commits any offence against these Regulations shall be liable to a fine not exceeding Twenty pounds or to imprisonment for three months. Penalties.

14.—(1.) Where any building or erection is constructed in a defence area in contravention of these Regulations or in the construction of which any condition attached to the consent of the Minister has not been observed, the Minister may by notice in writing require the owner of the building or erection to remove it within the time specified in the notice. Removal of buildings.

(2.) Where any person to whom a notice under this Regulation is directed fails to comply with any requirement contained in the notice, the Minister may cause the building or erection specified in the notice to be removed and the expense of that removal shall be borne by the person to whom the notice was directed and shall be recoverable as debt due by him to the Crown.

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## THE SCHEDULE.

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Substituted by  
1937, No. 107;  
amended by  
1939, No. 35.

### TABLE I.

Regulation 6.

#### PART I.—NORTHERN TERRITORY.

##### DARWIN.

The areas delineated and marked by oblique, by horizontal and by cross hachuring, respectively, on Plan No. 1, entitled *Darwin (Northern Territory) Defence Area*, appearing on page 536 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

##### WOODS INLET.

The areas delineated and marked by horizontal and by vertical hachuring, respectively, on Plan No. 2, entitled *Woods Inlet (Northern Territory) Defence Area*, appearing on page 1847 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

#### PART II.—QUEENSLAND.

##### ARCHERFIELD.

The area delineated and marked by horizontal hachuring on Plan No. 3, entitled *Archerfield (Queensland) Defence Area*, appearing on page 1848 of *Commonwealth Gazette* No. 63, of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CAIRNS.

The area delineated and marked by horizontal hachuring on Plan No. 3A, entitled *Cairns (Queensland) Defence Area*, appearing on page 537 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## CAMOOWEAL.

The area delineated and marked by horizontal hachuring on Plan No. 4, entitled *Camooweal (Queensland) Defence Area*, appearing on page 1850 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CHARLEVILLE.

The area delineated and marked by horizontal hachuring on Plan No. 5, entitled *Charleville (Queensland) Defence Area*, appearing on page 1851 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CLONCURRY.

The area delineated and marked by horizontal hachuring on Plan No. 6, entitled *Cloncurry (Queensland) Defence Area*, appearing on page 1852 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## COOKTOWN.

The area delineated and marked by horizontal hachuring on Plan No. 6A, entitled *Cooktown (Queensland) Defence Area*, appearing on page 538 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## ENOGGERA.

The area delineated and marked by horizontal hachuring on Plan No. 7, entitled *Enoggera (Queensland) Defence Area*, appearing on page 1853 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## LONGREACH.

The area delineated and marked by horizontal hachuring on Plan No. 8, entitled *Longreach (Queensland) Defence Area*, appearing on page 1854 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## NIELSON PARK, BUNDABERG.

The area delineated and marked by horizontal hachuring on Plan No. 10, entitled *Nielson Park, Bundaberg (Queensland) Defence Area*, appearing on page 1855 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PEAK POINT.

The area delineated and marked by horizontal hachuring on Plan No. 11, entitled *Peak Point (Queensland) Defence Area*, appearing on page 1856 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## ROCKHAMPTON.

The area delineated and marked by horizontal hachuring on Plan No. 11A, entitled *Rockhampton (Queensland) Defence Area*, appearing on page 539 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## TOOWOOMBA.

The area delineated and marked by horizontal hachuring on Plan No. 12, entitled *Toowoomba (Queensland) Defence Area*, appearing on page 1857 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART III.—NEW SOUTH WALES.

## ALBURY.

The area delineated and marked by horizontal hachuring on Plan No. 12A, entitled *Albury (New South Wales) Defence Area*, appearing on page 540 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## BEN BUCKLER.

The areas delineated and marked by horizontal and by oblique hachuring, respectively, on Plan No. 13, entitled *Ben Buckler (New South Wales) Defence Area*, appearing on page 1858 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## COFF'S HARBOUR.

The area delineated and marked by horizontal hachuring on Plan No. 14A, entitled *Coff's Harbour (New South Wales) Defence Area*, appearing on page 541 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## COOTAMUNDRA.

The area delineated and marked by horizontal hachuring on Plan No. 15, entitled *Cootamundra (New South Wales) Defence Area*, appearing on page 1859 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## EVAN'S HEAD.

The area delineated and marked by horizontal hachuring on Plan No. 15A, entitled *Evan's Head (New South Wales) Defence Area*, appearing on page 542 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## GOULBURN.

The area delineated and marked by horizontal hachuring on Plan No. 16, entitled *Goulburn (New South Wales) Defence Area*, appearing on page 543 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## HOLBROOK.

The area delineated and marked by horizontal hachuring on Plan No. 16A, entitled *Holbrook (New South Wales) Defence Area*, appearing on page 544 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## KEMPSEY.

The area delineated and marked by horizontal hachuring on Plan No. 16B, entitled *Kempsey (New South Wales) Defence Area*, appearing on page 545 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## LITHGOW.

The area delineated and marked by horizontal hachuring on Plan No. 17, entitled *Lithgow (New South Wales) Defence Area*, appearing on page 1861 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## LIVERPOOL.

The area delineated and marked by horizontal hachuring on Plan No. 18, entitled *Liverpool (New South Wales) Defence Area*, appearing on page 1862 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MAROUBRA.

The areas delineated and marked by horizontal and by cross hachuring, respectively, on Plan No. 19, entitled *Maroubra (New South Wales) Defence Area*, appearing on page 1863 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MASCOT.

The area delineated and marked by horizontal hachuring on Plan No. 20, entitled *Mascot (New South Wales) Defence Area*, appearing on page 1864 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MIDDLE HEAD.

The area delineated and marked by horizontal hachuring on Plan No. 21, entitled *Middle Head (New South Wales) Defence Area*, appearing on page 1865 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## NEWCASTLE.

The areas delineated and marked by horizontal and by vertical hachuring, respectively, on Plan No. 22, entitled *Newcastle (New South Wales) Defence Area*, appearing on page 1866 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## NORTH HEAD.

The area delineated and marked by horizontal hachuring on Plan No. 23, entitled *North Head (New South Wales) Defence Area*, appearing on page 1866 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PORT KEMBLA.

The area delineated and marked by horizontal hachuring on Plan No. 23A, entitled *Port Kembla (New South Wales) Defence Area*, appearing on page 546 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## PORT STEPHENS.

The area delineated and marked by horizontal hachuring on Plan No. 24, entitled *Port Stephens (New South Wales) Defence Area*, appearing on page 1867 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## RED HEAD.

The area delineated and marked by horizontal hachuring on Plan No. 25, entitled *Red Head (New South Wales) Defence Area*, appearing on page 1868 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## RICHMOND.

The area delineated and marked by cross hachuring on Plan No. 26, entitled *Richmond (New South Wales) Defence Area*, appearing on page 1869 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## SALAMANDER BAY.

The area delineated and marked by horizontal hachuring on Plan No. 27, entitled *Salamander Bay (New South Wales) Defence Area*, appearing on page 1870 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## SIGNAL HILL.

The area delineated and marked by horizontal hachuring on Plan No. 28, entitled *Signal Hill (New South Wales) Defence Area*, appearing on page 1870 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## STOCKTON.

The areas delineated and marked by horizontal and by cross hachuring, respectively, on Plan No. 29, entitled *Stockton (New South Wales) Defence Area*, appearing on page 1871 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## WALSH ISLAND.

The area delineated and marked by horizontal hachuring on Plan No. 30, entitled *Walsh Island (New South Wales) Defence Area*, appearing on page 1872, of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART IV.—VICTORIA.

## BENALLA.

The area delineated and marked by horizontal hachuring on Plan No. 30A, entitled *Benalla (Victoria) Defence Area*, appearing on page 547 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## CORIO.

The area delineated and marked by cross hachuring on Plan No. 31, entitled *Corio (Victoria) Defence Area*, appearing on page 1873 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## ESSENDON.

The area delineated and marked by horizontal hachuring on Plan No. 32, entitled *Essendon (Victoria) Defence Area*, appearing on page 548 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## FLINDERS.

The area delineated and marked by horizontal hachuring on Plan No. 33, entitled *Flinders (Victoria) Defence Area*, appearing on page 1875 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## LAVERTON-POINT COOK.

The area delineated and marked by cross hachuring on Plan No. 34, entitled *Laverton-Point Cook (Victoria) Defence Area*, appearing on page 1876 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MARIBYRNONG-FOOTSCRAY.

The areas delineated and marked by horizontal and by vertical hachuring, respectively, on Plan No. 35, entitled *Maribyrnong-Footscray (Victoria) Defence Area*, appearing on page 1877 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## POINT LONSDALE.

The area delineated and marked by horizontal hachuring on Plan No. 36, entitled *Point Lonsdale (Victoria) Defence Area*, appearing on page 1878 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## QUEENSCLIFF.

The area delineated and marked by horizontal hachuring on Plan No. 37, entitled *Queenscliff (Victoria) Defence Area*, appearing on page 1878 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## SEYMOUR.

The areas delineated and marked by horizontal and by cross hachuring, respectively, on Plan No. 38, entitled *Seymour (Victoria) Defence Area*, appearing on page 1879 of *Commonwealth Gazette* No. 63, of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## SWAN ISLAND.

The area delineated and marked by horizontal hachuring on Plan No. 39, entitled *Swan Island (Victoria) Defence Area*, appearing on page 1880 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## DEFENCE ACT

## WILLIAMSTOWN.

The area shown hachured on Plan No. 39A, entitled *Williamstown (Victoria) Defence Area*, appearing on page 549 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## PART V.—SOUTH AUSTRALIA.

## CEDUNA.

The area delineated and marked by horizontal hachuring on Plan No. 40, entitled *Ceduna (South Australia) Defence Area*, appearing on page 1881 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PARAFIELD.

The area delineated and marked by horizontal hachuring on Plan No. 41, entitled *Parafield (South Australia) Defence Area*, appearing on page 1882 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PORT ADELAIDE.

The area delineated and marked by horizontal hachuring on Plan No. 42, entitled *Port Adelaide (South Australia) Defence Area*, appearing on page 1883 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PORT WAKEFIELD.

The area delineated and marked by horizontal hachuring on Plan No. 43, entitled *Port Wakefield (South Australia) Defence Area*, appearing on page 1884 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## YATALA.

The area delineated and marked by horizontal hachuring on Plan No. 44, entitled *Yatala (South Australia) Defence Area*, appearing on page 1885 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART VI.—WESTERN AUSTRALIA.

## ALBANY.

The area delineated and marked by horizontal hachuring on Plan No. 45, entitled *Albany (Western Australia) Defence Area*, appearing on page 1885 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## BROOME.

The areas delineated and marked by horizontal, by oblique and by cross hachuring, respectively, on Plan No. 46, entitled *Broome (Western Australia) Defence Area*, appearing on page 1886 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CARNARVON.

The area delineated and marked by horizontal hachuring on Plan No. 47, entitled *Carnarvon (Western Australia) Defence Area*, appearing on page 1887 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## FORREST.

The area delineated and marked by horizontal hachuring on Plan No. 48, entitled *Forrest (Western Australia) Defence Area*, appearing on page 1889 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.



## FREMANTLE-CLAREMONT.

The areas delineated and marked by horizontal, by vertical and by cross hachuring, respectively, on Plan No. 49, entitled *Fremantle-Claremont (Western Australia) Defence Area*, appearing on page 1890 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## GUILDFORD.

The area delineated and marked by horizontal hachuring on Plan No. 50, entitled *Guildford (Western Australia) Defence Area*, appearing on page 1891 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## KALGOORLIE.

The area delineated and marked by horizontal hachuring on Plan No. 51, entitled *Kalgoorlie (Western Australia) Defence Area*, appearing on page 1892 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## KINGSFORD.

The area delineated and marked by cross hachuring on Plan No. 52, entitled *Kingsford (Western Australia) Defence Area*, appearing on page 1893 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MAYLANDS.

The area delineated and marked by horizontal hachuring on Plan No. 53, entitled *Maylands (Western Australia) Defence Area*, appearing on page 1894 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MIDLAND JUNCTION.

The area delineated and marked by horizontal hachuring on Plan No. 54, entitled *Midland Junction (Western Australia) Defence Area*, appearing on page 1895 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PORT HEDLAND.

The area delineated and marked by horizontal hachuring on Plan No. 55, entitled *Port Hedland (Western Australia) Defence Area*, appearing on page 1895 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## POSSESSION POINT.

The area delineated and marked by horizontal hachuring on Plan No. 56, entitled *Possession Point (Western Australia) Defence Area*, appearing on page 1896 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART VII.—TASMANIA.

## CAMBRIDGE.

The area delineated and marked by horizontal hachuring on Plan No. 57, entitled *Cambridge (Tasmania) Defence Area*, appearing on page 1897 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CURRIE, KING ISLAND.

The area delineated and marked by horizontal hachuring on Plan No. 58, entitled *Currie, King Island (Tasmania) Defence Area*, appearing on page 1898 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PIERSON POINT.

The area delineated and marked by horizontal hachuring on Plan No. 59, entitled *Pierson Point (Tasmania) Defence Area*, appearing on page 1899 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## DEFENCE ACT

## WESTERN JUNCTION.

The area delineated and marked by horizontal hachuring on Plan No. 60, entitled *Western Junction (Tasmania) Defence Area*, appearing on page 1900 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## WYNYARD.

The area delineated and marked by horizontal hachuring on Plan No. 61, entitled *Wynyard (Tasmania) Defence Area*, appearing on page 550 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## TABLE II.

Regulation 7.

## PART I.—NORTHERN TERRITORY.

## DARWIN.

The area delineated and marked by horizontal hachuring on Plan No. 1, entitled *Darwin (Northern Territory) Defence Area*, appearing on page 536 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## PART II.—QUEENSLAND.

## ARCHERFIELD.

The area delineated and marked by horizontal hachuring on Plan No. 3, entitled *Archerfield (Queensland) Defence Area*, appearing on page 1848 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CAIRNS.

The area delineated and marked by horizontal hachuring on Plan No. 3A, entitled *Cairns (Queensland) Defence Area*, appearing on page 537 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## CAMOOWEAL.

The area delineated and marked by horizontal hachuring on Plan No. 4, entitled *Camooweal (Queensland) Defence Area*, appearing on page 1850 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CHARLEVILLE.

The area delineated and marked by horizontal hachuring on Plan No. 5, entitled *Charleville (Queensland) Defence Area*, appearing on page 1851 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CLONCURRY.

The area delineated and marked by horizontal hachuring on Plan No. 6, entitled *Cloncurry (Queensland) Defence Area*, appearing on page 1852 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## COOKTOWN.

The area delineated and marked by horizontal hachuring on Plan No. 6A, entitled *Cooktown (Queensland) Defence Area*, appearing on page 538 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## LONGREACH.

The area delineated and marked by horizontal hachuring on Plan No. 8, entitled *Longreach (Queensland) Defence Area*, appearing on page 1854 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## ROCKHAMPTON.

The area delineated and marked by horizontal hachuring on Plan No. 11A, entitled *Rockhampton (Queensland) Defence Area*, appearing on page 539 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## TOOWOOMBA.

The area delineated and marked by horizontal hachuring on Plan No. 12, entitled *Toowoomba (Queensland) Defence Area*, appearing on page 1857 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART III.—NEW SOUTH WALES.

## BEN BUCKLER.

The area delineated and marked by horizontal hachuring on Plan No. 13, entitled *Ben Buckler (New South Wales) Defence Area*, appearing on page 1858 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## BROOKVALE.

The area delineated and marked by horizontal hachuring on Plan No. 14, entitled *Brookvale (New South Wales) Defence Area*, appearing on page 1858 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## COFF'S HARBOUR.

The area delineated and marked by horizontal hachuring on Plan No. 14A, entitled *Coff's Harbour (New South Wales) Defence Area*, appearing on page 541 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## COOTAMUNDRA.

The area delineated and marked by horizontal hachuring on Plan No. 15, entitled *Cootamundra (New South Wales) Defence Area*, appearing on page 1859 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## EVAN'S HEAD.

The area delineated and marked by horizontal hachuring on Plan No. 15A, entitled *Evan's Head (New South Wales) Defence Area*, appearing on page 542 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## GOULBURN.

The area delineated and marked by horizontal hachuring on Plan No. 16, entitled *Goulburn (New South Wales) Defence Area*, appearing on page 543 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## HOLBROOK.

The area delineated and marked by horizontal hachuring on Plan No. 16A, entitled *Holbrook (New South Wales) Defence Area*, appearing on page 544 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## KEMPSEY.

The area delineated and marked by horizontal hachuring on Plan No. 16B, entitled *Kempsey (New South Wales) Defence Area*, appearing on page 545 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## MAROUBRA.

The area delineated and marked by cross hachuring on Plan No. 19, entitled *Maroubra (New South Wales) Defence Area*, appearing on page 1863 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MASCOT.

The area delineated and marked by horizontal hachuring on Plan No. 20, entitled *Mascot (New South Wales) Defence Area*, appearing on page 1864 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## DEFENCE ACT

## PORT KEMBLA.

The area delineated and marked by horizontal hachuring on Plan No. 23A, entitled *Port Kembla (New South Wales) Defence Area*, appearing on page 546 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## RICHMOND.

The areas delineated and marked by oblique and by cross hachuring, respectively, on Plan No. 26, entitled *Richmond (New South Wales) Defence Area*, appearing on page 1869 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## SIGNAL HILL.

The area delineated and marked by horizontal hachuring on Plan No. 28, entitled *Signal Hill (New South Wales) Defence Area*, appearing on page 1870 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART IV.—VICTORIA.

## BENALLA.

The area delineated and marked by horizontal hachuring on Plan No. 30A, entitled *Benalla (Victoria) Defence Area*, appearing on page 547 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## CORIO.

The areas delineated and marked by oblique and by cross hachuring, respectively, on Plan No. 31, entitled *Corio (Victoria) Defence Area*, appearing on page 1873 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## ESSENDON.

The area delineated and marked by horizontal hachuring on Plan No. 32, entitled *Essendon (Victoria) Defence Area*, appearing on page 548 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## LAVERTON-POINT COOK.

The areas delineated and marked by oblique and by cross hachuring, respectively, on Plan No. 34, entitled *Laverton-Point Cook (Victoria) Defence Area*, appearing on page 1876 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MARIBYRNONG-FOOTSCRAY.

The area delineated and marked by vertical hachuring on Plan No. 35, entitled *Maribyrnong-Footscray (Victoria) Defence Area*, appearing on page 1877 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## SEYMOUR.

The areas delineated and marked by oblique and by cross hachuring, respectively, on Plan No. 38, entitled *Seymour (Victoria) Defence Area*, appearing on page 1879 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART V.—SOUTH AUSTRALIA.

## CEDUNA.

The area delineated and marked by horizontal hachuring on Plan No. 40, entitled *Ceduna (South Australia) Defence Area*, appearing on page 1881 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PARAFIELD.

The area delineated and marked by horizontal hachuring on Plan No. 41, entitled *Parafield (South Australia) Defence Area*, appearing on page 1882 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PORT WAKEFIELD.

The area delineated and marked by horizontal hachuring on Plan No. 43, entitled *Port Wakefield (South Australia) Defence Area*, appearing on page 1884 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART VI.—WESTERN AUSTRALIA.

## BROOME.

The area delineated and marked by horizontal hachuring on Plan No. 46, entitled *Broome (Western Australia) Defence Area*, appearing on page 1886 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CARNARVON.

The area delineated and marked by horizontal hachuring on Plan No. 47, entitled *Carnarvon (Western Australia) Defence Area*, appearing on page 1887 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## FORREST.

The area delineated and marked by horizontal hachuring on Plan No. 48, entitled *Forrest (Western Australia) Defence Area*, appearing on page 1889 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## FREMANTLE-CLAREMONT.

The areas delineated and marked by cross hachuring on Plan No. 49, entitled *Fremantle-Claremont (Western Australia) Defence Area*, appearing on page 1890 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## KALGOORLIE.

The area delineated and marked by horizontal hachuring on Plan No. 51, entitled *Kalgoorlie (Western Australia) Defence Area*, appearing on page 1892 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## KINGSFORD.

The areas delineated and marked by oblique and by cross hachuring, respectively, on Plan No. 52, entitled *Kingsford (Western Australia) Defence Area*, appearing on page 1893 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MAYLANDS.

The area delineated and marked by horizontal hachuring on Plan No. 53, entitled *Maylands (Western Australia) Defence Area*, appearing on page 1894 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PORT HEDLAND.

The area delineated and marked by horizontal hachuring on Plan No. 55, entitled *Port Hedland (Western Australia) Defence Area*, appearing on page 1895 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART VII.—TASMANIA.

## CAMBRIDGE.

The area delineated and marked by horizontal hachuring on Plan No. 57, entitled *Cambridge (Tasmania) Defence Area*, appearing on page 1897 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CURRIE, KING ISLAND.

The area delineated and marked by horizontal hachuring on Plan No. 58, entitled *Currie, King Island (Tasmania) Defence Area*, appearing on page 1898 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## WESTERN JUNCTION.

The area delineated and marked by horizontal hachuring on Plan No. 60, entitled *Western Junction (Tasmania) Defence Area*, appearing on page 1900 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## WYNYARD.

The area delineated and marked by horizontal hachuring on Plan No. 61, entitled *Wynyard (Tasmania) Defence Area*, appearing on page 550 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## PART I.—NORTHERN TERRITORY.

## DARWIN.

The area delineated and marked by oblique hachuring on Plan No. 1, entitled *Darwin (Northern Territory) Defence Area*, appearing on page 536 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## WOODS INLET.

The area delineated and marked by vertical hachuring on Plan No. 2, entitled *Woods Inlet (Northern Territory) Defence Area*, appearing on page 1847 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART II.—QUEENSLAND.

## ARCHERFIELD.

The area delineated and marked by vertical hachuring on Plan No. 3, entitled *Archerfield (Queensland) Defence Area*, appearing on page 1848 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CAIRNS.

The area delineated and marked by vertical hachuring on Plan No. 3A, entitled *Cairns (Queensland) Defence Area*, appearing on page 537 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## CAMOOWEAL.

The area delineated and marked by vertical hachuring on Plan No. 4, entitled *Camooweal (Queensland) Defence Area*, appearing on page 1850 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CHARLEVILLE.

The area delineated and marked by vertical hachuring on Plan No. 5, entitled *Charleville (Queensland) Defence Area*, appearing on page 1851 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CLONCURRY.

The area delineated and marked by vertical hachuring on Plan No. 6, entitled *Cloncurry (Queensland) Defence Area*, appearing on page 1852 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## COOKTOWN.

The area delineated and marked by vertical hachuring on Plan No. 6A, entitled *Cooktown (Queensland) Defence Area*, appearing on page 538 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## LONGREACH.

The area delineated and marked by vertical hachuring on Plan No. 8, entitled *Longreach (Queensland) Defence Area*, appearing on page 1854 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MORETON ISLAND.

The area delineated and marked by vertical hachuring on Plan No. 9, entitled *Moreton Island (Queensland) Defence Area*, appearing on page 1855 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## ROCKHAMPTON.

The area delineated and marked by vertical hachuring on Plan No. 11A, entitled *Rockhampton (Queensland) Defence Area*, appearing on page 539 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## TOOWOOMBA.

The area delineated and marked by vertical hachuring on Plan No. 12, entitled *Toowoomba (Queensland) Defence Area*, appearing on page 1857 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART III.—NEW SOUTH WALES.

## BEN BUCKLER.

The area delineated and marked by oblique hachuring on Plan No. 13, entitled *Ben Buckler (New South Wales) Defence Area*, appearing on page 1858 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## COFF'S HARBOUR.

The area delineated and marked by vertical hachuring on Plan No. 14A, entitled *Coff's Harbour (New South Wales) Defence Area*, appearing on page 541 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## COOTAMUNDRA.

The area delineated and marked by vertical hachuring on Plan No. 15, entitled *Cootamundra (New South Wales) Defence Area*, appearing on page 1859 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## EVAN'S HEAD.

The area delineated and marked by vertical hachuring on Plan No. 15A, entitled *Evan's Head (New South Wales) Defence Area*, appearing on page 542 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## GOULBURN.

The area delineated and marked by vertical hachuring on Plan No. 16, entitled *Goulburn (New South Wales) Defence Area*, appearing on page 543 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## HOLBROOK.

The area delineated and marked by vertical hachuring on Plan No. 16A, entitled *Holbrook (New South Wales) Defence Area*, appearing on page 544 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## KEMPSEY.

The area delineated and marked by vertical hachuring on Plan No. 16B, entitled *Kempsey (New South Wales) Defence Area*, appearing on page 545 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## LITHGOW.

The area delineated and marked by horizontal hachuring on Plan No. 17, entitled *Lithgow (New South Wales) Defence Area*, appearing on page 1861 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MAROUBRA.

The area delineated and marked by horizontal hachuring on Plan No. 19, entitled *Maroubra (New South Wales) Defence Area*, appearing on page 1863 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MASCOT.

The area delineated and marked by vertical hachuring on Plan No. 20, entitled *Mascot (New South Wales) Defence Area*, appearing on page 1864 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MIDDLE HEAD.

The area delineated and marked by horizontal hachuring on Plan No. 21, entitled *Middle Head (New South Wales) Defence Area*, appearing on page 1865 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty seven.

## NEWCASTLE.

The areas delineated and marked by vertical hachuring on Plan No. 22, entitled *Newcastle (New South Wales) Defence Area*, appearing on page 1866 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## DEFENCE ACT

## NORTH HEAD.

The area delineated and marked by horizontal hachuring on Plan No. 23, entitled *North Head (New South Wales) Defence Area*, appearing on page 1866 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PORT STEPHENS.

The areas delineated and marked by horizontal hachuring on Plan No. 24, entitled *Port Stephens (New South Wales) Defence Area*, appearing on page 1867 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## RED HEAD.

The area delineated and marked by horizontal hachuring on Plan No. 25, entitled *Red Head (New South Wales) Defence Area*, appearing on page 1868 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## RICHMOND.

The unhachured portion of the area bounded by the thick broken line on Plan No. 26, entitled *Richmond (New South Wales) Defence Area*, appearing on page 1869 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## SALAMANDER BAY.

The area delineated and marked by horizontal hachuring on Plan No. 27, entitled *Salamander Bay (New South Wales) Defence Area*, appearing on page 1870 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## STOCKTON.

The area delineated and marked by cross hachuring on Plan No. 29, entitled *Stockton (New South Wales) Defence Area*, appearing on page 1871 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## WALSH ISLAND.

The area delineated and marked by horizontal hachuring on Plan No. 30, entitled *Walsh Island (New South Wales) Defence Area*, appearing on page 1872 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART IV.—VICTORIA.

## BENALLA.

The area delineated and marked by vertical hachuring on Plan No. 30A, entitled *Benalla (Victoria) Defence Area*, appearing on page 547 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## CORIO.

The unhachured portion of the area bounded by the thick broken line and coast line on Plan No. 31, entitled *Corio (Victoria) Defence Area*, appearing on page 1873 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## ESSENDON.

The area delineated and marked by vertical hachuring on Plan No. 32, entitled *Essendon (Victoria) Defence Area*, appearing on page 548 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## LAVERTON-POINT COOK.

The unhachured portion of the area bounded by the thick broken line and coast line on Plan No. 34, entitled *Laverton-Point Cook (Victoria) Defence Area*, appearing on page 1876 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MARIBYRNONG-FOOTSCRAY.

The area delineated and marked by horizontal hachuring on Plan No. 35, entitled *Maribyrnong-Footscray (Victoria) Defence Area*, appearing on page 1877 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.



## POINT LONSDALE.

The area delineated and marked by horizontal hachuring on Plan No. 36, entitled *Point Lonsdale (Victoria) Defence Area*, appearing on page 1878 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## QUEENSLIFF.

The area delineated and marked by horizontal hachuring on Plan No. 37, entitled *Queenscliff (Victoria) Defence Area*, appearing on page 1878 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## SEYMOUR.

The unhachured portion of the area bounded by the thick broken line on Plan No. 38, entitled *Seymour (Victoria) Defence Area*, appearing on page 1879 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART V.—SOUTH AUSTRALIA.

## CEDUNA.

The area delineated and marked by vertical hachuring on Plan No. 40, entitled *Ceduna (South Australia) Defence Area*, appearing on page 1881 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PARAFIELD.

The area delineated and marked by vertical hachuring on Plan No. 41, entitled *Parafield (South Australia) Defence Area*, appearing on page 1882 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PORT ADELAIDE.

The area delineated and marked by horizontal hachuring on Plan No. 42, entitled *Port Adelaide (South Australia) Defence Area*, appearing on page 1883 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART VI.—WESTERN AUSTRALIA.

## BROOME.

The areas delineated and marked by vertical and by cross hachuring, respectively, on Plan No. 46, entitled *Broome (Western Australia) Defence Area*, appearing on page 1886 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CARNARVON.

The area delineated and marked by vertical hachuring on Plan No. 47, entitled *Carnarvon (Western Australia) Defence Area*, appearing on page 1887 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## FORREST.

The area delineated and marked by vertical hachuring on Plan No. 48, entitled *Forrest (Western Australia) Defence Area*, appearing on page 1889 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## FREMANTLE-CLAREMONT.

The areas delineated and marked by vertical hachuring on Plan No. 49, entitled *Fremantle-Claremont (Western Australia) Defence Area*, appearing on page 1890 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## KALGOORLIE.

The area delineated and marked by vertical hachuring on Plan No. 51, entitled *Kalgoorlie (Western Australia) Defence Area*, appearing on page 1892 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MAYLANDS.

The area delineated and marked by vertical hachuring on Plan No. 53, entitled *Maylands (Western Australia) Defence Area*, appearing on page 1894 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PORT HEDLAND.

The area delineated and marked by vertical hachuring on Plan No. 55, entitled *Port Hedland (Western Australia) Defence Area*, appearing on page 1895 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART VII.—TASMANIA.

## CAMBRIDGE.

The area delineated and marked by vertical hachuring on Plan No. 57, entitled *Cambridge (Tasmania) Defence Area*, appearing on page 1897 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CURRIE, KING ISLAND.

The area delineated and marked by vertical hachuring on Plan No. 58, entitled *Currie, King Island (Tasmania) Defence Area*, appearing on page 1898 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PIERSON POINT.

The area delineated and marked by horizontal hachuring on Plan No. 59, entitled *Pierson Point (Tasmania) Defence Area*, appearing on page 1899 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## WESTERN JUNCTION.

The area delineated and marked by vertical hachuring on Plan No. 60, entitled *Western Junction (Tasmania) Defence Area*, appearing on page 1900 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## WYNYARD.

The area delineated and marked by vertical hachuring on Plan No. 61, entitled *Wynyard (Tasmania) Defence Area*, appearing on page 550 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

Regulation 7.

## TABLE IV.

## PART I.—NORTHERN TERRITORY.

## DARWIN.

The unhachured portion of the area bounded by the thick broken line, and the area delineated and marked by cross hachuring on Plan No. 1, entitled *Darwin (Northern Territory) Defence Area*, appearing on page 536 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## PART II.—QUEENSLAND.

## ARCHERFIELD.

The unhachured portion of the area bounded by the thick broken line on Plan No. 3, entitled *Archerfield (Queensland) Defence Area*, appearing on page 1848 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CAIRNS.

The unhachured portion of the area bounded by the thick broken line on Plan No. 3A, entitled *Cairns (Queensland) Defence Area*, appearing on page 537 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## CAMOOWEAL.

The unhachured portion of the area bounded by the thick broken line on Plan No. 4, entitled *Camooweal (Queensland) Defence Area*, appearing on page 1850 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CHARLEVILLE.

The unhachured portion of the area bounded by the thick broken line on Plan No. 5, entitled *Charleville (Queensland) Defence Area*, appearing on page 1851 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CLONCURRY.

The unhachured portion of the area bounded by the thick broken line on Plan No. 6, entitled *Cloncurry (Queensland) Defence Area*, appearing on page 1852 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## COOKTOWN.

The unhachured portion of the area bounded by the thick broken line on Plan No. 6A, entitled *Cooktown (Queensland) Defence Area*, appearing on page 538 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## LONGREACH.

The unhachured portion of the area bounded by the thick broken line on Plan No. 8, entitled *Longreach (Queensland) Defence Area*, appearing on page 1854 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## ROCKHAMPTON.

The unhachured portion of the area bounded by the thick broken line on Plan No. 11A, entitled *Rockhampton (Queensland) Defence Area*, appearing on page 539 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## TOOWOOMBA.

The unhachured portion of the area bounded by the thick broken line on Plan No. 12, entitled *Toowoomba (Queensland) Defence Area*, appearing on page 1857 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART III.—NEW SOUTH WALES.

## COFF'S HARBOUR.

The unhachured portion of the area bounded by the thick broken line on Plan No. 14A, entitled *Coff's Harbour (New South Wales) Defence Area*, appearing on page 541 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## COOTAMUNDRA.

The unhachured portion of the area bounded by the thick broken line on Plan No. 15, entitled *Cootamundra (New South Wales) Defence Area*, appearing on page 1859 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## EVAN'S HEAD.

The unhachured portion of the area bounded by the thick broken line on Plan No. 15A, entitled *Evan's Head (New South Wales) Defence Area*, appearing on page 542 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## GOULBURN.

The unhachured portion of the area bounded by the thick broken line on Plan No. 16, entitled *Goulburn (New South Wales) Defence Area*, appearing on page 543 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## HOLBROOK.

The unhachured portion of the area bounded by the thick broken line on Plan No. 16A, entitled *Holbrook (New South Wales) Defence Area*, appearing on page 544 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## KEMPSEY.

The unhachured portion of the area bounded by the thick broken line on Plan No. 16B, entitled *Kempsey (New South Wales) Defence Area*, appearing on page 545 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## MASCOT.

The unhachured portion of the area bounded by the thick broken line on Plan No. 20, entitled *Mascot (New South Wales) Defence Area*, appearing on page 1864 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART IV.—VICTORIA.

## BENALLA.

The unhachured portion of the area bounded by the thick broken line on Plan No. 30A, entitled *Benalla (Victoria) Defence Area*, appearing on page 547 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## ESSENDON.

The unhachured portion of the area bounded by the thick broken line on Plan No. 32, entitled *Essendon (Victoria) Defence Area*, appearing on page 548 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## PART V.—SOUTH AUSTRALIA.

## CEDUNA.

The unhachured portion of the area bounded by the thick broken line on Plan No. 40, entitled *Ceduna (South Australia) Defence Area*, appearing on page 1881 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PARAFIELD.

The unhachured portion of the area bounded by the thick broken line on Plan No. 41, entitled *Parafield (South Australia) Defence Area*, appearing on page 1882 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## PART VI.—WESTERN AUSTRALIA.

## BROOME.

The unhachured portion of the area bounded by the thick broken line, and the area delineated and marked by oblique hachuring on Plan No. 46, entitled *Broome (Western Australia) Defence Area*, appearing on page 1886 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## CARNARVON.

The unhachured portion of the area bounded by the thick broken line on Plan No. 47, entitled *Carnarvon (Western Australia) Defence Area*, appearing on page 1887 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## FORREST.

The unhachured portion of the area bounded by the thick broken line on Plan No. 48, entitled *Forrest (Western Australia) Defence Area*, appearing on page 1889 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## KALGOORLIE.

The unhachured portion of the area bounded by the thick broken line on Plan No. 51, entitled *Kalgoorlie (Western Australia) Defence Area*, appearing on page 1892 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## MAYLANDS.

The unhachured portion of the area bounded by the thick broken line on Plan No. 53, entitled *Maylands (Western Australia) Defence Area*, appearing on page 1894 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

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## CURRIE, KING ISLAND.

The unhachured portion of the area bounded by the thick broken line on Plan No. 58, entitled *Currie, King Island (Tasmania) Defence Area*, appearing on page 1898 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## WESTERN JUNCTION.

The unhachured portion of the area bounded by the thick broken line on Plan No. 60, entitled *Western Junction (Tasmania) Defence Area*, appearing on page 1900 of *Commonwealth Gazette* No. 63 of the twenty-ninth day of October, One thousand nine hundred and thirty-seven.

## WYNYARD.

The unhachured portion of the area bounded by the thick broken line on Plan No. 61, entitled *Wynyard (Tasmania) Defence Area*, appearing on page 550 of *Commonwealth Gazette* No. 17 of the fifth day of April, One thousand nine hundred and thirty-nine.

## COUNCIL OF DEFENCE REGULATIONS.\*

1. These Regulations may be cited as the Council of Defence Regulations.\* Short title.

2. The Council of Defence Regulations (being Statutory Rules 1923, No. 159 as amended by Statutory Rules 1925, No. 141 and 1930, No. 68) are hereby repealed. Repeal.

3.—(1.) A Council of Defence is hereby constituted in pursuance of section 28 of the *Defence Act* 1903-1945, and shall consist of— Constitution.

The Prime Minister;

The Treasurer;

The Minister of State for Defence;

Sub-reg. (1.)  
substituted by  
1946, No. 38;  
amended by  
1948, No. 153;  
and  
1950, No. 47.

\* The Council of Defence Regulations in force under the *Defence Act* 1903-1950 comprise the following Statutory Rules:—

| Year and Number.      | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|-----------------------|----------------------------------------------------------------|
| 1935, No. 37 .. .. .  | 11th April, 1935                                               |
| 1938, No. 80 .. .. .  | 4th August, 1938                                               |
| 1939, No. 111 .. .. . | 5th October, 1939                                              |
| 1946, No. 38 .. .. .  | 28th February, 1946                                            |
| 1948, No. 153 .. .. . | 26th November, 1948                                            |
| 1950, No. 47 .. .. .  | 18th August, 1950                                              |

The Minister of State for External Affairs;  
 The Minister of State for the Navy;  
 The Minister of State for the Army;  
 The Minister of State for Air;  
 The Minister of State for National Development;  
 The Minister of State for Supply;  
 The Leader of the Government in the Senate;  
 The Chief of the Naval Staff;  
 The Chief of the General Staff;  
 The Chief of the Air Staff; and  
 The Secretary, Department of Defence.

(2.) The Prime Minister may summon such other Ministers, or persons as he thinks fit to attend any meeting of the Council, and such Ministers or persons shall, for the time being, be deemed to be members of the Council.

(3.) In the event of the unavoidable absence from any meeting of the Council of the Chief of Staff of any Service, the Second Member of the Board of that Service may represent him at the meeting and shall, for the time being, be deemed to be a member of the Council.

**Functions of Council.**

**4.** The functions of the Council of Defence shall be to consider and advise upon any questions of defence policy or organization which are referred to the Council by the Prime Minister or the Minister for Defence.

**Meetings.**

**5.—(1.)** Meetings of the Council shall be summoned by the Prime Minister, by notice specifying the time and place of the meeting, and the questions to be considered.

(2.) Three Ministers (of whom two shall be the Prime Minister and the Minister for Defence), the Chief of the Naval Staff, the Chief of the General Staff, and the Chief of the Air Staff (or, in the event of the unavoidable absence of any of those officers, the member of the Board representing him) shall constitute a quorum at any meeting of the Council.

(3.) The Prime Minister, when present, and, in his absence the Senior Minister present, shall preside at meetings of the Council.

**Sub-Committees.**

**6.** For the purpose of the investigation of any matter arising out of its functions, the Council of Defence may appoint Sub-Committees consisting of such persons as the Council may determine.

**Rules and procedure.**

**7.** The Council may determine its rules and order of procedure:

Provided that all executive action in connexion with the Council shall be taken through existing official channels.

**Secretary of the Council.  
 Substituted by  
 1946, No. 38.**

**8.—(1.)** The Secretary of the Council of Defence shall be an officer of the Department of Defence and shall be appointed by the Minister of State for Defence.

(2.) The Secretary shall keep minutes of all meetings of the Council.

(3.) The Minister of State for Defence may appoint such Assistant Secretaries as he considers necessary, and each such Assistant Secretary shall be responsible to the Secretary of the Council.

**DEFENCE (CERTIFICATION OF DEATHS) REGULATIONS.\***

1. These Regulations may be cited as the Defence (Certification of Deaths) Regulations.\*

2. The National Security (War Deaths) Regulations (comprising Statutory Rules 1942, No. 473; Statutory Rules 1943, No. 135; Statutory Rules 1944, Nos. 100 and 150; Statutory Rules 1945, No. 3; Statutory Rules 1946, Nos. 1 and 81; and Statutory Rules 1951, No. 68) are repealed.

Repeal of the National Security (War Deaths) Regulations.

3.—(1.) Regulation 2 of the Defence Force Regulations is amended by omitting the words—

Amendments of the Defence Force Regulations.

“Part VII.—Certificates of Death on Service (Regulations 32-38).”.

(2.) Part VII. of the Defence Force Regulations is repealed.

4.—(1.) The repeal of the National Security (War Deaths) Regulations effected by regulation 2 of these Regulations and of Part VII. of the Defence Force Regulations effected by the last preceding regulation does not affect the validity of—

Certificates issued under the National Security (War Deaths) Regulations and the Defence Force Regulations.

- (a) a certificate of death on war service issued under, or having effect by virtue of, the National Security (War Deaths) Regulations and uncanceled at the commencement of these Regulations;
- (b) a certificate of death on service issued under Part VII. of the Defence Force Regulations and uncanceled at the commencement of these Regulations; or
- (c) a certificate issued under regulation 9 of the National Security (War Deaths) Regulations or under regulation 38 of the Defence Force Regulations and uncanceled at the commencement of these Regulations.

(2.) For the purposes of these Regulations—

- (a) a certificate to which paragraph (a) or (b) of the last preceding sub-regulation applies shall be deemed to be, and shall have effect as if it were, a certificate of death to which these Regulations apply; and
- (b) a certificate to which paragraph (c) of the last preceding sub-regulation applies shall be deemed to be, and shall have effect as if it were, a certificate issued under regulation 13 of these Regulations.

(3.) For the purposes of this regulation, a reference to a certificate of death on war service issued under the National Security (War Deaths) Regulations includes a reference to a certificate issued under those Regulations which, for the purposes of those Regulations, is deemed to be a certificate of death on war service.

\* Statutory Rules 1953, No. 61; in force under the *Defence Act 1903-1956*; notified in the *Gazette* and commenced on 25th June, 1953.

## Interpretation.

5.—(1.) In these Regulations, unless the contrary intention appears—  
 “certificate of death to which these Regulations apply” means a certificate issued by a competent authority under regulation 7 or 8 of these Regulations, and includes a corrected certificate issued under sub-regulation (3.) of regulation 11 of these Regulations;

“competent authority” means—

- (a) in relation to the certification, or matters relating to the certification, of the death of a member of the Naval Forces—a person authorized under the next succeeding regulation to issue certificates of death of members of the Naval Forces;
- (b) in relation to the certification, or matters relating to the certification, of the death of a member of the Military Forces—a person authorized under that regulation to issue certificates of death of members of the Military Forces;
- (c) in relation to the certification, or matters relating to the certification, of the death of a member of the Air Force—a person authorized under that regulation to issue certificates of death of members of the Air Force; and
- (d) in relation to the certification, or matters relating to the certification, of the death of a person who is not a member of the Defence Force—a person authorized under that regulation to issue certificates of death of persons who are not members of the Defence Force;

“service” includes service outside Australia;

“war” means a war in which the Commonwealth has been or is engaged, and includes the war-like operations in Korea after the twenty-sixth day of June, One thousand nine hundred and fifty, or in Malaya after the twenty-eighth day of June, One thousand nine hundred and fifty.

(2.) For the purposes of these Regulations—

- (a) a member of the Defence Force shall be deemed to be on service while he is a prisoner of war or interned in a place outside Australia; and
- (b) a person, not being a member of the Defence Force, who accompanies a part of the Defence Force shall be deemed to be a member of, and on service with, that part of the Defence Force.

Persons may be authorized to issue certificates of death.

6.—(1.) The Minister of State for the Navy may, by notice in the *Gazette*, authorize a person to issue certificates of death of members of the Naval Forces.

(2.) The Minister of State for the Army may, by notice in the *Gazette*, authorize a person to issue certificates of death of members of the Military Forces.

(3.) The Minister of State for Air may, by notice in the *Gazette*, authorize a person to issue certificates of death of members of the Air Force.



(4.) The Attorney-General may, by notice in the *Gazette*, authorize a person to issue certificates of death of persons who are not members of the Defence Force.

(5.) An authority given to a person under this regulation does not authorize that person to issue a certificate otherwise than in accordance with these Regulations.

7. Where a competent authority is satisfied that, from information available in the Department of the Navy, the Department of the Army or the Department of Air, as the case may be, a member of the Defence Force, while on service—

Certificates of death of members of the Defence Force.

- (a) died on a particular date;
- (b) died on or after a particular date;
- (c) died on or before a particular date; or
- (d) became missing on a particular date and for official purposes is presumed to have died,

the competent authority may issue a certificate that that person—

- (e) died on that date;
- (f) died on or after that date;
- (g) died on or before that date; or
- (h) became missing on that date and is for official purposes presumed to be dead,

as the case may be.

8. Where a competent authority is satisfied that, from information available in the Attorney-General's Department, a person, not being a member of the Defence Force, while in the hands of an enemy or in other circumstances which make proof of death difficult (being circumstances arising out of a war)—

Certificates of death of persons who are not members of the Defence Force.

- (a) died on a particular date;
- (b) died on or after a particular date;
- (c) died on or before a particular date; or
- (d) became missing on a particular date and for official purposes is presumed to have died,

the competent authority may issue a certificate that that person—

- (e) died on that date;
- (f) died on or after that date;
- (g) died on or before that date; or
- (h) became missing on that date and is for official purposes presumed to be dead,

as the case may be.

9.—(1.) A certificate of death to which these Regulations apply is in all Courts and before all persons acting judicially *prima facie* evidence of the death of the person named in the certificate on the date specified in the certificate as the date on which, or on or after which, or on or before which, he died or on which he became missing, as the case may be.

Effect of certificates.

(2.) A Court or a person acting judicially shall, in relation to a certificate of death to which these Regulations apply, take judicial notice of the signature of a competent authority and of the fact that he is or has at any time been a competent authority.

(3.) A person who, acting in good faith on the presumption of the death of a person in respect of whom a certificate of death to which these Regulations apply has been issued, and while that certificate is uncanceled, pays money or transfers property to a person who is entitled to receive the money or property on the assumption that the person named in the certificate died or is presumed to be dead as stated in the certificate—

- (a) obtains a good discharge in respect of that money or property; and
- (b) in the event of the person named in the certificate being in fact alive subsequently to the date so specified, is not subject to any liability, civil or criminal, in connexion with that money or property, to which he would not have been subject if the person named in the certificate had died on the date so specified.

No security  
required in  
connexion with  
probate or  
administration.

10. Where probate of the will, or administration of the estate, of a person in respect of whom a certificate of death to which these Regulations apply has been issued is granted or proposed to be granted and the certificate is uncanceled at the time of the grant, leave of a Court is not required for the distribution or administration of the estate, and a bond, surety or other security shall not be required of any person for the restoration, repayment or replacement upon any condition or event of moneys or other property forming part of the estate which would not be required if the death of the person in respect of whom the certificate was issued has been conclusively proved.

Cancellation  
and correction  
of certificates.

11.—(1.) Where—

- (a) a certificate of death to which these Regulations apply has been wrongly issued;
- (b) a certificate of death to which these Regulations apply ceases to be in accord with the information available in the relevant Department; or
- (c) subsequently to the issue of a certificate of death to which these Regulations apply, it is found that the certificate is incorrect in some particular,

a competent authority may, by notice in writing served personally or by the post at the last-known place of abode of the person to be served, require a person having possession of the certificate to forward it to the competent authority, and that person shall forthwith comply with the requirement.

Penalty: Twenty pounds or imprisonment for three months.

(2.) A competent authority may, on obtaining possession of a certificate of death to which paragraph (a), (b) or (c) of the last preceding sub-regulation applies, cancel or correct the certificate, as the case requires.

(3.) Where, subsequently to the issue of a certificate of death to which these Regulations apply, it is found that the certificate is incorrect in some particular, a competent authority may, in accordance with these Regulations, issue a corrected certificate notwithstanding that the

certificate previously issued has not been cancelled, but the issue of the corrected certificate shall not in any way affect the rights of a person acting, without knowledge of the issue of that certificate, in reliance on the certificate previously issued.

12. A person with knowledge that a competent authority has demanded, or wishes to secure, the delivery up of a certificate of death to which these Regulations apply shall not present the certificate to another person or otherwise make use of, or act in reliance upon, the certificate.

Certificates of death not to be used if competent authority requires delivery up.

Penalty: Twenty pounds or imprisonment for three months.

13.—(1.) A competent authority may issue a certificate stating that, from information available in the Department of the Navy, the Department of the Army, the Department of Air or the Attorney-General's Department, as the case may be, there is reason to believe that the person named in a certificate of death to which these Regulations apply is or may be alive.

Proof of life on information available after issue of certificate of death.

(2.) Notwithstanding anything contained in a law of a State or a Territory of the Commonwealth or any probate or letters of administration granted under such a law, a certificate issued under this regulation is, subject to the effect of a certificate of death issued subsequently to the issue of the certificate under this regulation, in all Courts and before all persons acting judicially *prima facie* evidence that the person named in the certificate is alive.

(3.) A person who, acting in good faith in reliance on a certificate issued under this regulation, pays money or transfers property to a person who is entitled to receive the money or property on the assumption that the person named in the certificate is alive—

- (a) obtains a good discharge in respect of that money or property; and
- (b) in the event of the person named in the certificate being in fact dead, is not subject to any liability, civil or criminal, in connexion with that money or property, to which he would not have been subject if the person named in the certificate had been alive at the date of the payment or transfer.

(4.) A certificate may be issued in respect of a person under this regulation notwithstanding that a certificate of death to which these Regulations apply previously issued in respect of that person has not been cancelled, but, after the issue of the certificate under this regulation, the certificate of death is, subject to the next succeeding sub-regulation, of no force or effect.

(5.) A certificate under this regulation does not affect the rights of a person acting, without knowledge of the issue of the certificate, in reliance on a certificate of death to which these Regulations apply previously issued.

(6.) Subject to this regulation, the last two preceding regulations apply to and in relation to a certificate issued under this regulation in the same manner, *mutatis mutandis*, as they apply to and in relation to a certificate of death to which these Regulations apply.

## DEFENCE FORCE REGULATIONS.\*

## PART I.—PRELIMINARY.

Citation.

1. These Regulations may be cited as the Defence Force Regulations.\*

Parts.

Amended by  
1953, No. 61.

2. These Regulations are divided into Parts, as follows:—

Part I.—Preliminary (Regulations 1-3).

Part II.—Command and Discipline of Forces Acting Together  
(Regulations 4-11).Part III.—Validity and Effect of Sentences Passed outside  
Australia (Regulations 12-14).

Part IV.—Administration of Oaths, &amp;c. (Regulations 15-21).

Part V.—Powers of Attorney (Regulations 22-25).

Part VI.—Disposal of Dead Bodies of Members of the Defence  
Force (Regulations 26-31).

\* \* \* \* \*

Definitions and  
Interpretation.

3.—(1.) In these Regulations, unless the contrary intention appears—

“affidavit” includes an affirmation, statutory or other declaration,  
acknowledgment or examination;“Dominion force” and “Home force” have the same meanings  
respectively as in the *Defence (Visiting Forces) Act 1939-1950*;

“oath” includes an affirmation or declaration;

“service court” and “service authority” have the same meanings  
respectively as in the *Defence (Visiting Forces) Act 1939-1950*;

“sworn” includes affirmed or declared;

“the Air Force Act” means the Imperial Act called the Air Force  
Act, as amended from time to time, and includes an Imperial  
Act for the time being in force in substitution for that Act;“the Army Act” means the Imperial Act called the Army Act,  
as amended from time to time, and includes an Imperial  
Act for the time being in force in substitution for that Act;“the Defence Force” means the Defence Force as constituted  
under the *Defence Act 1903-1951*;\* The Defence Force Regulations in force under the *Defence Act 1903-1956* comprise the following  
Statutory Rules:—

| Year and Number. |    |    |    |    | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|------------------|----|----|----|----|----------------------------------------------------------------|
| 1952, No. 29     | .. | .. | .. | .. | 24th April, 1952                                               |
| 1953, No. 61     | .. | .. | .. | .. | 25th June, 1953                                                |
| 62               | .. | .. | .. | .. | 25th June, 1953                                                |

“the Minister” means—

- (a) with respect to matters concerning the Naval Forces or members of the Naval Forces, the Minister of State for the Navy;
- (b) with respect to matters concerning the Military Forces or members of the Military Forces, the Minister of State for the Army; and
- (c) with respect to matters concerning the Air Force or members of the Air Force, the Minister of State for Air;

“the Naval Discipline Act” means the Imperial Act called the Naval Discipline Act, as amended from time to time, and includes an Imperial Act for the time being in force in substitution for that Act.

(2.) In these Regulations, a term used in relation to the Naval Forces, the Military Forces or the Air Force has the same meaning as in the Naval Forces Regulations, the Australian Military Regulations or the Air Force Regulations, as the case may be.

## PART II.—COMMAND AND DISCIPLINE OF FORCES ACTING TOGETHER.

4. When a body of the Naval Forces, a body of the Military Forces and a body of the Air Force, or a body of one of those forces and a body of another of those forces, are acting together, the respective Chiefs of Staff of the forces concerned may make a joint order declaring that the bodies are acting together. Joint orders.

5. When a body of the Naval Forces and a body of the Military Forces, or a body of either of those forces, are or is acting together with a body of the Air Force, elsewhere than on board ship, under a joint order made pursuant to this Part, an officer or petty officer of that body of the Naval Forces and an officer, warrant officer or non-commissioned officer, not below the rank of sergeant, of that body of the Military Forces shall, in relation to that body of the Air Force, for the purposes of command and discipline, be treated and have all such powers, other than powers of punishment, as if he were an officer, warrant officer or non-commissioned officer, as the case may be, of relative rank in the Air Force. Powers of Naval and Air Force officers when acting with Air Force.

6. When a body of the Naval Forces and a body of the Air Force, or a body of either of those forces, are or is acting together with a body of the Military Forces, elsewhere than on board ship, under a joint order made pursuant to this Part, an officer or petty officer of that body of the Naval Forces and an officer, warrant officer or non-commissioned officer, not below the rank of sergeant, of that body of the Air Force shall, in relation to that body of the Military Forces, for the purposes of command and discipline, be treated and have all such powers, other than powers of punishment, as if he were an officer, warrant officer or non-commissioned officer, as the case may be, of relative rank in the Military Forces. Powers of Naval and Air Force officers when acting with Military Forces.  
Amended by 1953, No. 62.

Powers of  
Military and  
Air Force  
officers when  
acting with  
Naval Forces.  
**Amended by  
1953, No. 62.**

7. When a body of the Military Forces and a body of the Air Force, or a body of either of those forces, are or is acting together with a body of the Naval Forces, elsewhere than on board ship, under a joint order made pursuant to this Part, an officer, warrant officer or non-commissioned officer, not below the rank of sergeant, of that body of the Military Forces and an officer, warrant officer or non-commissioned officer, not below the rank of sergeant, of that body of the Air Force shall, in relation to that body of the Naval Forces, for the purposes of command and discipline, be treated and have all such powers, other than powers of punishment, as if he were an officer or petty officer, as the case may be, of relative rank in the Naval Forces.

Relative ranks.

8. For the purposes of regulations 5, 6 and 7 of these Regulations, the relative ranks of members of the Royal Australian Navy, the Australian Military Forces and the Royal Australian Air Force are as specified in the following table:—

| Royal Australian Navy.             |                                             |    | Australian Military Forces.                                                                       |    | Royal Australian Air Force. |                   |
|------------------------------------|---------------------------------------------|----|---------------------------------------------------------------------------------------------------|----|-----------------------------|-------------------|
| Admiral                            | ..                                          | .. | General                                                                                           | .. | ..                          | Air Chief Marshal |
| Vice-Admiral                       | ..                                          | .. | Lieutenant-General                                                                                | .. | ..                          | Air Marshal       |
| Rear-Admiral                       | ..                                          | .. | Major-General                                                                                     | .. | ..                          | Air Vice-Marshal  |
| Commodore (1st and 2nd Class)      |                                             |    | Brigadier                                                                                         | .. | ..                          | Air Commodore     |
| Captain                            | ..                                          | .. | Colonel                                                                                           | .. | ..                          | Group Captain     |
| Commander                          | ..                                          | .. | Lieutenant-Colonel                                                                                | .. | ..                          | Wing Commander    |
| Lieutenant-Commander               |                                             |    | Major                                                                                             | .. | ..                          | Squadron Leader   |
| Lieutenant                         | ..                                          | .. | Captain                                                                                           | .. | ..                          | Flight Lieutenant |
| Sub-Lieutenant                     | ..                                          | .. | Lieutenant                                                                                        | .. | ..                          | Flying Officer    |
| Acting Sub-Lieutenant              | } Senior Commissioned Officer (Branch List) |    | Second Lieutenant                                                                                 |    | ..                          | Pilot Officer     |
| Commissioned Officer (Branch List) |                                             |    | { Conductor, A.A.O.C.<br>Master Gunner, 1st Class                                                 |    | } No equivalent             |                   |
| Midshipman                         | ..                                          | .. | Staff-Sergeant-Major, 1st Class                                                                   |    |                             | No equivalent     |
| No Equivalent                      | ..                                          | .. | All other Warrant Officers, Class I                                                               |    | } Warrant Officer           |                   |
| No Equivalent                      | ..                                          | .. | Warrant Officer, Class II.                                                                        |    |                             |                   |
| Chief Petty Officer                | ..                                          | .. | { Squadron, Battery or Company Quarter-Master Sergeant<br>Colour Sergeant ..<br>Staff Sergeant .. |    | } Flight Sergeant           |                   |
| Petty Officer                      | ..                                          | .. | Sergeant ..                                                                                       |    |                             | Sergeant          |

9.—(1.) The Chief of the Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, respectively, may delegate to any person, either generally or in relation to a particular locality specified in the instrument of delegation, the power conferred upon them, respectively, by this Part, so that the delegated power may be exercised, either generally or in relation to that locality, as the case may be, as fully and effectually by the delegate as by the delegant.

Delegation of power to make joint order.

(2.) A delegation under this regulation is revocable at will and does not prevent the exercise by the delegant of the delegated power.

10.—(1.) When a body of the Naval Forces, a body of the Military Forces and a body of the Air Force, or a body of one of those forces and a body of another of those forces, are acting together, and reference to the appropriate authorities or persons empowered under the preceding provisions of this Part to make a joint order declaring that the bodies are so acting would occasion undue delay, the respective officers in command of each body of the forces may make that order if—

Joint orders by officers in command.

- (a) in the case of a body of the Naval Forces, the officer in command of that body is not below the rank of Lieutenant-Commander;
- (b) in the case of a body of the Military Forces, the officer in command of that body is not below the rank of Major; and
- (c) in the case of a body of the Air Force, the officer in command of that body is not below the rank of Squadron-Leader.

(2.) Where an officer makes an order under this regulation, he shall report the fact and the circumstances to the appropriate authority or his delegate, as the case requires, who may confirm, cancel or vary the order.

11. A joint order or a delegation made under this Part does not lapse or become ineffective by reason only that a person who made, or participated in making, the joint order or the delegation has ceased to hold an office by the authority of which he made, or participated in making, the joint order or the delegation.

Orders and delegations not to lapse.

### PART III.—VALIDITY AND EFFECT OF SENTENCES PASSED OUTSIDE AUSTRALIA.

#### 12. Where—

- (a) a member of the Defence Force is attached or lent to, or seconded for service outside Australia with, a Home force or Dominion force; and
- (b) a sentence is passed outside Australia upon, or a punishment is awarded outside Australia to, that member by a service court or service authority of that Home force or Dominion force while he is so attached, lent or seconded,

Sentences imposed by service court or authority of Home force or Dominion force.

the sentence or punishment is as valid and effectual and, to the extent to which it has not been executed or enforced outside Australia, may be executed or enforced in Australia, as if it had been passed or awarded by a court martial constituted under or by virtue of a law of the Commonwealth.

Certificate of  
Minister.

**13.** For the purpose of legal proceedings within Australia, a certificate under the hand of the Minister that—

- (a) on a date specified in the certificate the person named in the certificate was a member of the Defence Force attached or lent to, or seconded for service outside Australia with, the Home force or Dominion force specified in the certificate;
- (b) on that date the service court or service authority specified in the certificate, being a service court or service authority of that Home force or Dominion force, passed the sentence, or awarded the punishment, set out in the certificate upon or to the person named in the certificate; and
- (c) the sentence or punishment, or such part of it as is specified in the certificate, has not been executed or enforced,

is evidence of the facts so certified.

Sentence of  
death.

**14.** This Part does not authorize the carrying into effect of a sentence of death passed by a service court of a Home force or Dominion force on a member of the Defence Force unless the carrying into effect of that sentence has been approved by the Governor-General.

#### PART IV.—ADMINISTRATION OF OATHS, &C.

Definitions.

**15.—(1.)** In this Part, unless the contrary intention appears—

“competent officer” means—

- (a) an officer of the Defence Force, a Dominion force or a Home force who holds a rank, or a rank equivalent to a rank, not below—
  - (i) in the case of a naval officer—Lieutenant;
  - (ii) in the case of a military officer—Captain; or
  - (iii) in the case of an air force officer—Flight Lieutenant;
- (b) an air force officer who holds a rank below that of Flight Lieutenant while he is in charge of a unit or detachment of the Royal Australian Air Force; and
- (c) in relation to a member of the Defence Force who is a prisoner of war or interned in a place outside Australia, a person who is a British subject and is, for the time being, the official representative of prisoners of war or other persons detained or interned in that place.

**(2.)** For the purposes of this Part—

- (a) a reference to a member of the Defence Force includes a reference to a person who, not being a member of the Defence Force, accompanies a part of the Defence Force; and
- (b) a reference to a member of the Defence Force on service outside Australia includes a reference to a member of that Force who is a prisoner of war or interned in a place outside Australia.

Administration  
of oaths, &c.

**16.** A competent officer may administer oaths to, take affidavits of, and attest the execution of documents by a member of the Defence Force while on service outside Australia.



17. The administration of an oath, the taking of an affidavit or the attestation of the execution of a document by a competent officer in pursuance of this Part is valid and effectual for the purposes of a matter arising in or under a law of the Commonwealth or of a State or Territory of the Commonwealth.

Validity of administration of oaths, &c.

18.—(1.) A competent officer who, in pursuance of this Part, administers an oath, takes an affidavit or attests the execution of a document, shall legibly write, type or stamp in the *jurat* or attestation of the document in respect of which the power is exercised, after his signature, his name and rank, and, in the case of an officer of an air force below the rank of Flight Lieutenant, the fact that he is in charge of a unit or detachment of the Royal Australian Air Force.

Particulars in *jurat*.

(2.) It is not necessary to state the place where the oath is administered, the affidavit is sworn or the document is attested.

19. An affidavit or declaration sworn or made in pursuance of this Part is sufficient in law if it is substantially in accordance with the form provided by a law of the Commonwealth or of the State or Territory of the Commonwealth in which the affidavit or declaration is to be used.

Compliance with form provided by Commonwealth or State law sufficient.

20. Where a document purports to have subscribed to it the signature of a competent officer in testimony of the administration of an oath, the taking of an affidavit or the attestation of the execution of a document by him, it shall be admitted in evidence without proof—

Affidavit admissible in evidence without proof of rank of officer administering it, &c.

- (a) of the rank of the officer, and, in the case of an officer of an air force below the rank of Flight Lieutenant, of the fact that he was in charge of a unit or detachment of the Royal Australian Air Force;
- (b) that the signature is that of the officer; or
- (c) that the person to whom the oath was administered or by whom the affidavit was sworn or the document executed was, at the date of the swearing or execution, a member of the Defence Force.

21. Without affecting the liability of a person under any other law, a person shall not wilfully make a false statement in an affidavit or declaration sworn or made in pursuance of this Part.

Penalty for false statements.

Penalty: Twenty pounds or imprisonment for three months.

## PART V.—POWERS OF ATTORNEY.

22. For the purpose of this Part, a reference to a member of the Defence Force includes a reference to a person who, not being a member of the Defence Force, accompanies a part of the Defence Force.

Interpretation.

23. A power of attorney executed, whether before or after the commencement of this regulation, by a person under the age of twenty-one years who was, at the time of the execution, a member of the Defence Force shall, after the commencement of this regulation or the execution of the power, whichever is the later, be and continue as valid and effectual,

Powers of attorney executed by members of the Defence Force under twenty-one years.

notwithstanding that that person may have ceased to be a member of the Defence Force, as if that person had, at the time of the execution of the power, been of the age of twenty-one years or more.

Attorney's  
power limited.

**24.** This Part does not enable an attorney of a person who has not attained the age of twenty-one years to do anything as the attorney of that person which that person could not validly do personally.

Effect of  
revocation, &c.

**25.** For the purposes of this Part—

- (a) the revocation by a person under the age of twenty-one years of a power of attorney to which regulation 23 of these Regulations applies is as valid and effectual as if that person had, at the time of revocation, been of the age of twenty-one years or more; and
- (b) a statutory declaration by the donee of a power, made in accordance with a law of the Commonwealth or of a State or Territory of the Commonwealth, that the donor of the power was, at the time of its execution a member of the Defence Force, is conclusive proof of the facts so declared in favour of a person dealing with the donee of the power in good faith.

#### PART VI.—DISPOSAL OF DEAD BODIES OF MEMBERS OF THE DEFENCE FORCE.

Definitions.

**26.**—(1.) In this Part, unless the contrary intention appears—

“body” includes a part of a body;

“Registrar of Deaths”, in relation to a State or Territory of the Commonwealth, means a person or authority charged under the law of that State or Territory with the duty of registering deaths.

(2.) For the purposes of this Part, unless the contrary intention appears—

- (a) a reference to a member of the Defence Force includes a reference to a person who, not being a member of the Defence Force, accompanies a part of the Defence Force;
- (b) a reference to a member of the Defence Force on service includes a reference to a member of that Force on service outside Australia; and
- (c) a member of the Defence Force shall be deemed to be on service outside Australia while he is a prisoner of war or interned in a place outside Australia.

Disposal of  
dead bodies of  
members of the  
Defence Force.

**27.** A commissioned officer of the Defence Force may, subject to any direction of the Minister, give such directions for the disposal of the body of a member of the Defence Force who died while on service as he thinks fit.

State law not  
to apply.

**28.** A law of a State or Territory of the Commonwealth relating to coroners or the registration of deaths does not apply in relation to a body with respect to which directions for disposal are given under this Part or in relation to the death of a member of the Defence Forces with respect to whose body such directions are given.

**29.**—(1.) Notwithstanding anything contained in a law of a State or Territory of the Commonwealth, a commissioned medical officer of the Defence Force, who is a duly qualified medical practitioner according to a law of a State or Territory of the Commonwealth, may—

*Post mortems and certificates of death.*

- (a) if requested so to do by a coroner or deputy coroner of a State or Territory of the Commonwealth, perform in that State or Territory a *post mortem* examination of the body of a member of the Defence Force who died while on service; and
- (b) sign a certificate of death in respect of the death of a member of the Defence Force who died while on service.

(2.) A certificate of death so signed, and containing a statement that the deceased person was a member of the Defence Force who died while on service, is of the same force and effect as a certificate signed by a duly qualified medical practitioner of the State or Territory of the Commonwealth in which the death occurred.

**30.** At the request of the Minister or of a Registrar of Deaths, a person shall furnish to the Registrar of Deaths specified by the Minister in the request or to the Registrar making the request, as the case may be, such particulars as are known to, or can reasonably be ascertained by, that person of the identity of a member of the Defence Force with respect to whose body directions are given under this Part.

*Persons to furnish particulars on request.*

**31.** Notwithstanding the provisions of a law of a State or a Territory of the Commonwealth, the Secretary-General of the Anzac Agency of the Imperial War Graves Commission, or an officer of the Defence Force in charge of a unit specifically raised for the purpose of the registration of, or inquiries concerning, the graves of deceased members of the Defence Force—

*War graves. Substituted by 1953, No. 62.*

- (a) may establish or cause to be established such cemeteries as are required for the burial of bodies of persons who have died while on service as members of the Defence Force or as a result of service as members of the Defence Force;
- (b) may authorize and direct the exhumation and the reinterment, cremation or other disposal of the body of a member of the Defence Force who has died while on service; and
- (c) may enter a cemetery and inspect, maintain or execute any work in connexion with the grave of a person who has died while on service as a member of the Defence Force or as a result of service as a member of the Defence Force or authorize any other person or persons to enter a cemetery and inspect, maintain or execute any work in connexion with such a grave.

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**Part VII.,  
Regs. 32-38  
(inclusive)  
repealed by  
1953, No. 61.**

## DEFENCE (PROHIBITED WHARVES AND BUILDINGS) REGULATIONS.\*

## Citation.

1. These Regulations may be cited as the Defence (Prohibited Wharves and Buildings) Regulations.\*

## Definitions.

2. In these Regulations, unless the contrary intention appears—

“service munitions” includes all material used or capable of being used for naval, military or air force purposes;

“the Minister” means—

(a) in relation to any matter affecting or connected with the naval defence of the Commonwealth—the Minister of State for the Navy; and

(b) in relation to any matter affecting or connected with the military defence of the Commonwealth—the Minister of State for the Army;

“wharf” means any wharf, pier, jetty, dock, or portion thereof, or other place at or within which ships may load or unload cargo or embark or disembark passengers.

## Prohibited wharves.

3.—(1.) Whenever—

(a) any service munitions are being, or intended to be, loaded on, or unloaded from, a ship or otherwise handled at a wharf;

(b) any service munitions are being, or intended to be, delivered, stacked or stored at, or taken from, a wharf; or

(c) any members of the Defence Force are embarking or disembarking, or are about to embark or disembark, at a wharf,

the Minister may, where it is necessary so to do for the defence of the Commonwealth—

(d) if the wharf is not already enclosed, enclose or shut off the wharf by fences, hurdles or other obstacles to prevent or regulate access thereto; and

(e) place in a prominent position on the wharf, or at the entrance to the wharf, a notice indicating that entry on the wharf is prohibited except under the authority of a permit issued in pursuance of regulation 6 of these Regulations.

(2.) A wharf on which, or at the entrance to which, a notice is placed in pursuance of paragraph (e) of the last preceding sub-regulation shall be a prohibited wharf for the purposes of these Regulations.

## Prohibited buildings.

4.—(1.) Whenever any service munitions are kept or stored in a building or other erection on or near a wharf before being loaded on, or after having been unloaded from, a ship, the Minister may place in a prominent position on the building or erection a notice indicating that entry therein is prohibited except under the authority of a permit issued in pursuance of regulation 6 of these Regulations.

(2.) A building or other erection on which a notice is placed in pursuance of the last preceding sub-regulation shall be a prohibited building for the purposes of these Regulations.

\* Statutory Rules 1950, No. 57; in force under the *Defence Act 1903-1956*; notified in the *Gazette* and commenced on 29th September, 1950.

5. A person other than a member of the Defence Force engaged on duties in connexion with the transportation of members of that Force or the transport, storage or other handling of service munitions shall not— Entry, &c., of prohibited wharves and buildings forbidden.

(a) enter, inspect, or be on or in any prohibited wharf or prohibited building; or

(b) approach in a boat within fifty feet of any prohibited wharf,

except under the authority of a written permit issued in pursuance of regulation 6 of these Regulations.

Penalty: Twenty pounds or imprisonment for three months.

6.—(1.) The Minister may, by writing under his hand, issue a permit Permits. authorizing a person to enter, inspect or be on or in any prohibited wharf or prohibited building.

(2.) A permit under this regulation—

(a) may be issued subject to such conditions and restrictions as are specified in the permit; and

(b) may be suspended pending consideration of the revocation of the permit.

(3.) The holder of a permit issued under this regulation shall comply with all conditions and restrictions contained in the permit and, if the permit is revoked or suspended, shall forthwith deliver it to a person specified by the Minister.

Penalty: Twenty pounds or imprisonment for three months.

7. The Minister may, by writing under his hand, appoint an officer Officer or person in charge. of the Defence Force or any person to be the officer or person in charge of a prohibited place or of a prohibited building.

8. A person who, with lawful authority, enters, inspects, or is on or in a prohibited wharf or prohibited building shall comply with any directions for regulating his conduct while thereon or therein which are given by the officer or other person in charge. Compliance with directions of officer or person in charge.

Penalty: Twenty pounds or imprisonment for three months.

9. A member of the Defence Force, a member of the police force Search. of the Commonwealth or of a State or Territory of the Commonwealth or any person thereto authorized by the officer or other person in charge of a prohibited wharf or prohibited building may search any person who, whether with or without lawful authority, is within the precincts of a prohibited wharf or prohibited building and may detain any such person for the purpose of searching him and may seize any article found on any such search which he has reasonable ground for believing to be evidence of the commission of an offence or the possession of which gives ground for suspicion that an offence is about to be committed or which tends to show that the person was within those precincts for a purpose prejudicial to the defence of the Commonwealth:

Provided that a woman shall not be searched except by a woman.

Removal.

**10.** If any person is on or in a prohibited wharf or prohibited building in contravention of these Regulations or, while thereon or therein, fails to comply with any direction given by the officer or other person in charge, he may, without prejudice to any proceedings which may be taken against him, be removed therefrom by a member of the Defence Force, a member of the police force of the Commonwealth or of a State or Territory of the Commonwealth or any person thereto authorized by the officer or other person in charge.

Delegation.

**11.—(1.)** The Minister may, in relation to any matters or class of matters, or in relation to any particular State or part of Australia, by writing under his hand, delegate all or any of his powers and functions under these Regulations (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate with respect to the matters or class of matters, or the State or part of Australia, specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister.

## FINANCIAL (MILITARY) REGULATIONS.\*

### PART I.—PRELIMINARY.

Citation.

**1.** These Regulations may be cited as the Financial (Military) Regulations.\*

Repeal of Regulations.

**2.—(1.)** The Military Financial Regulations (being Statutory Rules 1935, No. 83, as amended by Statutory Rules 1935, Nos. 102 and 123; 1936, Nos. 1, 32, 62, 75, 98, 111, 122, 144 and 158; 1937, Nos. 1, 22, 29, 42, 71, 76, 96 and 113; 1938, Nos. 11, 15, 45, 76, 89, 96, 98 and 122; 1939, Nos. 82, 132, 133, 135 and 159; 1940, Nos. 39, 68, 76, 204, 211 and 253; 1941, Nos. 13, 30, 50, 109, 154, 216 and 306; 1942, Nos. 84 and 507; 1943, Nos. 152 and 157; 1944, Nos. 89, 110 and 170; and 1946, No. 73) are repealed.

\* The Financial (Military) Regulations, in force under the *Defence Act* 1903-1956, comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification<br>in <i>Gazette</i> . | Date of Commencement. |
|---------------------|---------------------------------------------|-----------------------|
| 1947, No. 110 .. .. | 7th August, 1947 .. ..                      | 7th August, 1947      |
| 166 .. ..           | 18th December, 1947 .. ..                   | 18th December, 1947   |
| 167 .. ..           | 18th December, 1947 .. ..                   | 7th August, 1947      |
| 1952, No. 31 .. ..  | 24th April, 1952 .. ..                      | 24th April, 1952      |
| 1955, No. 56 .. ..  | 18th August, 1955 .. ..                     | 18th August, 1955     |

(2.) The War Financial (Military Forces) Regulations (being Statutory Rules 1941, No. 218, as amended by Statutory Rules 1942, Nos. 136 and 347; 1943, No. 287; 1944, Nos. 65, 82, 111, 123 and 180; 1945, Nos. 29, 46 and 61; and 1946, No. 6) are repealed.

**3. These Regulations are divided into Parts, as follows\*:**—

Part I.—Preliminary.

Part IA.—Pay of the Chief of the General Staff.

Part II.—Pay and Pay Allowances.

Part III.—Allotments.

Part IV.—Miscellaneous.

Parts.

Amended by  
1947, No. 167.

**4. In these Regulations, unless the contrary intention appears—**

Definitions.

“date of embarkation”, in relation to a member, means—

(a) the date upon which the member embarked on a ship or aircraft for service outside Australia, but shall not be deemed to refer to the embarkation of a member who, subsequently, disembarked in Australia from that ship or aircraft and did not proceed forthwith in the same or another ship or aircraft for service outside Australia;

(b) the date of appointment, enlistment, transfer or secondment of a member who at the time of his appointment, enlistment, transfer or secondment was not in Australia; or

(c) the date on which a member, if travelling otherwise than by ship or aircraft, entered a country outside Australia for service in that country;

“member” means—

(a) any person (other than a member of the Women's Services) appointed or transferred to, or enlisted in, or seconded for, service with, the Australian Imperial Force;

(b) any member of the Permanent Military Forces other than the Australian Imperial Force, the Corps of Staff Cadets or a Women's Service;

(c) any member of the Citizen Military Forces who has been appointed or enlisted for continuous military service;

“pay allowances” includes exchange allowance, marriage allowance, provision allowance, separation allowance, living-out allowance, allowance in lieu of rations or in lieu of quarters or tentage, retention of lodging allowance and any allowance payable under regulation 29 of these Regulations;

“prescribed authority” means the Minister or any person appointed by him in writing to be a prescribed authority for the purposes of these Regulations.

**5.—(1.) The Minister may, by writing under his hand, delegate all or any of his powers and functions under these Regulations.**

Delegations.

(2.) The Military Board may delegate to any officer all or any of its powers and functions under these Regulations.

\* The regulations contained in the various Parts of these Regulations are as follows:—

Part I., rr. 1-6;  
Part IA., r. 6A;  
Part II., rr. 7-30;  
Part III., rr. 31-35;  
Part IV., rr. 36-42.

(3.) Every delegation under this regulation shall be revocable at will, and no delegation shall prevent the exercise or performance of any power or function by the Minister or the Military Board, as the case may be.

(4.) A delegation under this regulation shall not lapse or be revoked by the Minister ceasing to hold office by death or otherwise or by reason of the powers or functions of the Military Board becoming vested in an officer to command the Military Forces in time of war.

Power of  
Minister to  
authorize  
expenditure.

6. The Minister may, with the concurrence of the Treasurer, authorize any expenditure not covered by these Regulations, provided that the necessary funds have been made available by parliamentary appropriation, or by the Treasurer in anticipation of parliamentary appropriation.

Part IA.  
inserted by  
1947, No. 167.

#### PART IA.—PAY OF THE CHIEF OF THE GENERAL STAFF.

Pay of the  
Chief of the  
General Staff.  
Inserted by  
1947, No. 167.

6A.—(1.) The annual rate of pay and of incremental advancement by subdivisions of an officer who holds the appointment of the Chief of the General Staff shall be in accordance with the following table:—

| Subdivisions. |            |            | Increments.       |
|---------------|------------|------------|-------------------|
| 1.            | 2.         | 3.         |                   |
| £<br>2,600    | £<br>2,800 | £<br>3,000 | Annual increments |

(2.) The subdivision of the table contained in sub-regulation (1.) of this regulation applicable at the date of the commencement of these Regulations shall be determined by the Minister.

(3.) Regulations 12 to 20 inclusive and 36 and 37 of these Regulations shall not apply to or in respect of any officer who holds the appointment of the Chief of the General Staff.

#### PART II.—PAY AND PAY ALLOWANCES.

Pay.  
Sub-reg. (1.)  
amended by  
1947, No. 167.

7.—(1.) The daily rates of pay and of incremental advancement by subdivisions for members of the Australian Military Forces shall be in accordance with the following table:—

| Rank,<br>Appointment or<br>Classification. | Subdivisions. |         |         |         |         |         | Increments.            |
|--------------------------------------------|---------------|---------|---------|---------|---------|---------|------------------------|
|                                            | 1.            | 2.      | 3.      | 4.      | 5.      | 6.      |                        |
|                                            | £ s. d.       | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. |                        |
| Lieutenant-General                         | 6 10 0        | ..      | ..      | ..      | ..      | ..      | ..                     |
| Major-General                              | 5 5 0         | ..      | ..      | ..      | ..      | ..      | ..                     |
| Brigadier ..                               | 4 0 0         | ..      | ..      | ..      | ..      | ..      | ..                     |
| Colonel ..                                 | 3 4 0         | 3 6 6   | 3 9 0   | 3 11 6  | 3 14 0  | ..      | Biennial<br>Increments |
| Lieutenant-Colonel ..                      | 2 10 0        | 2 12 0  | 2 14 0  | 2 16 0  | 2 18 0  | 3 0 0   | Biennial<br>Increments |
| Major ..                                   | 1 19 0        | 2 1 0   | 2 3 0   | 2 5 0   | 2 7 0   | ..      | Biennial<br>Increments |



| Rank,<br>Appointment or<br>Classification. | Subdivisions. |         |         |         |         |         | Increments.            |
|--------------------------------------------|---------------|---------|---------|---------|---------|---------|------------------------|
|                                            | 1.            | 2.      | 3.      | 4.      | 5.      | 6.      |                        |
|                                            | £ s. d.       | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. |                        |
| Captain ..                                 | 1 9 0         | 1 12 0  | 1 15 0  | ..      | ..      | ..      | Biennial<br>Increments |
| Lieutenant                                 | 1 3 0         | 1 6 0   | ..      | ..      | ..      | ..      | Biennial<br>Increments |
| Warrant Officer, Class I.—                 |               |         |         |         |         |         |                        |
| Highest skilled                            | 1 3 6         | 1 4 0   | ..      | ..      | ..      | ..      | Biennial<br>Increments |
| All others                                 | 1 2 0         | 1 2 6   | ..      | ..      | ..      | ..      | Biennial<br>Increments |
| Warrant Officer, Class II.—                |               |         |         |         |         |         |                        |
| Highest skilled                            | 1 2 6         | 1 3 0   | ..      | ..      | ..      | ..      | Biennial<br>Increments |
| All others                                 | 1 1 0         | 1 1 6   | ..      | ..      | ..      | ..      | Biennial<br>Increments |
| Staff Sergeants—                           |               |         |         |         |         |         |                        |
| Highest skilled                            | 1 1 0         | 1 1 6   | 1 2 0   | ..      | ..      | ..      | Biennial<br>Increments |
| All others                                 | 0 19 6        | 1 0 0   | 1 0 6   | ..      | ..      | ..      | Biennial<br>Increments |
| Sergeants—                                 |               |         |         |         |         |         |                        |
| Highest skilled                            | 0 19 6        | 1 0 0   | 1 0 6   | ..      | ..      | ..      | Biennial<br>Increments |
| All others                                 | 0 18 0        | 0 18 6  | 0 19 0  | ..      | ..      | ..      | Biennial<br>Increments |
| Corporal—                                  |               |         |         |         |         |         |                        |
| 3 Star ..                                  | 0 17 0        | ..      | ..      | ..      | ..      | ..      | ..                     |
| 2 Star ..                                  | 0 16 0        | ..      | ..      | ..      | ..      | ..      | ..                     |
| 1 Star ..                                  | 0 13 0        | ..      | ..      | ..      | ..      | ..      | ..                     |
| Lance-Corporal—                            |               |         |         |         |         |         |                        |
| 3 Star ..                                  | 0 16 0        | ..      | ..      | ..      | ..      | ..      | ..                     |
| 2 Star ..                                  | 0 14 0        | ..      | ..      | ..      | ..      | ..      | ..                     |
| 1 Star ..                                  | 0 11 6        | ..      | ..      | ..      | ..      | ..      | ..                     |
| Private—                                   |               |         |         |         |         |         |                        |
| 3 Star ..                                  | 0 15 0        | ..      | ..      | ..      | ..      | ..      | ..                     |
| 2 Star ..                                  | 0 13 0        | ..      | ..      | ..      | ..      | ..      | ..                     |
| 1 Star ..                                  | 0 11 0        | ..      | ..      | ..      | ..      | ..      | ..                     |
| Recruit—                                   |               |         |         |         |         |         |                        |
| Adult ..                                   | 0 10 0        | ..      | ..      | ..      | ..      | ..      | ..                     |
| Minor ..                                   | 0 8 6         | ..      | ..      | ..      | ..      | ..      | ..                     |

(2.) The subdivision of the table contained in sub-regulation (1.) of this regulation applicable at the date of the commencement of these Regulations, to a member serving on that date, shall be determined in accordance with such conditions as are approved by the Military Board.

(3.) The classification of a member shall be determined in accordance with such conditions as are approved by the Military Board.

Pay of  
Quartermasters  
of the  
Permanent  
Military Forces.  
Inserted by  
1947, No. 166.

7A.\*—(1.) The daily rates of pay and of incremental advancement by subdivisions for quartermasters of the Permanent Military Forces shall be in accordance with the following table:—

| Rank or Appointment.            | Subdivisions. |         | Increments.         |
|---------------------------------|---------------|---------|---------------------|
|                                 | 1.            | 2.      |                     |
|                                 | £ s. d.       | £ s. d. |                     |
| Lieutenant and Quartermaster .. | 1 9 0         | 1 12 0  | Biennial increments |
| Captain and Quartermaster ..    | 1 15 0        | 1 18 0  | Biennial increments |
| Major and Quartermaster ..      | 2 1 0         | 2 4 0   | Biennial increments |

(2.) The subdivision of the table contained in sub-regulation (1.) of this regulation applicable at the date of the commencement of this regulation to a member serving on that date shall be determined in accordance with such conditions as are approved by the Military Board.

(3.) Where a quartermaster of the Permanent Military Forces is seconded in his corps for duty otherwise than as a quartermaster in any other part of the Military Forces, his daily rate of pay and of incremental advancement by subdivisions shall, notwithstanding anything contained in the preceding provisions of this regulation, be in accordance with regulation 7 of these Regulations.

Good conduct  
increments.

8. Under such conditions as are approved by the Military Board, there may be paid to members of and below the rank of Corporal, after five years' service, good conduct increments of Sixpence per day and, after ten years' service, good conduct increments of One shilling per day.

Temporary or  
provisional  
rank.

9. A member who is granted temporary or provisional rank, appointment or classification shall, while holding that rank, appointment or classification, be paid the daily rate of pay, pay allowances and other allowances prescribed by these Regulations for the rank, appointment or classification which he holds temporarily or provisionally.

Honorary rank.

10. A member who is granted honorary rank shall be paid the daily rate of pay, pay allowances and other allowances prescribed by these Regulations for his temporary or provisional rank or, if he does not hold a temporary or provisional rank, for his substantive rank.

Exchange  
allowance.

11. A member shall be paid a daily exchange allowance in accordance with the following scale, on and after the date of embarkation of the member, and up to and including the date of his disembarkation in Australia upon his return to Australia:—

| Rank, Appointment, Classification. |    |    |    |    | Rate.        |
|------------------------------------|----|----|----|----|--------------|
| <i>Officers.</i>                   |    |    |    |    | <i>s. d.</i> |
| Lieutenant-General ..              | .. | .. | .. | .. | 7 5          |
| Major-General ..                   | .. | .. | .. | .. | 6 1          |
| Brigadier ..                       | .. | .. | .. | .. | 4 10         |
| Colonel ..                         | .. | .. | .. | .. | 4 0          |
| Lieutenant-Colonel ..              | .. | .. | .. | .. | 3 4          |
| Major ..                           | .. | .. | .. | .. | 2 10         |
| Captain ..                         | .. | .. | .. | .. | 2 2          |
| Lieutenant ..                      | .. | .. | .. | .. | 1 10         |

\* By virtue of sub-regulation (2.) of regulation 1 of Statutory Rules 1947, No. 166, by which this regulation was inserted, this regulation is deemed to have come into operation on 7th August, 1947.

| Rank, Appointment, Classification. | Rate.        |
|------------------------------------|--------------|
| <i>Other Ranks.</i>                |              |
|                                    | <i>s. d.</i> |
| Warrant Officer, Class I. . . . .  | 1 5          |
| Warrant Officer, Class II. . . . . | 1 1          |
| Staff Sergeant . . . . .           | 1 1          |
| Sergeant . . . . .                 | 1 0          |
| Corporal . . . . .                 | 0 11         |
| Lance Corporal . . . . .           | 0 7          |
| Private—                           |              |
| 3 Star . . . . .                   | 0 10         |
| 2 Star . . . . .                   | 0 9          |
| 1 Star . . . . .                   | 0 7          |
| Recruit . . . . .                  | 6            |

Provided that a member of the British Commonwealth Occupation Force shall, on and after the date of his disembarkation in Japan and up to and including the date of embarkation of the member in Japan, be paid an exchange allowance of not less than One shilling per day.

12. Subject to these Regulations, a marriage allowance of Four shillings per day may be paid to a member—

Marriage allowance.

- (a) who, being married, maintains, in the opinion of a prescribed authority, normal domestic relationships with his wife; or
- (b) who, being a widower, maintains, in the opinion of a prescribed authority, a home for the benefit of any child or children of his marriage under the age of eighteen years and receiving full-time education or under the age of sixteen years.

13. A provision allowance of Three shillings per day may be paid to a member who, being in receipt of marriage allowance, lives at his home or in married quarters.

Provision allowance.

14. A separation allowance of Three shillings per day may be paid to a member who, being in receipt of marriage allowance, is required, by reason of his military duty, to live away from his home.

Separation allowance.

15. Where a member, being in receipt of marriage allowance and separation allowance, is not provided with rations and quarters or tentage, living out allowance may be paid to him in accordance with the following scale:—

Living out allowance to members in receipt of marriage and separation allowance.

| Rank.                                                       | Rate per Day. |
|-------------------------------------------------------------|---------------|
|                                                             | <i>s. d.</i>  |
| Any officer holding a rank not lower than Colonel . . . . . | 9 6           |
| Lieutenant-Colonel, Major . . . . .                         | 8 0           |
| Captain, Lieutenant . . . . .                               | 7 0           |
| Warrant Officer . . . . .                                   | 5 6           |
| Staff Sergeant, Sergeant . . . . .                          | 5 0           |
| Corporal, Lance-Corporal, Private . . . . .                 | 4 6           |

Provided that, in the case of a Warrant Officer, Staff Sergeant, Sergeant, Corporal, Lance-Corporal or Private, living out allowance may be paid at the rate of Six shillings per day under such conditions as are approved by the Military Board.

Living out allowance to members not in receipt of marriage allowance.

**16.** Where a member, not being in receipt of marriage allowance, is not provided with rations and quarters or tentage for any period, living out allowance may be paid to him at the rate of Six shillings per day for the first thirty days and thereafter at the rate of Four shillings and sixpence per day.

Living out allowance while on leave.

**17.**—(1.) Where a member, not being in receipt of marriage allowance, is granted leave of absence with pay for a period of not less than seventy-two hours, living out allowance may be paid at the rate of Four shillings and sixpence per day in respect of each complete period of twenty-four hours included in the period of leave.

(2.) For the purposes of this regulation, a period of less than seventy-two hours which includes nine normal meal periods shall be deemed to be seventy-two hours.

Allowance in lieu of rations or in lieu of quarters or tentage.

**18.**—(1.) A member, not being in receipt of marriage allowance, may, if he is not required, by reason of his military duty, to live away from his home, be paid an allowance of—

- (a) Three shillings per day for each day upon which he is supplied with quarters or tentage but not with rations; or
- (b) One shilling and sixpence per day for each day upon which he is supplied with rations but not with quarters or tentage.

(2.) A member, not being in receipt of a marriage allowance, may, on each occasion on which he is required, by reason of his military duty, to live away from home, be paid an allowance of—

- (a) Five shillings and sixpence per day for the first thirty days and thereafter Four shillings and sixpence per day for each day upon which he is supplied with quarters or tentage but not with rations; and
- (b) Three shillings and sixpence per day for the first thirty days and thereafter Two shillings and sixpence per day for each day upon which he is supplied with rations but not with quarters or tentage.

(3.) A member, being in receipt of marriage allowance and separation allowance, who is provided with quarters or tentage but not with rations, may be paid an allowance in accordance with the following scale:—

| Rank.                                                | Rate per Day. |
|------------------------------------------------------|---------------|
|                                                      | <i>s. d.</i>  |
| Any officer holding a rank not lower than Colonel .. | 7 0           |
| Lieutenant-Colonel, Major .. ..                      | 6 6           |
| Captain, Lieutenant .. ..                            | 6 0           |
| Warrant Officer .. ..                                | 5 6           |
| Staff Sergeant, Sergeant .. ..                       | 5 0           |
| Corporal, Lance Corporal, Private .. ..              | 4 6           |

(4.) A member, being in receipt of marriage allowance and separation allowance, who is provided with rations, but not with quarters or tentage, may be paid an allowance in accordance with the following scale:—

| Rank.                                                | Rate per Day. |
|------------------------------------------------------|---------------|
|                                                      | <i>s. d.</i>  |
| Any officer holding a rank not lower than Colonel .. | 5 0           |
| Lieutenant-Colonel, Major .. ..                      | 4 0           |
| Captain, Lieutenant .. ..                            | 4 0           |
| Warrant Officer .. ..                                | 3 0           |
| Staff Sergeant, Sergeant .. ..                       | 3 0           |
| Corporal, Lance Corporal, Private .. ..              | 2 6           |

(5.) A member referred to in sub-regulations (3.) and (4.) of this regulation who is provided with quarters or tentage but not with rations may be paid an allowance of not less than Five shillings and sixpence per day and any such member who is provided with rations but not with quarters or tentage may be paid an allowance of not less than Three shillings and sixpence per day.

(6.) The allowances provided for in this regulation shall be payable under such conditions as are approved by the Military Board.

19. Subject to such conditions as are approved by the Military Board, a member, being in receipt of living out allowance, who is absent from his usual place of lodging or accommodation, by reason of his military duty or his evacuation as a patient to hospital, may be paid, for a period not exceeding thirty days, an allowance of Two shillings and sixpence per day or the actual cost of retention of his place of lodging or accommodation, whichever is the lesser.

Retention of lodgings allowance.

20. Where married quarters are provided by the Commonwealth for a member, a deduction of such amount as the Minister, with the concurrence of the Treasurer, directs shall be made from his daily rate of pay in respect of his occupancy of those quarters.

Rent of married quarters.  
Substituted by 1952, No. 31.

21. The pay which may be drawn by a member while he is a patient in a military hospital or a convalescent in a convalescent home or depot may be restricted to such amounts within the member's credit as are fixed from time to time by the commanding officer of the military hospital or convalescent home or depot in which the member is a patient or convalescent.

Restriction of pay of members in hospitals or convalescent homes or depots.

22. When forfeiture of pay is imposed upon or incurred by any member, either by award of his commanding officer or court-martial, or as a consequence of undergoing sentence of penal servitude, imprisonment, detention or field punishment imposed upon him by any court or by his commanding officer or being absent without leave or while under any charge of which he is afterwards convicted, the amount of pay so forfeited shall include the whole of his pay and pay allowances in respect of each day of forfeiture.

Forfeiture of pay.

Recovery of  
overpayments  
in respect of  
previous  
service.

**23.** Subject to such conditions as are approved by the Military Board, there may be deducted from the pay due to a member who previously served for any period subsequent to the sixth day of October, 1939—

(a) in the Australian Military Forces under a previous appointment or enlistment; or

(b) in any other part of the Defence Force,

such sum or sums as could legally have been deducted from his pay if he had continued to serve in that part of the Defence Force in which he previously served.

Venereal  
disease.

**24.** Except under such conditions as are approved by the Military Board, a member shall forfeit one-third of his daily rate of pay and pay allowances for each day during which he is absent from duty suffering from acquired venereal disease.

Reg. 25  
repealed by  
1955, No. 53.

\* \* \* \* \*

Leave without  
pay.

**26.** A member shall not be entitled to any pay or pay allowances in respect of any period for which he is granted leave without pay.

Minimum  
drawing rate.

**27.** Where a member's pay account is overdrawn in consequence of—

(a) any forfeiture of pay referred to in regulation 22, 24 or 25 of these Regulations; or

(b) the recovery of—

(i) any fine inflicted upon or sum of money ordered or awarded to be paid by, or stopped from the pay of a member, either by award of his commanding officer or by court-martial;

(ii) any sum or sums deducted from his pay pursuant to regulation 23 of these Regulations;

(iii) any overpayment of allotment, pursuant to regulation 34 of these Regulations; or

(iv) any amount agreed by the member to be deducted from his pay in respect of the loss or damage to Commonwealth property on issue to him,

the member shall, in respect of each day during which his account remains overdrawn, be entitled to draw, as an advance against future pay and pay allowances, an amount equal to—

(c) one-tenth of his daily rate of pay; or

(d) (i) if he is serving in Australia—One shilling per day; or

(ii) if he is serving outside Australia—One shilling in English currency per day,

whichever is the greater:

Provided that a member shall not be entitled to an advance during any period during which he is undergoing sentence of penal servitude, imprisonment, detention or field punishment in custody, or is absent without leave.

**28.** Any assignment of, and any charge on, and every agreement to assign or charge any pay, allowance, gratuity or military reward payable to a member shall be void. Assignment of pay, &c., void.

**29.**—(1.) Notwithstanding anything contained in these Regulations and subject to such conditions as are approved by the Military Board, the following allowances may be paid to a member who was serving on the thirtieth day of June, 1947:— Allowances to members serving on 30th June, 1947.

- (a) Where the member continues to serve in the same rank, appointment or classification held by him on the thirtieth day of June, 1947—an allowance equal to the amount by which the W.F.R. rate payable to him on that date exceeds the F.M.R. rate payable to him in respect of the rank, appointment or classification;
- (b) Where the member at any time after the thirtieth day of June, 1947, serves in a rank, appointment or classification higher than that held by him on the date—an allowance during the period during which he serves in the higher rank, appointment or classification equal to the amount by which the W.F.R. rate payable to him on that date exceeds the F.M.R. rate payable to him in respect of the higher rank, appointment or classification; or
- (c) Where the member at any time after the thirtieth day of June, 1947, serves in a rank, appointment or classification lower than that held by him on that date—an allowance during the period during which he serves in the lower rank, appointment or classification equal to the amount by which the W.F.R. rate which would have been payable to him on that date, if he had held the lower rank, appointment or classification on that date exceeds the F.M.R. rate payable to him in respect of that rank, classification or appointment.

(2.) For the purposes of this regulation—

“F.M.R. rate”, in relation to a member to whom this regulation applies, means the total amount of—

- (a) his daily rate of pay under these Regulations;
- (b) the daily rate of any marriage allowance, provision allowance or separation allowance or living out allowance payable to him under these Regulations; and
- (c) in the case of a member who is not a contributor to the Commonwealth Superannuation Fund—One shilling and one penny per day;

“W.F.R. rate”, in relation to a member to whom this regulation applies, means the total amount of—

- (a) the daily rate of pay and allowances, except exchange allowance;
- (b) the daily rate of dependants allowance (if any); and
- (c) the daily rate of subsistence allowance (if any), payable to him or in respect of him on the thirtieth day of June, 1947, under the War Financial (Military Forces) Regulations.

Death or insanity of member.

**30.** In the event of the death or insanity of a member while serving, any moneys due to him shall be paid to the person legally entitled to administer the military estate of the member.

### PART III.—ALLOTMENTS.

Allotments.

**31.** An allotment of pay may be made by a member to or for the benefit of any person approved by a prescribed authority or to any bank account or corporation approved by a prescribed authority:

Provided that the amount of pay remaining available for drawing by the member for his own use shall not be less than one-tenth of his daily rate of pay or One shilling per day, whichever is the greater.

Marriage allowance conditional on allotment.

**32.** Payment of marriage allowance shall not be made unless the member makes from his pay an allotment of not less than Thirteen shillings per day to his wife or to such other person as the prescribed authority approves.

Residence of allottee.

**33.**—(1.) If a person to, or for the benefit of, whom an allotment is made by a member resides outside Australia, payment of the allotment in the country where the allottee resides shall be subject to the approval of a prescribed authority.

(2.) Any payment of an allotment to a person who resides outside Australia shall be made in Australian currency or its equivalent in any other currency converted at the prevailing rate of exchange.

Recovery of overpayments of allotment.

**34.** Any overpayment of allotment to an allottee may be recovered from the pay due or to become due to the member by whom the allotment is made.

Member dying or being reported missing.

**35.** Where a member dies or is reported missing, there may be paid from the date of death or from the date on which the member is reported missing, such sum, not exceeding the amount of the allotment made by the member to such person, for such period and under such conditions as the Minister, with the concurrence of the Treasurer, approves.

### PART IV.—MISCELLANEOUS.

Initial issue of uniform and clothing.

**36.** An initial free issue of uniform and clothing shall be made to each member in accordance with such scales of issue as the Military Board, with the concurrence of the Treasurer, authorizes.

Clothing maintenance allowance.

**37.**—(1.) Subject to sub-regulation (2.) of this regulation, a member shall be paid a clothing allowance of One shilling per day in respect of each day of his service.



(2.) Except under such conditions as are approved by the Military Board, clothing maintenance allowance shall be forfeited in respect of each day on which a member's daily rate of pay is forfeited.

**38.**—(1.) Subject to this regulation, a member (not being a contributor to the Commonwealth Superannuation Fund) who was serving on the thirtieth day of June, 1947, may, under such conditions as the Military Board determines, be paid a gratuity in respect of each year or part of a year of service at the rate of Twenty pounds per annum. Gratuity.

(2.) Gratuity shall not be payable in respect of any period of service before the first day of July, 1947.

(3.) A member who is appointed, seconded or transferred to the Permanent Military Forces shall not be eligible for gratuity after the date of his appointment, secondment or transfer.

**39.**—(1.) The Military Board may establish a Unit War History Trust Fund (in this Part referred to as "the Fund"). Establishment of Unit War History Trust Fund.

(2.) The Fund shall consist of such moneys—

(a) as are paid to the Fund from regimental trust funds as provided by this Part; and Added by 1947, No. 166.

(b) as are paid to the Fund from other sources.

**40.**—(1.) From the regimental trust funds of any unit there may be paid to the Fund such amount or amounts, not exceeding in the whole a sum equal to 5s. for each member of the unit, as are agreed upon by not less than two-thirds of the members of that unit and approved by the Commanding Officer of the unit. Payments from regimental trust funds. Added by 1947, No. 166.

(2.) The approval of the Commanding Officer shall be in writing and shall be conclusive evidence that the sum approved has been agreed upon by the prescribed number of members, and is not in excess of the amount permitted by the last preceding sub-regulation.

(3.) For the purposes of sub-regulation (1.) of this regulation, "member of the unit" means a member who is on the posted strength of the unit at the time the payment is agreed upon.

**41.** From any fund established under the control of the Military Board for the purpose of providing amenities or other benefits for members of the Military Forces there may be paid to the Fund such amounts (if any) as the Military Board from time to time directs. Payments authorized by Military Board. Added by 1947, No. 166.

**42.**—(1.) The Fund shall be administered as directed by the Military Board and moneys from the Fund shall be applied, in such amounts as the Military Board approves, for the purpose of assisting in the publication of unit war histories. Administration of Fund. Added by 1947, No. 166.

(2.) Any balance of the Fund which, in the opinion of the Military Board, is not required for the publication of unit war histories shall be applied, in such amounts and in such manner as the Military Board approves, for the benefit of members or ex-members of the Military Forces or dependants of members, ex-members or deceased members of the Military Forces.

(3.) The Military Board may, if it thinks fit, appoint trustees of the Fund, who shall have such powers and duties in relation to the administration of the Fund as the Military Board directs.

(4.) The accounts of the Fund shall be audited at least once annually by an officer appointed by the Military Board.

**ROYAL MILITARY COLLEGE REGULATIONS.\*****PART I.—PRELIMINARY.**

- Citation.** 1. These Regulations may be cited as the Royal Military College Regulations.\*
- Repeal.** 2. The Statutory Rules specified in the First Schedule to these Regulations are repealed.
- Parts.** 3. These Regulations are divided into Parts, as follows:—
- Part I.—Preliminary. (Regulations 1-4.)
  - Part II.—Eligibility and Selection of Candidates. (Regulations 5-10.)
  - Part III.—Admission of Candidates. (Regulations 11-14.)
  - Part IV.—Command, Organization and Establishment. (Regulations 15-20.)
  - Part V.—Staff. (Regulations 21-26.)
  - Part VI.—Course of Instruction. (Regulations 27-31.)
  - Part VII.—Expulsion, Removal, Resignation and Discharge. (Regulations 32-35.)
  - Part VIII.—Discipline. (Regulations 36-43.)
  - Part IX.—Leave of Absence. (Regulation 44.)
  - Part X.—Finance. (Regulations 45-59.)
  - Part XI.—Miscellaneous. (Regulations 60-61.)
- Definitions.** 4. In these Regulations unless the contrary intention appears—
- Amended by 1955, No. 76.**
- “Administrative Staff” means members of the Staff of the College other than those posted to instructional duties;
  - “cadet” means a member of the Corps of Staff Cadets;
  - “Commonwealth cadet” means a cadet who was a Commonwealth candidate;
  - “Commonwealth candidate” means a candidate for admission as a student who is a British subject substantially of European descent permanently resident in Australia;
  - “Formation, &c., Commander” means the commander of a Command, Army Corps, Division, Military District, Brigade Group or such other portion of the Military Forces as is, from time to time, appointed a Formation, &c., by the Military Board, and includes the Commandant;

\*The Royal Military College Regulations in force under the *Defence Act* 1903-1956 comprise the following Statutory Rules:—

| Year and Number. |    |    |    |    | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|------------------|----|----|----|----|----------------------------------------------------------------|
| 1951, No. 40     | .. | .. | .. | .. | 18th May, 1951                                                 |
| 1955, No. 76     | .. | .. | .. | .. | 10th November, 1955                                            |

- “New Zealand cadet” means a student who was a New Zealand candidate;
- “New Zealand candidate” means a candidate for admission as a student who, being a British subject, is resident in the Dominion of New Zealand;
- “non-commissioned officer” means a non-commissioned officer of the Corps of Staff Cadets, and includes a lance non-commissioned officer, but does not include a warrant officer;
- “normal entry” means admission as a student of a Commonwealth candidate who is eligible for admission under sub-regulation (1.) of regulation 5 of these Regulations;
- “service entry” means admission as a student of a Commonwealth candidate who is eligible for admission under sub-regulation (2.) of regulation 5 of these Regulations;
- “special entry” means admission as a student of a Commonwealth candidate who is eligible for admission under sub-regulation (3.) of regulation 5 of these Regulations;
- “student” means a student at the College;
- “the Act” means the *Defence Act* 1903-1950;
- “the College” means the Royal Military College established in pursuance of section 147 of the Act;
- “the Commandant” means the Commandant of the College, and includes any officer for the time being performing the duties of the Commandant;
- “the Instructional Staff” means members of the Staff of the College posted to instructional duties;
- “the Military Board” means the Military Board constituted in pursuance of section 28 of the Act;
- “the Selection Board” means the Selection Board appointed in pursuance of sub-regulation (5.) of regulation 8 of these Regulations;
- “the Staff” means the Instructional and Administrative Staffs of the College, and includes military and civil members;
- “under-officer” means a warrant officer who is appointed by the Commandant to be an under-officer;
- “warrant officer” means a warrant officer of the Corps of Staff Cadets.

## PART II.—ELIGIBILITY AND SELECTION OF CANDIDATES.

- 5.—(1.) A Commonwealth candidate shall be eligible for admission as a student by way of normal entry if—
- (a) he is medically fit in accordance with such standard of medical fitness as is approved by the Military Board;
- (b) he is unmarried;
- (c) on the second Saturday in February in the year in which he joins the College, he has attained the age of sixteen years but has not attained the age of twenty years;

Conditions of eligibility of Commonwealth candidates.  
Sub-reg. (1.) amended by 1955, No. 76.

- (d) he has the educational qualifications specified in the Second Schedule to these Regulations;
- (e) he is recommended by the Selection Board in accordance with sub-regulation (9.) of regulation 8 of these Regulations; and
- (f) he is approved by the Minister.

(2.) A Commonwealth candidate shall be eligible for admission as a student by way of service entry if—

- (a) he is a member of the Defence Force who has not attained the age of twenty-seven years;
- (b) he has passed the examination specified in the Third Schedule to these Regulations in accordance with the terms and conditions specified therein;
- (c) he is recommended by the Selection Board in accordance with sub-regulation (12.) of regulation 8 of these Regulations; and
- (d) he is approved by the Governor-General.

(3.) A Commonwealth candidate shall be eligible for admission as a student by way of special entry if—

- (a) he is medically fit in accordance with such standard of medical fitness as is approved by the Military Board;
- (b) on the date on which he joins the College, he has not attained the age of twenty-seven years;
- (c) he has obtained, at a public examination, the Leaving Certificate (or equivalent educational standard) including two mathematical subjects or, by reason of service in the Australian Regular Army, he is deemed by the Military Board to have attained an equivalent standard of education;
- (d) he is recommended by the Military Board; and
- (e) he is approved by the Minister, or, in the case of a member of the Defence Force, by the Governor-General.

Method of  
application by  
Commonwealth  
candidates.

**6.—**(1.) Every application by a Commonwealth candidate for admission as a student shall be submitted on such form as is authorized by the Military Board.

(2.) A Commonwealth candidate for service entry shall submit his application for admission as a student to his commanding officer, who shall forward it, together with his recommendation and a confidential report on the candidate, to the District Commandant, for transmission to the Selection Board.

Documents to  
be furnished by  
Commonwealth  
candidates.

**7.—**(1.) A Commonwealth candidate shall submit with his application for admission as a student—

- (a) a copy of the entry of registration of his birth certified by the proper official, if reasonably procurable, or, if not reasonably procurable, such other evidence of his parentage and place and date of birth as the Selection Board, or, in the case of a candidate for admission by way of special entry, the Military Board, deems satisfactory; and

- (b) if the candidate has not attained the age of twenty-one years, a request and undertaking in accordance with the form contained in the Fourth Schedule to these Regulations, signed by the parent or guardian of the candidate, or a statutory declaration of the facts which prevent the submission of such a request and undertaking.

(2.) An application by a Commonwealth candidate who has not attained the age of twenty-one years which is not accompanied by a request and undertaking in accordance with sub-regulation (1.) of this regulation shall not be entertained unless the Minister otherwise approves.

(3.) In addition to the documents required by sub-regulation (1.) of this regulation—

- (a) a Commonwealth candidate who belonged to a class of whom service was, or belongs to a class of whom service is, being demanded under Part XII. of the Act, shall submit with his application for admission as a student a certificate by his Formation, &c., Commander that the candidate has rendered the service demanded of him or has been exempted therefrom; and
- (b) a Commonwealth candidate who is an applicant for a vacancy reserved in accordance with sub-regulation (2.) of regulation 8 of these Regulations shall submit with his application for admission as a student a statement that a parent of the applicant has been on such active service as is specified in that sub-regulation.

(4.) The statement of the performance of active service required by sub-regulation (3.) of this regulation shall be signed by the parent by whom the active service was performed, if available, or if not available, by some person having knowledge of the parent's service, and shall state the unit in which, and the place at which, and the time during which, the active service was performed, and shall be accompanied by such corroborative documentary evidence as is available.

8.—(1.) The number of vacancies for Commonwealth cadets for normal entry and service entry shall be published annually in the *Gazette*. Selection of  
Commonwealth  
candidates.

(2.) One-fifth of the vacancies allotted annually for Commonwealth candidates for normal entry shall be reserved for the sons of persons who have been on active service outside the mainland of Australia in the the Royal Australian Navy, Australian Military Forces or Royal Australian Air Force.

(3.) If in any year the number of candidates who are accepted for reserved vacancies is less than the total number of reserved vacancies, the reserved vacancies remaining unfilled shall be allotted to other qualified candidates.

(4.) Where a candidate for a reserved vacancy is not selected for such a vacancy, he shall be eligible for selection for one of the other vacancies.

Amended by  
1955, No. 76.

(5.) The Military Board shall appoint a Selection Board consisting of three officers which shall, except as provided by sub-regulation (7.) of this regulation, interview Commonwealth candidates who—

- (a) in the case of candidates for normal entry, have been found medically fit in accordance with such standards as is approved by the Military Board and either have the educational qualifications specified in the Second Schedule to these Regulations or were candidates at, or are candidates at, one of the examinations specified in that Schedule held or to be held immediately preceding the next date of entry to the College; or
- (b) in the case of candidates for service entry, have qualified at, were candidates at, or are candidates at, the examination specified in the Third Schedule to these Regulations.

(6.) The Selection Board shall sit at such places as are determined by the Military Board.

Amended by  
1955, No. 76.

(7.) In the case of candidates for normal entry, the Military Board may appoint a provisional committee in a State, Territory or overseas country which is not included in the itinerary of the Selection Board for the purpose of interviewing candidates in that State, Territory or overseas country and making a recommendation to the Military Board as to the suitability or otherwise of each candidate to appear before the Selection Board.

(8.) Upon receipt of a recommendation made in pursuance of the last preceding sub-regulation the Military Board shall determine the candidates to be interviewed by the Selection Board and shall make such arrangements as are necessary for the candidates to be interviewed.

(9.) The Selection Board shall present to the Chief of the General Staff, for submission to the Minister, the names of candidates for normal entry, arranged in order of merit, whom the Board recommends for admission as students.

(10.) In determining the order of merit referred to in the last preceding sub-regulation the Selection Board shall take into consideration—

- (a) the results obtained by the candidates in obtaining the educational qualifications specified in the Second Schedule;
- (b) the records and certificates submitted by schoolmasters or by the candidates;
- (c) the results of psychological and psychiatric examinations; and
- (d) the personal qualities revealed at the interview.

(11.) Subject to the provisions of sub-regulations (1.) and (2.) of this regulation, the Minister may approve of the admission of the candidates recommended by the Selection Board for normal entry.

(12.) The Selection Board shall present to the Chief of the General Staff the names of candidates for service entry arranged in order of merit, together with a report in each case as to whether or not the Board recommends the candidate's admission as a student.

(13.) In determining the order of merit referred to in the last preceding sub-regulation the Selection Board shall take into consideration—

- (a) the results obtained by the candidates at the examination prescribed by paragraph (b) of sub-regulation (2.) of regulation 5 of these Regulations;

- (h) the confidential reports on candidates by their commanding officers;
- (c) the records and certificates submitted by schoolmasters or by the candidates;
- (d) the results of psychological and psychiatric examinations;
- (e) the personal qualities revealed at the interview; and
- (f) testimonials as to character and ability submitted by the candidates.

(14.) The Chief of the General Staff shall forward to the Minister for submission to the Governor-General, the report and recommendation of the Selection Board on the candidates for service entry together with any remarks or recommendations he deems fit.

(15.) The Military Board shall determine the order of merit in which the names of candidates for special entry recommended by it shall be arranged.

(16.) The Chief of the General Staff shall forward to the Minister the list of candidates for special entry arranged in order of merit and shall specify the names of any candidates who are members of the Defence Force.

(17.) The Minister may, subject to the next succeeding sub-regulation, approve the admission of candidates for special entry.

(18.) The Minister shall, in the case of candidates who are members of the Defence Force, submit for the approval of the Governor-General the names of candidates who are members of the Defence Force.

9. The names of Commonwealth candidates who are selected for admission as students (shown in three lists—normal, service and special entry, respectively, and arranged, in each case, in order of merit) shall be published in the *Gazette*. Notification in *Gazette*.

10. The Governor-General may approve of the admission to the College of a New Zealand candidate who is nominated by the Governor-General of the Dominion of New Zealand. New Zealand candidates.

### PART III.—ADMISSION OF CANDIDATES.

11.—(1.) An entrance examination for Commonwealth candidates for service entry shall be held in each year in which there are vacancies, and shall begin on the last Monday in September, unless otherwise notified in the *Gazette*. Dates of examinations and admissions.

(2.) The syllabus of the examination and the requirements to be complied with shall be those set out in the Third Schedule to these Regulations.

(3.) Candidates for service entry who are selected for admission as students shall join the College at the beginning of the first term of each year.

(4.) Candidates for normal entry who are selected for admission as students shall join the College on the second Saturday in February or on such other day as the Military Board directs.

12.—(1.) A Commonwealth candidate selected for admission to the College shall be enlisted in accordance with this regulation. Enlistment and attestation of cadets.

(2.) The form of attestation shall be in the form in the Fifth Schedule to these Regulations and, on presenting himself for admission, the candidate shall answer truly the questions set out in that form and shall complete and sign a declaration in accordance with that form.

(3.) A Commonwealth candidate for normal entry shall undertake to serve in the Australian Regular Army for a term of five years.

(4.) A Commonwealth candidate for service entry shall undertake to serve in the Australian Regular Army for a term of four years.

(5.) A Commonwealth candidate for special entry shall undertake to serve in the Australian Regular Army for a term of two years.

(6.) A Commonwealth candidate who has signed the declaration in accordance with sub-regulation (2.) of this regulation, has given an undertaking in accordance with sub-regulation (3.), (4.) or (5.), as the case requires, of this regulation and has taken the oath in accordance with section 37 of the Act shall thereupon be enrolled in the Corps of Staff Cadets and, having been so enrolled, shall be admitted to attend as a student.

(7.) A Commonwealth cadet shall not be permitted to remain at the College for a longer term than that for which he has enlisted.

Appointment  
on graduation.

**13.** A Commonwealth cadet shall be eligible, on graduation, for appointment to the Australian Regular Army in the rank of Lieutenant.

New Zealand  
candidates.

**14.** A New Zealand candidate shall, on presenting himself for admission, give an undertaking in accordance with the form set out in the Sixth Schedule to these Regulations, and shall thereupon be enrolled in the Corps of Staff Cadets, and, having been so enrolled, shall be admitted to attend as a student.

#### PART IV.—COMMAND, ORGANIZATION AND ESTABLISHMENT.

Command.

**15.—(1.)** The Commandant, who shall be an officer of the Australian Regular Army, shall be responsible to the Military Board for the command and administration of the College.

(2.) In the absence of the Commandant the senior combatant officer of the Staff present at the College shall perform the duties of the Commandant.

(3.) Subject to regulation 38 of these Regulations, a civil member of the Instructional Staff shall not exercise any military command.

(4.) Units of the Military Forces may be attached to, or detailed for duty at, the College, and shall be under the command of the Commandant while so attached or detailed.

Organization.

**16.—(1.)** The Corps consisting of cadets shall be designated “The Corps of Staff Cadets”.

(2.) The Corps of Staff Cadets shall be organized as an infantry unit.

Sub-reg. (3.)  
omitted by  
1955, No. 76.

\* \* \* \* \*

Acting ranks.

**17.** The ranks held by warrant and non-commissioned officers of the Corps of Staff Cadets shall be acting only.



18. The establishment of the Corps of Staff Cadets and of the Staff Establishment of the College shall be such as is approved by the Military Board.

19.—(1.) Cadets shall be organized into classes corresponding to the four years of instruction, that is to say—cadets undergoing the first year's course shall form the Fourth Class, cadets undergoing the second year's course shall form the Third Class, cadets undergoing the third year's course shall form the Second Class, and cadets undergoing the fourth year's course shall form the First Class. Classes.

(2.) The advancement of cadets from one class to another shall take place at the commencement of the first Term of each year.

20.—(1.) The seniority of cadets shall be determined as prescribed by this regulation, that is to say— Seniority of cadets.

- (a) Under-officers shall be senior to other warrant officers and shall have seniority in relation to each other in accordance with the dates of their respective appointments as under-officers;
- (b) Warrant officers, not being under-officers, and non-commissioned officers shall be senior to other cadets and shall have seniority in relation to each other in accordance with their respective ranks, and, in relation to cadets of the same rank, in accordance with the respective dates of their promotions to that rank;
- (c) Cadets, not being warrant or non-commissioned officers, shall have seniority, on joining, according to their places in the order of merit as published in the *Gazette*, and, subsequently, according to classes, a member of a higher class being senior to a member of a lower class, and, within a class, according to the aggregate of marks obtained from the date of joining to the termination of the last annual examination, the higher aggregate giving seniority over the lower;
- (d) Commonwealth cadets not being cadets admitted by way of special entry shall, on graduation, be granted seniority in the Permanent Military Forces according to the aggregate of marks gained while at College, the higher aggregate giving seniority over the lower;
- (e) the seniority, on joining, of New Zealand cadets shall be as determined by the Commandant;
- (f) Cadets admitted by way of special entry, not being warrant or non-commissioned officers, shall have seniority in relation to each other according to their places in the order of merit as published in the *Gazette*, and, in relation to other cadets, as determined by the Commandant; and
- (g) Cadets admitted by way of special entry shall, on appointment to the Australian Regular Army after graduation, be granted such seniority in the Permanent Military Forces, in relation to each other and to other Commonwealth cadets who graduate on the same date, as is determined by the Military Board on the recommendation of the Commandant.

(2.) For the purposes of the last preceding sub-regulation—

(a) marks gained by a cadet during a year at the end of which he was not advanced to a higher class; and

(b) marks gained by a cadet for specialist training,

shall not be included in his aggregate of marks.

#### PART V.—STAFF.

##### Duties.

**21.—**(1.) The duties of the Staff shall be as determined by the Commandant.

(2.) The Commandant may require a member of the Staff to assist in any department of instruction.

(3.) Military members of the Staff may, with the approval of the Military Board, be detailed for duty other than at the College.

(4.) Members of the Instructional Staff shall give instruction in their several departments, conduct such examinations as the Commandant directs and perform such administrative duties as the Commandant assigns to them.

##### Responsibilities.

**22.** A member of the Staff shall be responsible for—

(a) the regular and orderly conduct of any class or section under his immediate instruction; and

(b) for the safe keeping and good order of all books, instruments, apparatus, and other stores which are issued to him.

##### Preparation of candidates or instruction for payment.

**23.** A member of the Staff shall not prepare a candidate for admission as a student, or give private instruction, for payment, to any cadet.

##### Boards.

**24.** Civil members of the Staff may be appointed members of Boards or Committees.

##### Commanding officers.

**25.** The Commandant may appoint officers of the Staff to be Commanding Officers, for purposes of discipline, of persons at the College who are subject to military law.

##### Precedence.

**Substituted by  
1955, No. 76.**

**26.—**(1.) Members of the Staff who are officers of the Military Forces have precedence according to their respective ranks or classifications and, as between officers of the same rank or classification, according to the dates of their respective appointments to that rank or classification.

(2.) Professors, lecturers and assistant lecturers who are members of the Staff have the status of officers and have precedence amongst themselves according to their respective grades and, as between members of the same grade, according to the dates of their respective appointments to the Staff.

(3.) Medical officers, dental officers and chaplains who are members of the Staff, if not officers of the Military Forces, have precedence as captains in the case of medical and dental officers and as Chaplains Fourth Class in the case of chaplains, with seniority dating from the dates of their respective appointments to the Staff.

(4.) The Finance and Civil Secretary has precedence as a Major with seniority dating from the date of his appointment to the position.

PART VI.—COURSE OF INSTRUCTION.

27.—(1.) The normal length of the course of instruction at the College shall be— Length of course.

- (a) for cadets admitted by way of normal entry—four years;
- (b) for cadets admitted by way of service entry—three years; and
- (c) for cadets admitted by way of special entry—one year.

(2.) The Military Board may, in exceptional circumstances, approve of the course being shortened by one or more terms.

28.—(1.) The College year, unless otherwise approved by the Military Board, shall commence on the last Saturday in January and terminate on the second Wednesday in December. The College year.  
Sub-reg. (1.)  
amended by  
1955, No. 76.

(2.) The College year shall be divided into such terms as the Military Board directs.

29.—(1.) The course of instruction at the College consists of military studies and civil studies. Organization of course.  
Substituted by  
1955, No. 76.

(2.) The Military studies are divided as follows:—

(a) *Military Art*—

(i) *Tactics*—

Topography; Infantry Minor Tactics; General Tactics, including the organization and employment of armoured, artillery, engineer and signals units;

(ii) *Administration*—

Organizations; War Administration; Staff Duties; Training and Intelligence; Peace Administration; Hygiene and First Aid;

(iii) *Leadership*;

(iv) *Military History and Imperial Military Geography*;

(v) *Current Affairs*; and

(vi) *Military Law*;

(b) *Other Military Subjects*—

(i) *Weapon Training*;

(ii) *Drill and Ceremonial*;

(iii) *Physical Training*; and

(iv) *Mechanical Vehicle Training*; and

(c) *Specialist Training*—

Armour; Artillery; Engineers; Signals; Infantry; Army Service or Ordnance.

(3.) The civil studies are divided into an Arts Course, a General Science Course and a Science and Engineering Course and shall be organized into the following Departments:—

(a) Department of Mathematics;

(b) Department of Physics and Chemistry;

(c) Department of English and Languages;

(d) Department of History and Economics; and

(e) Department of Engineering.

(4.) The syllabus of instruction for the subjects in both the military and civil studies shall be as approved by the Commandant.

(5.) The educational qualifications for admission to particular courses are as specified in the relevant provisions of the Second and Third Schedules to these Regulations.

(6.) Cadets admitted by way of special entry shall receive instruction in such subjects as are determined by the Military Board.

Standing  
Committee to  
report on  
course of  
instruction.

**30.**—(1.) There shall be a standing committee which shall, subject to sub-regulation (7.) of this regulation, consist of a Chairman and five members to report to the Minister through the Military Board on the course of instruction at the College.

(2.) The Commandant shall be the Chairman of the Committee and the Director of the Commonwealth Office of Education shall be a member of the Committee.

(3.) The members of the Committee other than the Chairman and the Director of the Commonwealth Office of Education shall be appointed by, and shall hold office during the pleasure of, the Minister.

(4.) The following persons, if approved by the Minister, shall be members of the Committee:—

- (a) one person nominated by the University of Sydney;
- (b) one person nominated by the University of Melbourne; and
- (c) two persons nominated by the Military Board.

(5.) The Committee shall examine the course of instruction and recommend such alterations to the course as it considers necessary having regard to current trends and developments.

(6.) The Committee shall submit its first report in the month of September, 1951, and thereafter in the month of September in each alternate year.

(7.) The Minister may, whenever he considers it necessary so to do, appoint additional persons to be members of the Committee.

Board of  
Studies.

Sub-reg. (1.)  
amended by  
1955, No. 76.

**31.**—(1.) There shall be a Board of Studies to advise the Commandant, and, when so required by him, to report upon—

- (a) the text-books for use in each subject, and the maps, models, and apparatus, required for purposes of instruction;
- (b) the syllabus of instruction;
- (c) the time-table of studies;
- (d) the marks to be allotted to each subject;
- (e) the case of any cadet who has not made satisfactory progress; and
- (f) such other matters as are referred to the Board of Studies by the Commandant.

Amended by  
1955, No. 76.

(2.) The Board of Studies shall consist of the Commandant, the Director of Military Art, the Director of Civil Studies, the officer commanding and company commanders of the Corps of Staff Cadets, all Professors and such Instructors and Lecturers as the Commandant appoints to be members of the Board.

(3.) The Commandant, or, in his absence, the senior military officer present, shall preside at a meeting of the Board of Studies.

(4.) There shall be a Secretary to the Board of Studies who shall be an officer of the Staff appointed by the Commandant.

PART VII.—EXPULSION, REMOVAL, RESIGNATION AND DISCHARGE.

**32.** A cadet reported by the Commandant to have been guilty of <sup>Expulsion.</sup> dishonourable or immoral conduct, or of a breach of discipline sufficiently serious, in the opinion of the Commandant, to justify expulsion, may, subject to the Minister's approval, be expelled from the College by the Commandant.

**33.** Subject to the approval of the Minister, the Commandant may <sup>Removal.</sup> direct that a cadet be removed from the College if any amount due by a parent or guardian under an undertaking given in pursuance of regulation 7 of these Regulations remains unpaid at the expiration of thirty days after it becomes due, or if, in the opinion of the Commandant, the cadet—

- (a) has been guilty of conduct indicating moral unfitness which, though not amounting to immoral conduct, renders it undesirable that the cadet should remain at the College;
- (b) is physically unfit;
- (c) has not made satisfactory progress in his studies or exercises;
- (d) is unlikely to become an efficient officer; or
- (e) has been absent from instruction for a prolonged period on account of sickness.

**34.** A Commonwealth cadet may be permitted to resign if he satisfies <sup>Resignation.</sup> the Minister that circumstances exist which justify acceptance of his resignation and on payment by the cadet of—

- Fifty pounds, if in his first year of service;
- Seventy-five pounds, if in his second year of service;
- One hundred pounds, if in his third year of service;
- One hundred and twenty-five pounds, if in his fourth year of service; or
- One hundred and fifty pounds, if in his fifth year of service.

**35.—(1.)** A cadet who marries or who is expelled, removed, or <sup>Discharge.</sup> permitted to resign from the College shall be discharged from the Corps of Staff Cadets.

(2.) A cadet may be discharged for any of the reasons specified in paragraph (i), (viii), (ix), (x), (xi), (xii) and (xiii) of sub-regulation (1.) of regulation 184 of the Australian Military Regulations.

PART VIII.—DISCIPLINE.

**36.** All regulations made under the Act shall, in so far as they are <sup>Application of regulations made under Defence Act.</sup> applicable and are not inconsistent with these Regulations, apply to and in relation to cadets.

**37.—(1.)** For an offence against the Act or a regulation made there- <sup>Summary dealing with offences.</sup> under, or for an offence against the Army Act committed on war service, the Commandant may, subject to this regulation, inflict on a cadet the following punishments:—

- (a) Expulsion from the College (subject to the Minister's approval);
- (b) Loss of one or more places in seniority on graduation;
- (c) Loss of marks;
- (d) Reduction to a lower grade or to the ranks;

- (e) Close custody not exceeding seven days;
- (f) A fine not exceeding Five pounds, for the purpose of defraying the whole or part of any expenses caused by him, or any loss of, or damage or destruction done by him to, any arms, ammunition, equipment, clothing, regimental necessities, decorations, or any building or property;
- (g) Confinement to barracks not exceeding twenty-one days;
- (h) Stoppage of leave not exceeding eighty-four days;
- (i) Severe reprimand;
- (j) Reprimand;
- (k) Extra duty;
- (l) Extra drills;
- (m) Answering name at roll calls; and
- (n) Admonition.

(2.) The punishment of severe reprimand or reprimand shall be inflicted only on a warrant or non-commissioned officer.

(3.) The punishment of close custody, confinement to barracks, extra drills, or answering name at roll calls shall not be inflicted on a warrant or non-commissioned officer.

(4.) The Commandant may, by writing under his hand, delegate to the officer commanding the Corps of Staff Cadets his powers under sub-regulation (1.) of this regulation (except the power to inflict the punishments specified in paragraphs (a), (b) and (c) of that sub-regulation), and may, in respect of any particular power so delegated, place such limitations on the exercise of that power by the delegate as are specified in the instrument of delegation.

(5.) A delegation made in pursuance of the last preceding sub-regulation shall be recoverable at will and no delegation shall prevent the exercise of any power by the Commandant.

(6.) Subject to sub-regulations (2.) and (3.) of this regulation, all or any one or more of the punishments specified in paragraphs (b) to (n) (inclusive) of sub-regulation (1.) of this regulation may be inflicted in respect of any one offence.

(7.) In the exercise of any powers delegated to him under sub-regulation (4.) of this regulation, the officer commanding the Corps of Staff Cadets may—

- (a) adjourn the case for the purpose of having the evidence in respect of the offence reduced to writing;
- (b) remand the case for trial by the Commandant; or
- (c) if he thinks that the offence is not so serious as to warrant remanding the case for trial by the Commandant, dispose of the case summarily.

(8.) The procedure on the hearing of a charge under this regulation by the Commandant or an officer to whom the Commandant has delegated his powers under this regulation shall be the same as if he were a commanding officer.

Delegation of  
power to  
inflict minor  
punishment.

**38.**—(1.) The Commandant may, by writing under his hand, delegate his powers to—

- (a) company commanders and members of the Staff in respect of all or any of the punishments specified in paragraphs (f) to (n) (inclusive) of sub-regulation (1.) of the last preceding regulation; and

- (b) warrant or non-commissioned officers of the Corps of Staff Cadets, when an officer, professor or lecturer is not present, in respect of the punishments specified in paragraphs (l) and (m) of that sub-regulation, or either of them,

and may place such limitations on the exercise of any powers so delegated as are specified in the instrument of delegation.

(2.) A delegation made in pursuance of the last preceding sub-regulation shall be recoverable at will and no delegation shall prevent the exercise of any power by the Commandant.

**39.—**(1.) A cadet shall not be entitled to elect under section 46 of the Army Act (whether applying by virtue of the Act or of the Australian Military Regulations) to be tried by court-martial and an officer having power to inflict punishment under regulation 37 or 38 of these Regulations shall not ask a cadet whether he desires to be dealt with summarily or to be tried by court-martial. Modification of Australian Military Regulations and Army Act.

(2.) Regulations 256, 260 and 262 of the Australian Military Regulations and so much of section 46 of the Army Act as authorizes punishments not authorized by regulation 37 of these Regulations, shall not apply to cadets, and that section and all other provisions of the Army Act (whether applying by virtue of the Act or of the Australian Military Regulations) shall, for the purpose of their application to cadets, be read with such modifications (if any) as are necessary to make them consistent with these Regulations.

**40.—**(1.) A person residing or performing duty at, or being in any way connected with the administration of the College, shall not receive for his own benefit or the benefit of any other person, any payment, reward, gift or loan, from a cadet or from a relation or friend of a cadet. Presentations forbidden.

(2.) A cadet shall not make or offer any payment, gift or loan, to a person residing or performing duty at, or being in any way connected with the administration of the College, or to a near relation of such a person.

**41.** Cadets shall salute all officers in uniform, officers not in uniform whom they know to be officers and the College professors and lecturers. Saluting.

**42.—**(1.) A cadet shall not bring or cause to be brought within the College, or have in his room, tent, or otherwise in his possession while subject to College control, any intoxicating liquor. Intoxicating liquor.

(2.) A cadet who contravenes the last preceding sub-regulation or consumes liquor brought within the College or in the possession of a cadet in contravention of that sub-regulation may, with the approval of the Minister, be expelled from the College.

**43.** A cadet shall not, while at the College, conduct or take part in gambling. Gambling forbidden.

**43A.** A cadet shall not keep on the College premises a motor-cycle or a pet. Keeping motor-cycles, &c.  
Added by  
1955, No. 76.

## PART IX.—LEAVE OF ABSENCE.

Leave.

**44.** The Commandant may grant leave of absence—

- (a) to any person on the establishment of the College at such times as, in the opinion of the Commandant, the good of the Service will permit;
- (b) to members of the Staff of the College, whose services can, in the opinion of the Commandant, be spared, during any period in which academic studies are suspended; and
- (c) to cadets between terms.

## PART X.—FINANCE.

Cadets' accounts.

**45.** There shall be an account for each cadet into which shall be paid the amounts to be credited to a cadet under this Part and from which shall be deducted the amounts to be debited under this Part.

Pay.

**46.**—(1.) The account of a cadet admitted by way of normal entry or service entry shall be credited with pay at the rate specified in the following table according to the class in which the cadet is included:—

| Class.       |    |    |    |    | Rate of pay per day.               |
|--------------|----|----|----|----|------------------------------------|
| Fourth Class | .. | .. | .. | .. | Nine shillings and ten pence       |
| Third Class  | .. | .. | .. | .. | Eleven shillings and one penny     |
| Second Class | .. | .. | .. | .. | Thirteen shillings and four pence  |
| First Class  | .. | .. | .. | .. | Fourteen shillings and seven pence |

(2.) The rate of pay to be credited, under the last preceding sub-regulation, to the account of a cadet who, at the date on which he joins the College, has attained the age of eighteen years or who attains the age of eighteen years after that date shall be increased by sixpence per day.

(3.) Payment of the sum of One shilling and sixpence for each day in respect of which a cadet receives pay under this regulation shall be deferred for payment until the cadet has graduated or is discharged.

(4.) A cadet who repeats a year of the course of instruction shall be credited with pay at the rate prescribed by this regulation in relation to the class in which he remains.

(5.) The rate of pay of a cadet admitted by way of special entry shall be determined by the Military Board.

Allowances.

**47.** The following allowances shall be credited to the account of a cadet admitted by way of normal or service entry:—

- (a) uniform maintenance allowance at the rate of One shilling and sixpence per day;
- (b) living-out allowance at the rate of Six shillings and sixpence per day for each day the cadet is absent from the College on leave, in excess of seventy-two hours, granted under regulation 44 of these Regulations;



- (c) an allowance of such amount, not exceeding the rate of travelling allowance payable to an officer holding the rank of lieutenant, as is necessary to cover expenses incurred by the cadet when travelling to and from an interview held under these Regulations or when travelling to the College for admission as a student; and
- (d) travelling allowance at the rate payable to an officer holding the rank of lieutenant, when the cadet is travelling on duty.

**48.** An initial issue of clothing shall be made at Commonwealth expense to a cadet in accordance with such scale as the Military Board authorizes. Uniforms.

**49.** The cost of replacing a cadet's uniform and clothing and the cost of his boot repairs shall be debited to his account. Replacement of uniforms.

**50.** The Commandant may issue to a cadet pocket money at such rate, not exceeding one-quarter of the daily rate of pay prescribed by regulation 46 of these Regulations, as the Commandant determines and the amount of pocket money issued to a cadet shall be debited to his account. Pocket money.

**51.—(1.)** Rations, quarters, medical and dental services and hospital treatment shall be provided to cadets free of charge. Rations and medical &c. services.

(2.) For the purposes of the last preceding sub-regulation, rations shall be issued according to such scale as the Military Board directs.

(3.) The cost of medical, dental or hospital treatment undergone by a cadet whilst absent from the College on leave shall not, except with the approval of the Military Board, be charged against the Commonwealth.

**52.** Books, instruments and equipment shall be issued for the use of cadets during the course of instruction. Books, instruments and equipment.

**53.** The Commandant may require cadets to contribute to sports funds. Sports funds.

**54.** A cadet shall not, except with the permission of the Commandant or an officer authorized in that behalf by the Commandant, receive from his parent, guardian or another person money or presents. Presents forbidden.

**55.** The following shall be debited to a cadet's account:— Amounts to be debited to cadets' accounts.

- (a) contributions to cover the cost of messing provided in excess of the normal ration scale;
- (b) contributions towards the cost of providing mess stewards;
- (c) contributions to sports funds;
- (d) laundry charges; and
- (e) such other expenditure, common to all cadets, and such personal expenditure as the Commandant approves.

Travelling  
warrants.

**56.**—(1.) Warrant for first-class fares and sleepers when available on railways, and for air fares or first-class steamer fares between Melbourne and Tasmania, may be issued at Commonwealth expense to cadets for use—

- (a) when joining the College;
- (b) when travelling on duty;
- (c) when travelling to and from their homes on leave between the concluding term of any year and the first term of the next ensuing year;
- (d) when travelling on sick leave with the approval of the Commandant; or
- (e) when travelling to their homes after graduation.

(2.) The value of a warrant issued to a cadet, who is travelling to his home after having been expelled, removed, or permitted to resign shall be debited to the cadet's account.

Loss, damages,  
&c., may be  
debited to  
cadet's account.

**57.**—(1.) The Commandant may debit to the account of a cadet the amount of any expense to the Commonwealth caused by that cadet, or any loss of, or damage or destruction done by the cadet to, any arms, ammunition, equipment, clothing, books, instruments, regimental necessities, or any building or other property belonging to the Commonwealth.

(2.) An officer authorized in that behalf by the Commandant may debit to the account of a cadet an amount (not exceeding Two pounds) in respect of any expense to the Commonwealth caused by that cadet or any loss or destruction of, or damage by that cadet to, any arms, ammunition, equipment, clothing, books, instruments, regimental necessities, or any building or other property belonging to the Commonwealth.

Payment to  
cadet on  
graduation  
or discharge.

**58.**—(1.) The amount standing to the credit of a cadet shall be paid to him on graduation or discharge.

(2.) Where a cadet is expelled, removed or permitted to resign, he shall return to store the initial outfit of uniform and clothing issued in pursuance of regulation 48 of these Regulations.

(3.) Where a cadet does not return an article of uniform or clothing in accordance with the last preceding sub-regulation, the value of the unexpired life of the article as determined by the Military Board shall be debited to his account.

Stoppage of  
pay and  
allowances.

**59.** A cadet who resigns while on leave from the College shall forfeit pay and allowances for the period of that leave.

#### PART XI.—MISCELLANEOUS.

Annual report.

**60.** The Commandant shall, in February of each year, send to the Minister through the Military Board the report required to be furnished by section 147 of the Act.

Cadets may  
be detailed as  
Assistant  
Instructors.

**61.**—(1.) A cadet may, with the approval of the Military Board, be detailed as an Assistant Instructor or to perform duty with troops.

(2.) Where a cadet has been detailed in accordance with sub-regulation (1.) of this regulation—

- (a) he shall be seconded to the Citizen Military Forces during the period for which he is so detailed;
- (b) he may, on the recommendation of the Commandant, be granted a provisional commission as a lieutenant during that period; and
- (c) his account shall not be credited with pay and allowances in accordance with Part X. of these Regulations during that period, but he shall be paid the rates of pay and pay allowances payable under the Financial (Military) Regulations to a Lieutenant.

## THE SCHEDULES.

### FIRST SCHEDULE.

Regulation 2.

Statutory Rules 1939, No. 7.  
 Statutory Rules 1939, No. 94.  
 Statutory Rules 1941, No. 24.  
 Statutory Rules 1943, No. 70.  
 Statutory Rules 1946, No. 160.  
 Statutory Rules 1948, No. 33.  
 Statutory Rules 1948, No. 144.  
 Statutory Rules 1949, No. 27.  
 Statutory Rules 1951, No. 12.

### SECOND SCHEDULE.

Regulations 5 and 29.

Substituted by  
1955, No. 76.

#### EDUCATIONAL QUALIFICATIONS REQUIRED OF COMMONWEALTH CANDIDATES FOR NORMAL ENTRY.

1. The educational qualifications required for admission to the College are, subject to paragraph 3 of this Schedule, a "pass" or higher qualification at the Leaving Certificate Examination (or equivalent) held by a public examining authority or a university in Australia in English, one Mathematics subject and any two other subjects considered by the Selection Board to be suitable as prerequisites for the College course.

2. After admission to the College, a Cadet may be allocated to the General Science Course or the Science and Engineering Course if—

- (a) at the Leaving Certificate Examination (or equivalent other than the Tasmanian Schools Board Examination) held by a public examining authority or a university in Australia, he has obtained a "pass" or higher qualification in English and three other subjects, being subjects specified respectively in each of three of the following clauses:—

- (i) Mathematics I. or Mathematics A;
- (ii) Mathematics II. or Mathematics B;
- (iii) Physics; and
- (iv) Chemistry,

and has, in a fourth subject being a subject specified in the remaining clause, obtained a "pass" or higher qualification or reached a standard which the Commandant regards as satisfactory; or

- (b) at the Tasmanian Schools Board Examination, he has obtained a "pass", not being a "lower pass", or higher qualification in English, Mathematics II., Mathematics III. and General Science A.

3. The Selection Board may accept a "pass" or higher qualification in a subject obtained at an examination other than an examination referred to in paragraph 1 or 2 of this Schedule in lieu of a pass in a particular subject at an examination so referred to if, in the opinion of the Selection Board, the nature of the subjects is substantially similar and the standard of the first-mentioned examination is not lower than the standard of an examination so referred to.

4. All subjects need not necessarily be passed at the one examination.

5. A candidate shall be deemed to have the educational qualifications specified in paragraph 1 if, having failed in one of the required subjects, he has, in the opinion of the Selection Board, passed in three subjects at a standard sufficiently high to justify the application of this provision.

6. For the purposes of paragraphs 1 and 2 of this Schedule, "public examining authority" includes a school approved to conduct Leaving Certificate, Senior Public or Matriculation examinations.

Substituted by  
1955, No. 76.

### THIRD SCHEDULE.

Regulations 5 and 11.

#### EXAMINATION OF COMMONWEALTH CANDIDATES FOR SERVICE ENTRY.

1. In order to qualify for a pass, a candidate must obtain not less than half marks in each of the military subjects of Division I., and in each of the civil subjects of Division II. appropriate to either the Arts Course, or to the General Science Course or the Science and Engineering Course, as follows:—

(a) Arts Course.—English, Economics, General Mathematics and Physical Science.

(b) General Science or Science and Engineering Course.—Pure Mathematics, Applied Mathematics, Physics, Chemistry and English Expression.

2. After admission to the College, a Cadet shall be allocated to the Arts Course if he has passed in the subjects appropriate to that Course, and to the General Science Course or Science and Engineering Course if he has passed in the subjects appropriate to those Courses.

3. A candidate will be exempted from the examination in a subject of Division II. if he has passed University First Year in that subject or if he produces evidence to the satisfaction of the Commandant that he has passed an equivalent examination in that subject.

4. The examination of the military subjects specified in Division I. will be set from the latest editions of the official manuals. The subject-matter will be that contained in the sections in the current editions of those manuals specified in the following syllabus.

#### SYLLABUS.

| Subject.                                | Division I.—Military Subjects.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Marks. |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1. <i>Fieldcraft</i> .. .. .            | Observation and concealment, recognition of targets, judging distance; Fire discipline; Elementary movement and obstacle crossing by day; Elementary observation, concealment, and movement by night; Advanced observation and concealment by day; Keeping direction, fire positions, selection of lines of advance, and stalking by day;<br>( <i>Infantry Training</i> , Vol. 1 Pam. 2.)                                                                                                                                                                                           | 200    |
| 2. <i>Drill and Ceremonial</i> .. .. .  | Squad drill without arms; Squad drill with arms; Guards and Sentries.<br>( <i>Drill (All Arms)</i> 1953.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 100    |
| 3. <i>Small Arms Training</i> .. .. .   | The candidate shall attain the trained soldier standard in the following:—<br>(a) The Rifle and Bayonet ( <i>Infantry Training</i> , Vol. I., Pam. 3, Lessons 1-73). Classification Practice, Part II.; Training tests 1 to 8.<br>(b) Machine Carbine ( <i>Infantry Training</i> , Vol. I., Pam. 4) Owen Lessons 1-3. Classification Practice.<br>(c) Light Machine Gun ( <i>Infantry Training</i> , Vol. I., Pam. 6, Lessons 1-23). Classification Practice, Part II., Tests 1-5.<br>(d) Grenades. ( <i>Infantry Training</i> , Vol. I., Pam. 7, Lessons 1-3). Training Tests 1-3. | 300    |
| 4. <i>Hygiene and First Aid</i> .. .. . | Personal (including dental) hygiene; First Aid to the injured. Handbook of Army Health 1950.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 50     |

5. *Physical Training* . . . . . 50

The candidate will be required to show a fair standard of performance in the Physical Efficiency Tests as laid down for Fourth Class cadets.

These tests are as follows:—

- (a) Run 5 miles cross country in 40 minutes.
- (b) Run 1 mile in 6 minutes 30 seconds.
- (c) High jump 3 feet 9 inches.
- (d) Do a standing high jump of 3 feet.
- (e) Broad jump 13 feet.
- (f) Deep knee bend 20 times with 50 lbs. on shoulders.
- (g) Press up 15 times.
- (h) Chin the beam 6 times.
- (j) Climp up a 15 feet rope.

6. *Mechanical Vehicle Training* . . . . . 50

The theory of the I.C. engine—a general knowledge only;  
The main components of an Army vehicle;  
The Army vehicle servicing system and inspection;  
M.T. administration.  
(Military Board Instructions 100/54.)  
(S.O.'s for Vehicle Operation and Maintenance (1952).)  
(S.O.'s for Drivers (1945).)

*Division II.—Civil Subjects.*

7. *English*—one three-hour paper—

(a) *Literature*.—A study of selected authors from the Elizabethan period to the Romantic Revival.

Text-books—

Drama—

Harrison—Introducing Shakespeare.  
Shakespeare—A Midsummer Night's Dream, Twelfth Night, King Lear, Antony and Cleopatra.  
Johnson—Volpone.  
Webster—The Duchess of Malfi.  
Massinger—A New Way to Pay Old Debts.  
Etherege—The Man of Mode.  
Dryden—All for Love.

Prose—

Swift—A Tale of a Tub.  
Defoe—Moll Flanders.  
Richardson—Pamela (1st Vol.).  
Fielding—Tom Jones.  
Boswell—Life of Johnson.

Poetry—

Selected poems of Donne, Herrick, Milton, Pope, Wordsworth, Keats and Byron.  
Seaman—A Short Social History of England.

(b) *English Expression*.—Essential grammar; idiom; the use of words; sentence and paragraph construction; the planning and writing of papers; the cultivation of a simple, clear prose style.

Text-books—

Ralph—Putting it Plainly.  
Clay—Advanced English Exercises.  
The Little Oxford Dictionary.

8. *Economics*—one three-hour paper—

(a) *Introduction*.—The nature, scope and methods of economics; a general survey of the subject.

(b) *Theory of Demand*.—The Labour and Cost of Production theories of value; criticisms; theory of wants and marginal utility theory of value; Wicksteed and Relative Utility; the demand schedule and curve; elasticity of demand; changes in demand; Marshall's consumer's surplus; general equilibrium of demand, supply and price.

- (c) Production.—The concept; the forms of business organization; the diversion of labour; advantages and disadvantages of specialization and large-scale enterprise.
- (d) The factors of production.—Concept, classification; combination of factors; increasing, constant and diminishing returns; land as a factor; labour as a factor; labour supply with a given population; theory of population; vital statistics of the United Kingdom, Australia and New Zealand; capital as a factor; supply of and demand for capital goods and monetary capital; organization as a factor; authority and responsibility in the firm.

Text-books—

Benham—Economics.  
 Eastham—Introduction to Economic Analysis.  
 Copland—The Australian Economy.  
 Hicks—The Social Framework.  
 Clay—Economics for the General Reader.  
 Gray—Development of Economic Doctrine.  
 Downing—National Income and Social Accounts.  
 Mills and Walker—Money.

9. *General Mathematics*—one three-hour paper—

- (a) *Algebra*.—Revision of equations; simple, simultaneous, quadratic, simultaneous quadratic; factors, including remainder and factor theorems; theory of indices; surds; ratio and proportion; arithmetical, geometrical and harmonic progressions; theory of quadratic equations; logarithms; permutations and combinations; binomial theorem; exponential and logarithmic series; partial fractions.
- (b) *Calculus*.—Elementary differentiation and integration illustrated with special reference to various curves; equations of tangents and normals; exponential, logarithmic and other simple series; hyperbolic functions; partial differentiation; differential equations of first order; polar co-ordinates.
- (c) *Trigonometry*—
- (i) Measurement of angles and bearings;
  - (ii) Trigonometrical ratio:
    - acute angles; definitions; solution of right-angled triangles; particular angles; angles of any magnitude; relation between trigonometrical ratios;
  - (iii) Trigonometrical identities:
    - sum and difference of two angles; multiple angles; transformation of sums into products; relation between sides and angles in a triangle;
  - (iv) Solution of triangles:
    - given three sides; given two sides and included angle; given one side and two angles;
  - (v) Heights and distances;
  - (vi) Circular measure;
  - (vii) Solution of equations:
    - acute angles;
    - general solution.
- (d) *Co-ordinate Geometry*—
- (i) Cartesian co-ordinates;
  - (ii) Distance between two points;
  - (iii) Division of line into given ratio;
  - (iv) Equation of a straight line:
    - tangent form;
    - intercept form;
    - perpendicular form;
  - (v) Straight line satisfying given conditions; through given point in given directions; through two given points;
  - (vi) Angle between two straight lines;
  - (vii) Parallel and perpendicular lines;
  - (viii) The circle.

(e) *Applied Mathematics*—

- (i) Introduction;
- (ii) Statics:  
Composition and resolution of forces; forces acting on a particle; moment of a force; three forces on a body; conditions of equilibrium;
- (iii) Dynamics:  
Acceleration and velocity; equations determining motion; motion under gravity; laws of motion; work, energy; impulse.

Text-books—

Bowman—Elementary Calculus.  
Siddons, Snell and Dockeray—Elementary Mechanics.

10. *Physical Science*—one three-hour paper—

- (a) General Physics and Heat;
- (b) Substances and Molecules;
- (c) Electricity and Magnetism;
- (d) Chemical Reactions and Atoms;
- (e) Electrolytes and Ions;
- (f) Atomic Structure and Sub-atomic Particles;
- (g) Wave Motion, Sound and Light, Radio and Radar;
- (h) Descriptive Chemistry.

11. *Pure Mathematics*—one three-hour paper—

- (a) *Algebra*.—Permutations and combinations; binomial theorem; logarithmic and exponential series; partial fractions; determinants.

(b) *Calculus*—

- (i) Differentiation:  
Rules of differentiating composite functions and functions defined implicitly; applications to curve tracing; extreme values, rates; circular functions and their inverses and applications; exponential and logarithmic functions and applications.
- (ii) Integration:  
Formulae for change of variable and partial integration; integration of rational algebraic functions; integration of simple rational algebraic combinations of the Transcendental Functions included above; definite integrals; applications to areas, volumes, arc lengths.
- (iii) First Order Approximations:  
Small errors; higher order approximations, Taylor-Maclaurin formula.

(c) *Analytical Geometry*—

- (i) Straight line:  
Equation; parallel and perpendicular lines; angle between two lines.
- (ii) Circle:  
Equation in terms of centre and radius; equation of tangent.
- (iii) Conics:  
Their definitions and some geometrical properties; tangents and normals; parametric equations.
- (iv) Space Analytical Geometry:  
Distance and direction; angle between directions; equations of a line and of a plane.

Text-books—

Bowman—Elementary Calculus; or any equivalent book.  
Osgood and Graustein—Plane, Solid, Analytic Geometry; or any similar book.

12. *Applied Mathematics*—one three-hour paper—

(a) *Statics*.—Composition and resolution of forces; parallel forces, moments, couples; equilibrium of a rigid body acted upon by three co-planar forces; general conditions of equilibrium of a rigid body acted upon by any number of co-planar forces (elementary treatment only); centre of gravity (elementary); machines, friction; graphical statics.

(b) *Dynamics*.—Motion of a particle in a straight line; velocity, acceleration, mass, force, momentum, work, power, impulse, energy, projectiles (under constant gravity); *direct* collision of elastic bodies; dynamics of a particle moving in a circle; S.H.M.; elementary vector analysis; relative velocity; centre of mass and moments of inertia, including parallel axes theorem, perpendicular axis theorem for lamina, Routh's rule; dynamics of a particle and rigid body.

Text-book—

Loney—Elements of Statics and Dynamics.

Reference book—

Bullen—Introduction to Theory of Mechanics.

13. *Physics*—one three-hour paper—

The elementary principles of Physics, including the following topics:—

Physical quantities, units and measurements;

Mechanics;

Gravitation;

Hydromechanics;

Properties of matter;

Descriptive account of the Kinetic Theory of gases;

Heat;

Magnetism;

Electrostatics;

Electric currents; their chemical, heating and magnetic effects;

Electromagnetic induction;

Introduction to Cathode rays, Rontgen rays;

Radioactivity; Isotopes, Atomic structure, Wave Motion and sound;

Geometrical Optics.—Optical instruments including range-finders, dial sights and periscopes.

Text-books—

Houston—Intermediate Physics.

Smith—Intermediate Physics.

Lemon & Ference—Analytical Experimental Physics.

Adams—The Student's Guide.

Kitson—How to use your Mind.

Champion—University Physics.

Noakes—Text-books of Heat, Light, Electricity and Magnetism.

14. *Chemistry*—one three-hour paper—

(a) The properties of gases;

(b) Fundamental Chemical Theory;

(c) The properties of liquids;

(d) The properties of solutions;

(e) The properties of solids;

(f) Thermochemistry;

(g) Chemical Equilibrium and its applications;

(h) The electronic theory of matter and its applications;

(j) Descriptive Inorganic Chemistry.

15. *English Expression*—one paper of one and one-half hours—

Essential grammar; idiom, the use of words, sentence and paragraph construction; the planning and writing of papers; and the cultivation of a simple, clear prose style.

Text-books—

Ralph—Putting it Plainly.

Clay—Advanced English Exercises.



FOURTH SCHEDULE.

Regulation 7.

COMMONWEALTH OF AUSTRALIA.

*Royal Military College Regulations.*

REQUEST BY PARENT OR GUARDIAN FOR THE ADMISSION TO THE  
ROYAL MILITARY COLLEGE OF A COMMONWEALTH CANDIDATE  
UNDER THE AGE OF TWENTY-ONE YEARS AND UNDERTAKING IN  
RESPECT OF THAT ADMISSION.

To the Minister of State for the Army.

1. I, <sup>(a)</sup>, being a \* parent \* <sup>(a) Here insert full name, address and occupation.</sup>  
of <sup>(b)</sup> request that he be admitted as a student at the Royal Military College of Australia, and I undertake, if he is so admitted— <sup>(b) Here insert full name of candidate.</sup>

(a) That I will pay from time to time to the Commonwealth on demand signed by the Commandant for the time being of the Royal Military College of Australia, and served on me personally or by post, the amount (if any) by which he has exceeded the pay and allowances which he will become entitled to receive, as a student at the College or member of the Corps of Staff Cadets, under any Act or Regulation for the time being in force; <sup>\* Strike out which is inapplicable.</sup>

(b) That, in the event of my being absent from Australia for any period during his attendance as a student, I will appoint a resident of Australia as his guardian during the period of my absence, and I will notify the Commandant in writing of the name and address of that guardian and attach to that notification the written consent of that guardian.

2. If my <sup>son \*</sup> <sup>ward</sup> is so admitted, and, while he is in attendance as a student, <sup>\*Strike out which is inapplicable.</sup> there arises, in the opinion of the Commandant, urgent necessity for the administration of an anaesthetic to, or the performance of a surgical operation on, my <sup>son \*</sup> <sup>ward</sup>, I consent to the administration of the anaesthetic or performance of the surgical operation, or both.

3. I desire that my <sup>son \*</sup> <sup>ward</sup> attend Divine Service according to the rites of <sup>\*Strike out which is inapplicable.</sup> <sup>(c)</sup> Church, and, if such Service is not held, I have no objection to his attending the Service held in the College. <sup>(c) Here insert denomination of Church.</sup>

4. I desire that all communications concerning my <sup>son \*</sup> <sup>ward</sup> be addressed to <sup>\* Strike out which is inapplicable.</sup> me as follows:—<sup>(d)</sup> and I undertake to inform the Commandant of the College whenever I change my <sup>(d) Here insert address.</sup> address.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Witness—

Signature.

Address and occupation of Witness.

NOTE.—Paragraph 3 may be omitted or altered as desired by the parent or guardian.

## DEFENCE ACT

## FIFTH SCHEDULE.

Regulation 12.

COMMONWEALTH OF AUSTRALIA.

*Royal Military College Regulations.*

## FORM OF ATTESTATION BY CANDIDATE.

Attestation No.

Name

Corps of Staff Cadets

Joined at

on

| Questions to be put to the Applicant before Enlistment.                                                                                          | Answers. |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1. What is your name? .. .. .                                                                                                                    | 1.       |
| 2. Where were you born? .. .. .                                                                                                                  | 2.       |
| 3. Are you a British subject? .. .. .                                                                                                            | 3.       |
| 4. What is your age? .. .. .                                                                                                                     | 4.       |
| 5. Are you married? .. .. .                                                                                                                      | 5.       |
| 6. Have you ever been convicted by a Civil Court? ..                                                                                             | 6.       |
| 7. Have you ever been rejected as unfit for His Majesty's Service? If so, on what grounds?                                                       | 7.       |
| 8. Do you now belong to, or have you ever served in any part of His Majesty's Forces? If so, state particulars of such service.                  | 8.       |
| 9. Are you willing to be enlisted under the conditions stated in the Australian Military Regulations and the Royal Military College Regulations? | 9.       |

I, \_\_\_\_\_ do solemnly declare that the above answers made by me to the above questions are true.

Signature of Candidate.

## CERTIFICATE OF ATTESTING OFFICER.

The above questions were read to the Candidate in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered as replied by him.

Signature.

Date

Commandant or Authorized Officer.

## SIXTH SCHEDULE.

Regulation 14.

COMMONWEALTH OF AUSTRALIA.

*Royal Military College Regulations.*

## FORM OF UNDERTAKING BY NEW ZEALAND CANDIDATES.

Entry of No.

Name

Corps of Staff Cadets

Joined at

on

I, \_\_\_\_\_, having been nominated by the Governor-General of the Dominion of New Zealand as a Cadet in the Royal Military College of Australia, hereby undertake to serve as a Cadet until lawfully discharged, dismissed or removed.

Signature of Candidate.

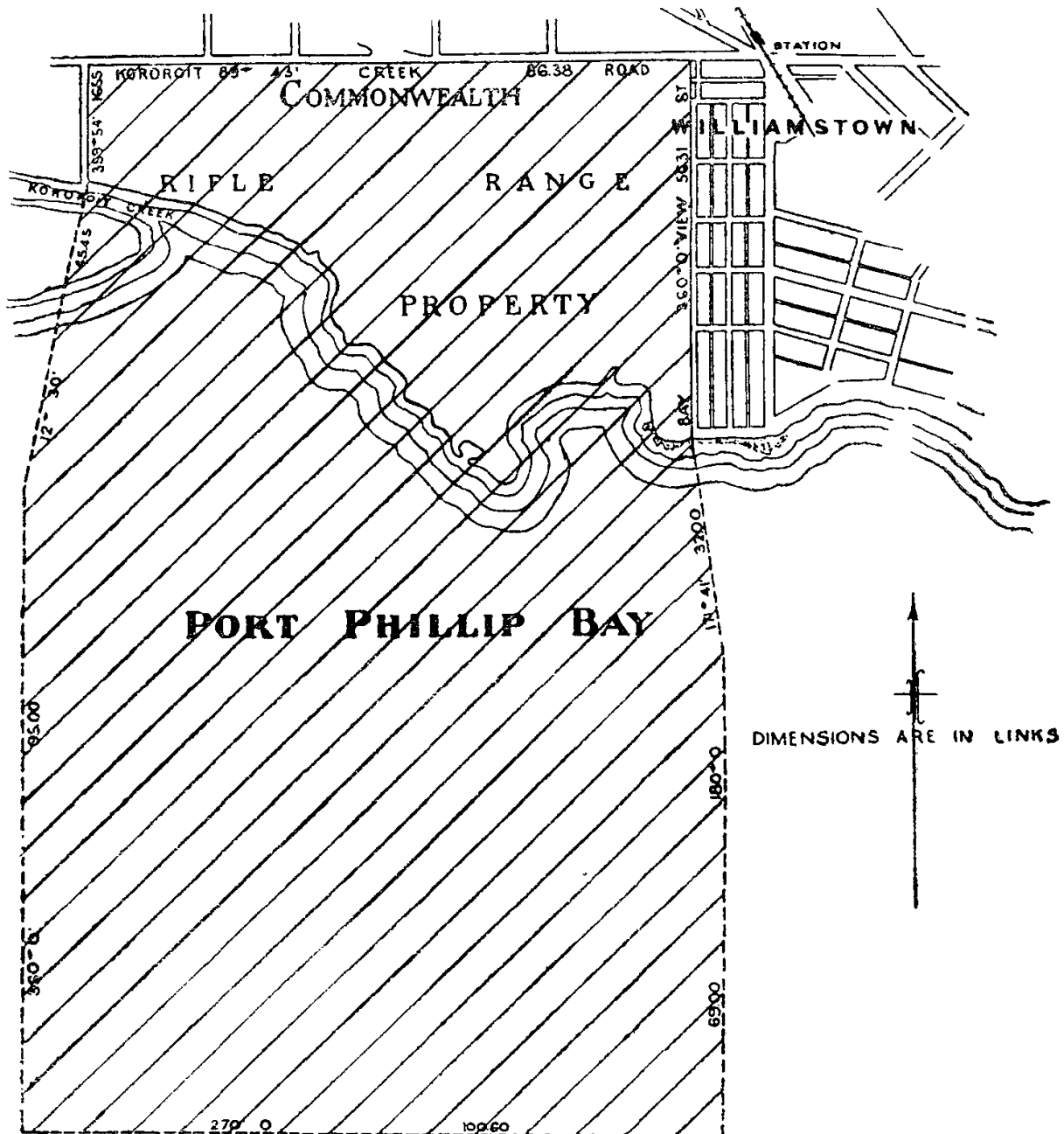
Date

Signature of Commandant or Authorized Officer.

1. These Regulations may be cited as the Williamstown Rifle Range <sup>Short title.</sup> Regulations.\*

2. The prescribed distance under section 72 of the *Defence Act* 1903-1927 from any person engaged in rifle practice on the rifle range at Williamstown, in the State of Victoria, shall be the distance from that person to any point on the perimeter of the area shown hachured on the plan hereunder.

Distance to be kept under D.A. 72 for rifle practice.



\* Statutory Rules 1929, No. 70; in force under the *Defence Act* 1903-1956; notified in the *Gazette* on 4th July, 1929; commenced on 28th June, 1929.

## DEFENCE ACT 1949

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### NATIONAL SECURITY (MILITARY FORCES) REGULATIONS.\*

## Citation.

1. These Regulations may be cited as the National Security (Military Forces) Regulations.\*

\* \* \* \* \*

## Interpretation.

Inserted by  
1943, No. 252.

1B.—(1.) Unless the contrary intention appears, expressions used in these Regulations shall have the same meaning as in the *Defence Act* 1903-1941, or in that Act as subsequently amended.

Added by  
1946, No. 60.

(2.) In the event of the appointment of officer to command the Military Forces in time of war ceasing to exist, any reference in these Regulations to the officer holding that appointment shall be read as a reference to the Military Board.

\* \* \* \* \*

Deductions  
from pay of  
members of  
Military Forces  
for support of  
dependants.

Added by  
1941, No. 10.

6.—(1.) The Minister of State for the Army or an authorized officer may make Orders authorizing the deduction from the pay of any member of the Military Forces of the Commonwealth of such reasonable sums as the Minister or the authorized officer thinks fit for the support of any person who, in the opinion of the Minister or the authorized officer, as the case may be, is wholly or partly dependent upon, or has a claim for maintenance against, the member, and the payment of such sums to or for the benefit of any such person.

Substituted by  
1945, No. 30.

(2.) For the purposes of this regulation “authorized officer” means any person appointed in writing by the Minister of State for the Army to be an authorized officer for the purposes of the regulation.

\* \* \* \* \*

Power to  
suspend, vary  
and cancel  
allotments  
under the War  
Financial  
(Military  
Forces)  
Regulations.

Added by  
1942, No. 135.

12. If in any case special circumstances exist or arise which, in the opinion of a prescribed authority under the War Financial (Military Forces) Regulations, justify such a course, the prescribed authority may, in respect of any allotment of pay made by any person included in the definition of “member” in those Regulations—

- (a) suspend the payment of the allotment or any part thereof,
- (b) vary the rate of allotment, or
- (c) cancel the allotment.

\* \* \* \* \*

\* The National Security (Military Forces) Regulations consist of those provisions of Statutory Rules 1941, No. 1, as amended, that are continued in force by the *Defence Act* 1949. Those provisions comprise the following Statutory Rules:—

| Year and Number.      | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|-----------------------|----------------------------------------------------------------|
| 1941, No. 1 .. .. .   | 13th January, 1941                                             |
| 10 .. .. .            | 30th January, 1941                                             |
| 202 .. .. .           | 20th August, 1941                                              |
| 1942, No. 135 .. .. . | 19th March, 1942                                               |
| 1943, No. 252 .. .. . | 1st October, 1943                                              |
| 1945, No. 30 .. .. .  | 8th March, 1945                                                |
| 1946, No. 60 .. .. .  | 28th March, 1946                                               |

## NATIONAL SECURITY (PRISONERS OF WAR) REGULATIONS.\*

1. These Regulations may be cited as the National Security (Prisoners of War) Regulations.\*

\* \* \* \* \*

Reg. 1A  
inserted by  
1943, No. 132;  
repealed by  
1943, No. 277.

2.—(1.) In these Regulations and in the Prisoners of War Camp Orders and the Camp Rules, unless the contrary intention appears—

Definitions.  
Sub-reg. (1.)  
amended by  
1952, Nos. 315  
and 526;  
1943, No. 132;  
1946, Nos. 11  
and 152;  
and Act  
No. 77, 1946.

“detention barracks” means any place set apart by the Camp Commandant for the accommodation of prisoners of war serving sentences of detention;

“military court” means a military court constituted in pursuance of these Regulations;

“money” means money which is legal tender in Australia or in the United Kingdom, but does not include foreign money;

“officers’ camp” means a prisoners of war camp established for officers and persons of equivalent status;

“prisoner of war” includes any person who has been sent to Australia as a prisoner of war for detention in accordance with arrangements entered into by the Government of the Commonwealth and the Government of the United Kingdom or of any other part of His Majesty’s dominions or by the Government of the Commonwealth and the Government or Administration of any other country or place;

“prisoners of war camp” means a prisoners of war camp established in pursuance of, or a place deemed to be a prisoners of war camp, for the purposes of, these Regulations;

“Prisoners of War Camp Orders” means Prisoners of War Camp Orders made by the Adjutant-General in pursuance of regulation 8 of these Regulations;

“Prisoners of War Information Bureau” means the Bureau of that name established pursuant to the Convention;

“protecting Power”, in relation to a prisoner of war, means the Power charged with the protection of the interests of his country in Australia;

\*The National Security (Prisoners of War) Regulations made under the *National Security Act 1939-1945* and continued in force under the *Defence Act 1949*, comprise the following Statutory Rules:—

| Year and Number. |    |    |    |    | Date of Notification in Gazette<br>and of Commencement. |
|------------------|----|----|----|----|---------------------------------------------------------|
| 1941, No. 178    | .. | .. | .. | .. | 24th July, 1941                                         |
| 201              | .. | .. | .. | .. | 20th August, 1941                                       |
| 267              | .. | .. | .. | .. | 20th November, 1941                                     |
| 1942, No. 315    | .. | .. | .. | .. | 18th July, 1942                                         |
| 526              | .. | .. | .. | .. | 10th December, 1942                                     |
| 1943, No. 88     | .. | .. | .. | .. | 1st April, 1943                                         |
| 132              | .. | .. | .. | .. | 20th May, 1943                                          |
| 277              | .. | .. | .. | .. | 10th November, 1943                                     |
| 1944, No. 78     | .. | .. | .. | .. | 25th May, 1944                                          |
| 1945, No. 162    | .. | .. | .. | .. | 26th October, 1945                                      |
| 1946, No. 11     | .. | .. | .. | .. | 21st January, 1946                                      |
| 69               | .. | .. | .. | .. | 11th April, 1946                                        |
| 152              | .. | .. | .. | .. | 24th October, 1946                                      |

These Regulations were also amended by the *Defence (Transitional Provisions) Act 1946* (No. 77, 1946).

“summary punishment” means a punishment imposed in pursuance of regulation 52 of these Regulations;

“superior authority” means the Adjutant-General, the Commander of a Command, the Commandant of a Military District or the officer not below the rank of brigadier commanding an Army, Corps or Division of the Australian Military Forces;

“the Camp Commandant” means the Commandant of a prisoners of war camp, and includes any officer for the time being performing the duties of Camp Commandant, and any officer commanding any troops having custody of prisoners of war at a place deemed to be a prisoners of war camp in pursuance of regulation 6 of these Regulations;

“the Camp Paymaster” includes any person for the time being performing the duties of the Camp Paymaster;

“the Camp Rules”, in relation to a prisoners of war camp, means the rules made by the Camp Commandant in pursuance of regulation 9 of these Regulations;

“the Convention” means the International Convention relative to the treatment of Prisoners of War signed at Geneva on the twenty-seventh day of July, 1929;

“the Minister” means the Minister of State for the Army;

“the Rules of Procedure” means the Rules of Procedure made by the Minister in pursuance of regulation 96 of these Regulations in relation to the trial of prisoners of war.

(2.) Except as provided in this regulation, and unless the contrary intention appears, words used in these Regulations shall have the same meaning as those words have in the Australian Military Regulations.

Administration.

**3.** These Regulations shall be administered by the Minister of State for the Army.

Detention of prisoners of war captured outside Australia.

Amended by 1942, No. 526.

**4.** The Minister may, by order, make provision to give effect to any arrangements entered into between the Government of the Commonwealth and the Government of the United Kingdom or of any other part of His Majesty's dominions or between the Government of the Commonwealth and the Government or Administration of any other country or place in relation to the detention in Australia of prisoners of war captured outside Australia.

Establishment of prisoners of war camps.

**5.—(1.)** The Minister may establish such prisoners of war camps as he considers necessary for the custody of prisoners of war.

(2.) The accommodation provided for prisoners of war at prisoners of war camps shall be in accordance with the requirements of the Convention.

Places at which prisoners of war may be detained.

**6.—(1.)** A prisoner of war may be detained at any prisoners of war camp, but as far as possible—

- (a) officers and persons of equivalent status, who are prisoners of war, shall be detained at separate officers' camps, and
- (b) prisoners of different races and nationalities shall not be brought together in the same camp.

(2.) A prisoner of war may be transferred from one prisoners of war camp to another.

(3.) While a prisoner of war is proceeding to a prisoners of war camp or is being transferred from one prisoners of war camp to another, or is absent from a prisoners of war camp for the purpose of obtaining medical attention or for performing work, he may be detained at such place as a superior authority or a Camp Commandant directs, and, where a superior authority or a Camp Commandant so directs by notice posted in a prominent position at that place, that place shall be deemed to be a prisoners of war camp for the purposes of these Regulations.

Substituted by  
1943, No. 277;  
amended by  
1944, No. 78;  
and  
1946, No. 152.

(4.) In time of emergency the Camp Commandant of a prisoners of war camp may, if he considers it necessary for the safe custody of the prisoners of war, direct that they shall be removed to, and detained at, some other place, and the prisoners of war may be removed and detained accordingly, and that place shall be deemed to be a prisoners of war camp for the purposes of these Regulations.

7. The Military Board shall exercise general control over prisoners of war camps, and shall make provision for the appointment of a Commanding Officer of each prisoners of war camp, to be known as the Camp Commandant, and for such officers and soldiers to be detailed for duty at the camp as, in the opinion of the Board or of an officer thereto authorized by the Board, are necessary for the safe custody of the prisoners of war, for the maintenance of discipline in the camp and for its proper administration.

Control and  
management of  
prisoners of  
war camps.

8.—(1.) Subject to these Regulations and any directions of the Military Board, the Adjutant-General may, from time to time, make orders, to be known as Prisoners of War Camp Orders, in relation to the safe custody, health, sustenance, accommodation, discipline and conduct of prisoners of war, and in relation to the maintenance of discipline in, and the administration, management, inspection and internal economy of, prisoners of war camps.

Prisoners of  
War Camp  
Orders.

Sub-reg. (1.)  
amended by  
1943, No. 277.

(2.) Without limiting the generality of the last preceding sub-regulation, such orders shall make provision concerning the property (including money and canteen orders or tokens) which may be retained in his possession by a prisoner of war, and may impose conditions and restrictions in relation to the letters, postcards, printed matter and parcels which may be received or despatched by prisoners of war.

9. The Camp Commandant of a prisoners of war camp shall have charge of the camp, and, subject to these Regulations, to the Prisoners of War Camp Orders, and to such instructions as are from time to time issued to him by the Military Board, may make such Camp Rules as he considers necessary for the proper management of the camp and for the enforcement of discipline in the camp.

Camp Rules.

10. Prisoners of war shall be treated humanely and in accordance with the requirements of the Convention.

Treatment  
of prisoners  
of war.

11.—(1.) As soon as practicable after the arrival of a prisoner of war at a prisoners of war camp—

Action to be  
taken on  
arrival of a  
prisoner of war.

- (a) he shall be interrogated and particulars relating to him shall be recorded and a serial number shall be assigned to him;

- (b) he shall be searched and any property (including money) which he is not permitted to retain in his possession in the camp shall be taken from him, particulars thereof shall be recorded, and he shall be given a receipt therefor;
- (c) he shall be medically examined and a statement of his medical condition shall be recorded.

(2.) The Camp Commandant may, if he thinks fit, direct that—

- (a) photographs of the prisoner of war; and
- (b) prints of his fingers or thumbs or any of them,

shall be taken, and the prisoner of war shall permit such photographs and prints to be taken.

Communication  
of regulations,  
orders, &c.

**12.**—(1.) Regulations, orders, announcements and publications of any kind and questions which it is desired to communicate to prisoners of war shall be communicated to them in a language which they understand.

(2.) The text of the Convention and of any special conventions mentioned in article 83 of the Convention shall be posted, whenever possible, in the native language of the prisoners of war in a prisoners of war camp, in a place where it may be consulted by all the prisoners.

Cash accounts.  
Sub-reg. (1.)  
amended by  
1943, No. 277.

**13.**—(1.) All money taken from a prisoner of war or despatched to a prisoner of war shall be placed to his credit in a cash account to be opened in his name by the Camp Paymaster at the prisoners of war camp, and the prisoner of war may be permitted to withdraw amounts from that account from time to time under such conditions as are prescribed by the Prisoners of War Camp Orders.

Sub-reg. (2.)  
omitted by  
1943, No. 132.

\* \* \* \* \*

Substituted by  
1942, No. 526.

(3.) Where money is received by a Camp Paymaster in pursuance of this regulation he shall pay the money into a general trust account opened at the Commonwealth Savings Bank or a branch thereof:

Provided that the Camp Paymaster may retain in his possession for petty cash purposes moneys not exceeding an amount to be fixed by the Adjutant-General.

Substituted by  
1942, No. 526.

(4.) Any interest credited by the Commonwealth Savings Bank to any account opened in pursuance of this regulation shall be the property of the Commonwealth, and no part of any such interest shall be paid to a prisoner of war or credited to the cash account of a prisoner of war.

Amended by  
1942, No. 526.

(5.) Moneys in a trust account referred to in sub-regulation (3.) of this regulation shall not be withdrawn except by withdrawal forms signed by the Camp Paymaster and the Camp Commandant.

(6.) Accounts kept in pursuance of this regulation shall be subject to audit by the Auditor-General for the Commonwealth.

Transfer of  
credit balances  
of prisoners  
of war.  
Inserted by  
1942, No. 526.

**13A.** Notwithstanding anything contained in any other law, where, under a reciprocal agreement entered into between His Majesty and the Government of an enemy country, facilities are provided for the transfer, wholly or in part, of credit balances of the accounts of prisoners of war to banks or private individuals in their country of origin, the whole or any part of the credit balance in the cash account of any prisoner of war in respect of whom the agreement applies may, from time to time, be transferred in accordance with the terms of the agreement.



**14.**—(1.) All property, other than money and canteen orders or tokens, taken from a prisoner of war shall be placed in a separate parcel, marked with his name and serial number, and kept in such place as the Camp Commandant directs until it can be returned to the prisoner of war, or otherwise disposed of in accordance with law: Property of prisoners of war. Sub-reg. (1.) amended by 1943, No. 277.

Provided that the Camp Commandant may, if he thinks fit, at the request of the prisoner of war and at his expense, make special arrangements for the safe custody and insurance of jewellery or other valuables or foreign money taken from a prisoner of war or may permit the sale of any of his property by a prisoner of war and any arrangements necessary in connexion therewith.

(2.) A list of the property taken from each prisoner of war shall be made for the purposes of record, and shall be signed by the prisoner of war.

**15.**—(1.) The food ration of prisoners of war shall be equivalent in quality and quantity to that of the soldiers at the prisoners of war camp, and sufficient drinking water shall be supplied to them. Food, &c.

(2.) Prisoners of war shall be afforded the means of preparing for themselves such additional articles of food as they may possess.

(3.) Collective disciplinary measures affecting food shall not be permitted.

**16.** Prisoners of war may be permitted to smoke at times and places approved by the Camp Commandant or by an officer authorized by him to give approval under this regulation. Smoking. Amended by 1943, No. 277.

**17.**—(1.) A prisoner of war may be permitted to wear his own clothing and to arrange for necessary replacement of articles of attire. Clothing.

(2.) When necessary, clothing, underwear and footwear shall be issued to prisoners of war other than officers and persons of equivalent status who are in receipt of pay.

(3.) Facilities shall be afforded to prisoners of war for the maintenance and repair of clothing and footwear.

**18.** A prisoner of war shall be permitted to wear his badges of rank and decorations. Badges and decorations.

**19.**—(1.) A canteen shall be established at each prisoners of war camp, at which prisoners of war may procure, at the local market price, food commodities and ordinary articles approved by the Camp Commandant. Canteens.

(2.) The canteen may be conducted by the Canteens Service established in pursuance of the Australian Military Regulations.

(3.) Any profits accruing from the canteen shall be utilized for the benefit of the prisoners of war.

**20.**—(1.) The Camp Paymaster may issue to a prisoner of war whose cash account is in credit orders or tokens (in these Regulations referred to as canteen orders or tokens) which may be used for the purchase of articles from the canteen. Issue of canteen orders or tokens. Sub-reg. (1.) amended by 1943, No. 277.

Substituted by  
1943, No. 277.

(2.) Where canteen orders or tokens are issued to a prisoner of war, other than canteen orders or tokens issued to him as remuneration for work performed by him, the value of such canteen orders or tokens shall be debited in his Cash Account, and, if a separate bank account has been opened in his name, the amount shall be withdrawn from that account.

Inserted by  
1943, No. 277.

(2A.) The Camp Paymaster shall place to the credit of the cash account of a prisoner of war the value of any canteen orders or tokens issued under these Regulations or the Prisoners of War Camp Orders in the possession of the prisoner of war at the time of his death or release from captivity or departure from Australia or which are taken from him for any reason without being used at a canteen.

Substituted by  
1943, No. 132.

(3.) A person shall not, without lawful authority (proof whereof shall lie upon him), manufacture or cause to be manufactured, supply, or offer to supply, deal in, or have in his possession, any order or token issued in pursuance of this regulation, or any colourable imitation of any such order or token.

Substituted by  
1943, No. 132.

(4.) Nothing in this regulation shall prevent any prisoner of war from having in his possession or using any token issued in pursuance of this regulation or parting with the possession of any such token to another prisoner of war in the same camp whether for or without any consideration.

Hygienic  
measures.

**21.** All necessary hygienic measures shall be taken at each prisoners of war camp to ensure the cleanliness and salubrity of the camp and to prevent epidemics, and prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness, and shall be provided with a sufficient quantity of water for their bodily cleanliness.

Exercise and  
recreation.

**22.** Provision shall be made at each prisoners of war camp for games and recreation, and the Camp Commandant may require a prisoner of war who is medically fit to participate in out-door exercise.

Medical  
treatment.

**23.—(1.)** At each prisoner of war camp a camp infirmary shall be established at which prisoners of war shall receive such medical attention as they require.

(2.) If necessary, isolation establishments shall be provided for patients suffering from infectious or contagious diseases.

(3.) The camp infirmary shall be under the supervision of the Camp Medical Officer.

(4.) Where a prisoner of war has been treated at the camp infirmary, an official statement may be issued to him, upon demand, indicating the nature and duration of his illness and the treatment received.

(5.) A prisoner of war who has contracted a serious malady, or whose condition necessitates important surgical treatment, may be sent to any military or civil institution qualified to treat him, and the Military Board shall make such arrangements as are necessary to provide for his safe custody during his absence from the prisoners of war camp.

(6.) The Camp Commandant of each prisoner of war camp shall make arrangements for the medical inspection of the prisoners of war at least once a month for the purpose of ensuring proper supervision of the general state of health and cleanliness, and the detection of infectious and contagious diseases, particularly tuberculosis and venereal complaints.

(7.) If the Camp Medical Officer at any prisoner of war camp is of opinion that vaccination or inoculation against any infectious or contagious disease is necessary in the interests of the health of any prisoner of war or in the interests of the general health of the prisoners of war in the camp, he may require the prisoner of war or any prisoner of war in the camp (as the case may be) to submit to such vaccination or inoculation, and may, subject to any direction of the Camp Commandant, take such steps as he considers necessary to effect such vaccination or inoculation.

**24.—**(1.) Subject to compliance with routine and police provisions contained in these Regulations, Prisoners of War Camp Orders or the Camp Rules, prisoners of war shall be permitted complete freedom in the performance of their religious duties, including attendance at the services of their faith in the camp. Freedom of religion.

(2.) A minister of religion of any denomination who is a prisoner of war shall be allowed freely to minister to prisoners of war of the same denomination in the camp.

**25.** Prisoners of war other than officers shall salute all officers of the Australian Military Forces and officer prisoners of war shall salute officers of the Australian Military Forces who are their superiors or equals in rank. Saluting. Amended by 1942, No. 526.

**26.—**(1.) Officers and persons of equivalent status who are prisoners of war shall be treated with due regard to their rank and age. Treatment of officer prisoner of war.

(2.) In order to ensure the service of officers' camps, soldier prisoners of war of the same armed forces, and as far as possible speaking the same language, may be detached for service in those camps.

(3.) Officers and persons of equivalent status who are prisoners of war and are in receipt of pay may be required to procure their food and clothing or to meet the cost of providing their food and clothing, from their pay, and, subject to such conditions as the Camp Commandant deems necessary, may be permitted to set up and manage their own messes.

**27.—**(1.) The Minister may make orders fixing rates of pay to be credited to prisoners of war in accordance with the Convention or with agreements between the belligerents. Pay of prisoners of war. Sub-reg. (1.) substituted by 1943, No. 132.

(2.) All pay due to any prisoner of war under the last preceding sub-regulation shall be paid at least once a month to the credit of his cash account established pursuant to regulation 13 of these Regulations.

**28.—**(1.) Prisoners of war who are sick shall not be transferred from one prisoners of war camp to another if their recovery might be prejudiced by the journey, except in cases where such transfer is necessary for military reasons. Transfer of prisoners of war.

(2.) In the event of transfer, prisoners of war shall be officially informed in advance of their new destination, and shall be allowed to take with them their personal effects, their correspondence and parcels which have arrived for them.

(3.) All necessary arrangements shall be made so that correspondence and parcels addressed to them at their former camp shall be sent on to them without delay, and sums credited to their cash accounts or bank accounts shall be transmitted to the Camp Paymaster at their new camp, who shall credit those sums to corresponding accounts at that camp.

Employment of  
prisoners of  
war.

Sub-reg. (1.)  
amended by  
1942, No. 526.

**29.**—(1.) Prisoners of war, other than officers and persons of equivalent status and non-commissioned officers or persons of relative rank or rating in any armed force, may be required to perform any work for which they are physically suited, provided that they shall not be required to perform work which is dangerous or unhealthy, or work which has any direct connexion with the operations of the war or which consists of the manufacture or transport of arms or munitions of any kind or of the transport of material designed for combatant units.

Amended by  
1942, No. 526.

(2.) Non-commissioned officers or persons of relative rank or rating in any armed force who are prisoners of war may be compelled to undertake only supervisory work unless they expressly request remunerative occupation.

(3.) Officers and persons of equivalent status who are prisoners of war shall not be employed as workmen unless they expressly request remunerative occupation.

(4.) The duration of the daily work of prisoners of war, including the time of the journey to and from work, shall in no case exceed that permitted for civil workers of the locality employed on the same work. Each prisoner shall be allowed a rest of 24 consecutive hours each week, preferably on a Sunday.

(5.) The Minister may enter into agreements with State instrumentalities, local government authorities and private persons (including companies and firms) for the employment of prisoners of war, and may make orders for regulating the conditions of such employment and for ensuring the proper care, maintenance, treatment and payment for the services of prisoners of war employed in pursuance of any such agreement.

(6.) Prisoners of war in a prisoners of war camp may be organized into labour detachments to perform work in areas away from the camp, provided that they shall not be sent to an area where they would be exposed to the fire of the fighting zone. The conditions governing a labour detachment shall be similar to those existing in the camp to which it is attached, particularly as concerns hygienic conditions, food, care in case of accidents or sickness, correspondence and the reception of parcels, and may be regulated by the Camp Commandant in accordance with these Regulations, the Prisoners of War Camp Orders and any Camp Rules applicable to the prisoners of war in the detachment.

(7.) Prisoners of war shall not be paid for any work done by them in connexion with the administration, internal arrangement and maintenance of prisoners of war camps.

(8.) Prisoners of war employed on other work shall be entitled to a rate of pay to be fixed by agreements between the belligerents. Pending the conclusion of such agreements, remuneration for such work shall be at such rates as are approved by the Minister.

(9.) The remuneration earned by a prisoner of war for work done by him may be paid to him in canteen orders or tokens, but so that the value of any canteen orders or tokens delivered to a prisoner of war at any time together with the value of all other canteen orders and tokens at that time in his possession shall not exceed the total value of canteen orders and tokens which he is entitled to have in his possession under these Regulations or the Prisoners of War Camp Orders.

Added by  
1943, No. 277.

(10.) Any remuneration earned by a prisoner of war for work done by him and not paid to him in canteen orders or tokens under the provisions of this regulation shall be placed to the credit of his cash account.

Added by  
1943, No. 277.

**30.—**(1.) Letters (other than letters despatched by air mail to places inside or outside Australia) and remittances of money or valuables and postal parcels addressed to prisoners of war from places inside or outside Australia or despatched by them to places inside or outside Australia, either directly or through the intermediary of the Prisoners of War Information Bureau, shall be exempt from postal charges.

Exemption  
from postal  
and railway  
charges.  
Sub-reg. (1.)  
amended by  
1943, Nos.  
132 and 277.

(2.) Presents and relief in kind intended for prisoners of war shall, subject to sub-regulation (3.) of this regulation, be exempt from all import or other duties and from charges for carriage on railways operated by the Commonwealth or a State.

(3.) Parcels from abroad addressed to prisoners of war and containing dutiable articles which there is reason to believe are not *bona fide* presents shall be withheld from the addressees pending reference by the Camp Commandant to the Collector of Customs with a view to assessment and charge of duty.

**31.—**(1.) The Minister may, from time to time, by order, fix the number of letters and postcards which prisoners of war of different categories shall be permitted to send. In fixing the number, the Minister shall have due regard to any reciprocal arrangements entered into by the belligerents.

Outward letters  
and com-  
munications.  
Sub-reg. (1.)  
substituted by  
1941, No. 267;  
amended by  
1942, No. 315.

(1A.) Letters from prisoners of war shall be subject to such restrictions and conditions as are imposed by these Regulations and the Prisoners of War Camp Orders, but shall not be delayed or withheld for disciplinary motives.

Inserted by  
1941, No. 276;  
amended by  
1946, No. 69.

(1B.) A prisoner of war shall not be allowed to send two letters on the same day except in cases where special circumstances exist, and then only with the permission of the Camp Commandant.

Inserted by  
1941, No. 267.

(2.) The Prisoners of War Camp Orders may prescribe conditions as to the length of letters sent by prisoners of war and stationery to be used.

Substituted by  
1946, No. 69.

(3.) A prisoner of war shall not be permitted, except with the approval of the Adjutant-General or the Commander of the Lines of Communication Area in which the prisoners of war camp is situated and at his own expense—

Substituted by  
1942, No. 315;  
amended by  
1943, No. 132.

- (a) to send cables or wireless communications overseas, either direct or through a third person; or
- (b) to send telegrams to places in Australia.

Inserted by  
1942, No. 315.

(3A.) A person shall not lodge, or cause to be lodged, on the instructions of, or at the request or on behalf of, or in respect of affairs of, a prisoner of war any message for transmission by submarine cable or by wireless transmitting apparatus, unless the approval in writing of the Adjutant-General or the Commander of the Lines of Communication Area in which the prisoners of war camp is situated has first been obtained.

(4.) So far as possible, facilities shall be afforded for the transmission of documents such as powers of attorney and wills addressed to prisoners of war or signed by them, and, in case of need, for the legalization of the signatures of prisoners of war.

Added by  
1941, No. 267.

(5.) Nothing in this regulation shall affect the operation of any other law.

Outward  
parcels.

**32.** The despatch of outward parcels by prisoners of war shall be allowed only in cases where permission is granted by the Camp Commandant on account of exceptional circumstances.

Censorship of  
letters and  
parcels.

**33.—(1.)** \* \* \* \* \*

Sub-reg. (1.)  
omitted by  
1946, No. 69.

(2.) All letters, postcards and parcels sent from a prisoners of war camp shall be clearly stamped with a rubber stamp showing the number of the camp.

Local  
censorship.  
Amended by  
1946, No. 69.

**34.** The Camp Commandant may institute such local examination of letters, postcards and parcels despatched by or addressed to prisoners of war as he considers necessary, but care shall be taken to ensure that communications are not delayed unduly.

Inward letters.

Sub-reg. (1.)  
substituted by  
1942, No. 526;  
amended by  
1946, No. 69.

**35.—(1.)** Subject to the Prisoners of War Camp Orders, no limit shall be imposed on the number of letters, postcards or unmounted photographs of a domestic nature a prisoner of war may receive, but he shall not be permitted to receive picture postcards, photographs of a suspicious or objectionable nature, or letters containing pictures or drawings of such a nature.

(2.) The Camp Commandant may arrange for all inward letters, whether registered or not, to be opened to enable the Camp Paymaster to extract any remittances of money contained therein. Amounts extracted shall be credited to the prisoner of war's cash account and dealt with in accordance with regulation 13 of these Regulations, and a receipt shall be given to the prisoner of war. A similar procedure shall be adopted in the case of telegraphic money orders.

Inward parcels.

**36.—(1.)** Subject to these Regulations and the Prisoners of War Camp Orders, prisoners of war may receive parcels containing food-stuffs and other articles intended for consumption or clothing, and shall be permitted to send a formal acknowledgment of the receipt of any such parcels.

(2.) The formal acknowledgment shall be by postcard, and shall not be deemed to be one of the letters referred to in regulation 31 of these Regulations.

(3.) Parcels addressed to prisoners of war shall not be delivered until they have been examined by the Camp Commandant or an officer thereto authorized by the Camp Commandant. The examination shall be effected under such conditions as will ensure the preservation of any foodstuffs which they may contain, and shall, if possible, be done in the presence of the addressee or a representative duly recognized by him.

**37.**—(1.) Prisoners of war shall be allowed to receive books (other than books containing hostile sentiments or propaganda), music and small musical instruments, but consignments received by post shall be examined by the Camp Commandant or an officer thereto authorized by him, who may, at his discretion, withhold any book or piece of music from delivery to the addressee.

Books and music.  
Sub-reg. (1.) amended by 1942, No. 315.

(2.) All purchases of books and music by a prisoner of war shall be made through the Camp Commandant or an officer thereto authorized by him.

**38.** When any prisoner of war is admitted to a civil or military hospital or other institution, the Commandant of the camp from which the prisoner of war has been moved shall make such arrangements as are necessary to ensure that—

Letters, &c., where prisoners of war are in civil or military hospitals.

Amended by 1942, No. 315; and 1946, No. 69.

- (a) the medical officer in charge of the hospital or institution is advised as to the length and frequency of letters or postcards which the prisoner of war is allowed to write; and
- (b) if the Camp Commandant considers it necessary, all letters, postcards and parcels despatched by, or addressed to, the prisoner of war are sent to the camp for examination.

**39.**—(1.) A library may be established at each prisoners of war camp.

Library.

(2.) Subject to the approval of the Camp Commandant, books received from representatives of the protecting Powers and authorized relief societies may be included in the library.

**40.**—(1.) Prisoners of war shall be allowed to bring to the notice of the Camp Commandant petitions concerning the conditions of their captivity.

Petitions and complaints.

(2.) Prisoners of war shall be allowed to communicate with the representatives of the protecting Powers in order to draw their attention to the points on which they have complaints to make with regard to the conditions of their captivity.

(3.) Such petitions and complaints shall be transmitted without delay, and the prisoners of war shall not be liable to punishment if they are found to be groundless.

**40A.**—(1.) A person shall not, without lawful authority, enter any prisoners of war camp or place where prisoners of war are detained.

Interference with discipline of prisoners of war.

(2.) A person shall not, in any prisoners of war camp or place where prisoners of war are detained, do anything likely to prejudice the discipline of any prisoner of war or to interfere with the administration of that prisoners of war camp or place.

Inserted by 1942, No. 315.

(3.) A person shall not, without the permission of the Camp Commandant or other person in charge of the camp where the prisoner of war is detained, receive or accept from any prisoner of war or any person on behalf of any prisoner of war, or convey, transmit or deliver to or cause to be conveyed, transmitted or delivered to, any prisoner of war, any letter, written matter or paper recording information by words, signs or otherwise, or any other document, article or thing whatsoever.

Ill-treatment  
of prisoners  
of war.  
Inserted by  
1943, No. 277.

**40B.**—(1.) A person shall not—

- (a) insult or ill-treat any prisoner of war; or
- (b) without lawful excuse interfere with the property of a prisoner of war.

(2.) A person who, in pursuance of any undertaking entered into by him, uses the services of a prisoner of war shall observe the terms and conditions of his undertaking.

Representative  
of protecting  
Power may  
visit camps.

**41.** Upon the request of the representative of a protecting Power or his recognized delegate, the Camp Commandant of a prisoners of war camp shall permit him to visit the camp and to converse with any prisoner of war who desires to speak to him, either personally or through the intermediary of an interpreter.

Prisoners of  
war  
representatives.

**42.**—(1.) The prisoners of war at a prisoners of war camp (other than an officers' camp) may select one or more prisoners of war (as directed by the Camp Commandant) for appointment by the Camp Commandant as their representative or representatives.

(2.) If the Camp Commandant considers any prisoner of war so selected a suitable person to act as prisoners of war representative, he shall appoint him accordingly, and the Camp Commandant may at any time terminate the appointment of a prisoners of war representative and require the prisoners of war to select another prisoner of war for appointment in his stead.

Amended by  
1943, No. 88.

(3.) Subject to these Regulations and the Prisoners of War Camp Orders, the prisoners of war representatives shall undertake the distribution of any collective consignments which may be received at the camp, and, in the event of the prisoners of war deciding to organize amongst themselves a system of mutual aid, the organization of the system shall be one of the functions of the prisoners of war representatives.

Amended by  
1946, No. 69.

(4.) Facilities shall be afforded to prisoners of war representatives to correspond with the military authorities and the representatives of the protecting Power, and such correspondence shall not be subject to the limitations imposed by these Regulations in respect of outward letters.

(5.) A prisoners of war representative shall not be transferred without being allowed the time necessary to acquaint his successor with the current business.

(6.) When the prisoners of war representatives are employed as workmen, their work as representatives of the prisoners of war shall be reckoned in the compulsory period of labour.



(7.) In officers' camps the senior officer prisoner of war of the highest rank shall be recognized as intermediary between the camp authorities and the officers and persons of equivalent status who are prisoners and, for the purpose of acting as intermediary, he shall have the power to appoint an officer prisoner to assist him as interpreter in the course of conferences with the authorities of the camp.

**43.** In the event of the death of a prisoner of war from any cause other than in pursuance of a sentence of death passed by a competent court, a coronial inquiry shall be held, if such an inquiry is practicable, and a formal finding of the cause of, and the circumstances surrounding, the death shall be recorded by the Coroner.

Deaths of prisoners of war.

Amended by 1943, Nos. 132 and 277.

**44.—(1.)** Facilities shall be afforded in every prisoners of war camp to prisoners of war for making wills.

Wills of prisoners of war.

(2.) Every will so made in a camp by a prisoner of war shall be preserved by the Camp Commandant until the release or death of the prisoner of war when it shall be delivered to the prisoner of war or transmitted to the Prisoners of War Information Bureau, as the case requires.

**45.** A prisoner of war who dies during his captivity shall be honourably buried and proper arrangements shall be made to ensure that his grave bears a record of his name, rank and regimental or other number, and is treated with respect and suitably maintained.

Burial of prisoners of war.

**46.—(1.)** The Commandant of a prisoners of war camp shall inform the Prisoners of War Information Bureau, as soon as possible, of the particulars of identity of all prisoners of war arriving at his camp.

Prisoners of War Information Bureau.

Sub-reg. (1.) amended by 1945, No. 162.

(2.) The Commandant shall forward to the Prisoners of War Information Bureau, as soon as possible, all moneys standing to the credit of a cash account, personal effects, valuables, correspondence, pay-books, and identity tokens which have been left by any prisoner of war who has been repatriated or released on parole or escaped or died.

(3.) At the time of forwarding the particulars, moneys or things as required by sub-regulations (1.) and (2.) of this regulation to the Prisoners of War Information Bureau, the Commandant shall forward two copies of the particulars, or of a list of the moneys or things, to the Officer in Charge 2nd Echelon component of the appropriate Military District.

Amended by 1945, No. 162; and 1946, No. 152.

(4.) The Commandant shall forward to the Officer in Charge 2nd Echelon component of the appropriate Military District, as soon as possible, two copies of the particulars of all transfers, releases on parole, repatriations, escapes, stays in hospital and deaths of prisoners of war in his camp.

Substituted by 1945, No. 162; amended by 1946, No. 152.

(5.) On receipt of the copies of the particulars or list mentioned in sub-regulations (3.) and (4.) of this regulation, the Officer in Charge 2nd Echelon component of the appropriate Military District shall forthwith forward one of such copies to the Officer in Charge 2nd Echelon Army Head-quarters.

Added by 1945, No. 162; amended by 1946, No. 152.

Compliance  
with  
Regulations,  
&c., by  
prisoners of  
war.

**47.**—(1.) A prisoner of war shall comply with the provisions of these Regulations and the Prisoners of War Camp Orders and the Camp Rules which apply to him, shall obey all lawful orders issued to him by officers or soldiers or by any other persons having authority over him by virtue of these Regulations or those Orders or Rules, and shall not do or be guilty of any act, conduct, disorder or neglect prejudicial to the safety or well-being of the Commonwealth, its armed forces, subjects or property or to the safe custody, control or well-being of any prisoner of war (including himself) or to good order and discipline among prisoners of war.

(2.) A prisoner of war shall not—

- (a) treat with disrespect the representative of the protecting Power, any officer or soldier, or any person employed in connexion with the prisoners of war camp;
- (b) converse with, communicate with or signal to any person outside his own compound or, except with the express permission of an officer of the camp staff, converse with any person other than fellow prisoners of war or officers or members of the camp staff acting in the execution of their duty;
- (c) except with the permission of an officer or soldier of the guard, approach within three yards of the boundary fence of the camp or any fence in the camp;
- (d) escape or attempt to escape or aid any escape or attempted escape from a prisoners of war camp or from captivity;
- (e) have in his quarters or possession any article in contravention of the Regulations or of the Prisoners of War Camp Orders or the Camp Rules;
- (f) swear, curse or use any abusive, insolent, indecent, threatening or other improper language or gesture;
- (g) create any unnecessary noise or disturbance;
- (h) wilfully disfigure or damage any part of the prisoners of war camp or any Commonwealth property to which he has access;
- (i) interfere in any way with the lights in the huts or any part of the lighting or electrical wiring system of the camp;
- (j) commit any nuisance or any indecent act;
- (k) use or offer personal violence to any officer or soldier or any other person employed in connexion with the camp; or
- (l) offend in any way against good order and discipline.

Punishment  
for escape or  
assisting escape.

**48.**—(1.) A prisoner of war who escapes and is recaptured before he has been able to rejoin his own armed forces or to leave the territory occupied by the armed forces of the Commonwealth shall be liable only to summary punishment for the offence of escaping.

(2.) A prisoner of war who, after succeeding in rejoining his own armed forces, or in leaving the territory occupied by the armed forces of the Commonwealth, is again taken prisoner, shall not be liable to any punishment for the offence of having previously escaped.

(3.) A prisoner of war assisting or aiding another prisoner of war to escape or to attempt to escape shall be liable only to summary punishment.

**49.** A prisoner of war when tried for any crime or offence against persons or property committed in the course of an attempt to escape shall not be liable to any increase in punishment for that crime or offence by reason only of its having been committed in the course of attempting to escape.

Escape not to aggravate offence.

**50.** Subject to the provisions of these Regulations, a prisoner of war shall be subject to military and civil law as though he were a member of the Australian Military Forces of equivalent rank or status on Active Service and shall be liable to the same penalties, deductions, stoppages and forfeitures.

Prisoners of war subject to military and civil law.

Amended by 1943, No. 132.

**50A.—(1.)** The Camp Commandant shall investigate the loss of any clothing by a prisoner of war or loss of, or damage to, any Commonwealth property which may have been caused by a prisoner of war.

Loss of, or damage to, property.

Inserted by 1942, No. 315.

(2.) If the Camp Commandant, after investigation, is of the opinion that any articles of clothing have been lost, or that any Commonwealth property has been lost or damaged, as the result of any wilful act or gross neglect of a prisoner of war, he may assess the amount of the loss or damage or the cost of replacement.

(3.) The amount so assessed shall be paid by the prisoner of war, and may be withdrawn from any money standing to the credit of the prisoner of war in his cash account or deducted from any money subsequently despatched to or earned by him.

**51.** Where a prisoner of war is charged with any offence, the Camp Commandant shall investigate the charge as soon as practicable and may—

Powers of Camp Commandant.

- (a) dismiss the charge if he in his discretion thinks that it ought not to be proceeded with; or
- (b) where he thinks the charge ought to be proceeded with—
  - (i) forthwith submit a report to a superior authority, who shall give such orders as may be necessary, or
  - (ii) deal with the case summarily.

**52.—(1.)** Where the Camp Commandant proceeds to deal with the case summarily under the last preceding regulation, he shall hear the charge as soon as practicable.

Powers of Camp Commandant, &c., to deal with offences.

(2.) At the hearing the Camp Commandant shall, as far as possible, observe the rules relating to the procedure and reception of evidence applicable in the case of a Commanding Officer dealing with a charge against a soldier of the Australian Military Forces, and the prisoner of war shall be given an opportunity to defend himself.

(3.) If the Camp Commandant so directs, or if the prisoner of war so demands, the evidence of all witnesses shall be taken on oath or affirmation, and for this purpose the Camp Commandant shall have power to administer oaths and affirmations.

(4.) Any affirmation taken pursuant to sub-regulation (3.) of this regulation shall have the same force and effect, and shall entail the same liability, as an oath.

(5.) If the prisoner of war admits his guilt or if the Camp Commandant finds the charge proved, he may impose one of the following punishments (in these Regulations referred to as summary punishments)—

- (a) detention in detention barracks for any period not exceeding twenty-eight days; or
- (b) confinement to quarters for any period not exceeding fourteen days, during which period the prisoner of war shall be required to answer his name at uncertain hours throughout the day, and shall be employed on extra fatigue duties;

and may deprive the offender of any privileges which he has been granted:

Provided that—

- (a) the maximum period of twenty-eight days' detention shall not be exceeded notwithstanding that there are several acts constituting offences, whether such acts are connected or not; and
- (b) where, during the course or after the termination of a period of detention, a prisoner of war is sentenced to a fresh term of detention by summary award, a period of at least three days shall intervene at the termination of the former award or between each of the periods of detention, as the case may be, if one of such periods is ten days or over.

(6.) Collective penalties shall not be imposed for individual acts, and no punishment may be awarded in excess of, or different from, that prescribed for acts of a similar nature when committed by members of the Australian Military Forces.

Commencement  
of summary  
punishment.

**53.** The term of detention when awarded by a Camp Commandant in days shall begin on the day of the award. The term of detention when awarded in hours (up to a total of 168 hours) shall begin at the hour when the prisoner under sentence is received at the detention barracks to which he is committed, or, if he has not been sooner received into the detention barracks, shall begin on the day after the day of award at Two o'clock in the afternoon.

Execution of  
sentence of  
detention  
awarded by  
Camp  
Commandant  
or officer  
commanding.

Sub-reg. (1.)  
amended by  
1942, No. 526.

**54.—(1.)** A sentence of detention awarded by a Camp Commandant in pursuance of regulation 52 of these Regulations shall be executed in such manner as the Adjutant-General from time to time directs, or, if no such direction is given, as if the prisoner under sentence were a soldier of the Australian Military Forces under sentence of detention awarded by his commanding officer, and during such detention he shall be subject to the like provisions as would be applicable to that soldier:

Provided that—

- (a) a prisoner of war on whom a summary punishment is inflicted shall not be deprived of the privileges attaching to his rank;
- (b) an officer prisoner of war or person of equivalent status who suffers detention shall not be placed in the same detention barracks as non-commissioned officers or persons of lower status undergoing detention; and

- (c) a prisoner of war undergoing summary punishment shall not be subjected to treatment less favourable than that prescribed, as regards the same punishment, for members of the Australian Military Forces.

(2.) A prisoner of war undergoing detention shall be afforded facilities for reading and writing, and shall be permitted to send and receive letters in accordance with the provisions of these Regulations.

**55.** A prisoner of war shall not be punished more than once for the same act or on the same charge. Limitation of punishment.

**56.** Where the authority to whom a case has been submitted under regulation 51 of these Regulations considers that the charge cannot properly be disposed of in any other manner, he shall take steps to bring the accused to trial before a military court, or may, as an alternative, in the case of a civil offence, take such action as may be necessary to bring the accused before a civil court of criminal jurisdiction having jurisdiction to try the accused for the offence charged. When prisoner to be tried.

**57.** As soon as possible after it has been decided to try a prisoner of war by a military court or a civil court, and in any case not less than three weeks before the date fixed for the commencement of the trial, a notification shall be sent through the appropriate channel to the representative of the protecting Power, giving the following particulars:— Notice to be given of intended trial.

- (a) Rank or civil status of the prisoner;
- (b) Place of residence or detention;
- (c) Statement of the charge or charges, and of the legal provisions applicable; and
- (d) Date and place of trial, and court before which trial will take place.

**58.** A military court for the trial of a prisoner of war shall be convened by the Governor-General or— Convening of military courts. Amended by 1942, No. 526.

- (a) in the case of an officer prisoner of war or person of equivalent status—by any officer to whom the Governor-General has delegated the power to convene general courts-martial;
- (b) in the case of any other prisoner of war—by any officer to whom the Governor-General has delegated the power to convene district courts-martial.

**59.—(1.)** A prisoner of war for whose trial a military court has been ordered or who is about to be tried by a civil court of competent jurisdiction shall be afforded proper opportunity of preparing his defence, and, as far as practicable, shall be allowed free communication with his witnesses, and with any friend, defending officer, or legal adviser with whom he may wish to consult, and, if necessary, to have recourse to the offices of a competent interpreter. Procedure pending trial.

(2.) Failing a choice of an advocate on the part of the prisoner of war the protecting Power may procure an advocate for him. A list of persons qualified to conduct the defence shall be furnished to the protecting Power on request.

(3.) The representatives of the protecting Power shall be allowed to attend the trial, except where the hearing has to be kept secret in the interests of the safety of the Commonwealth, in which case the representatives of the protecting Power shall be notified accordingly.

Constitution of military court except for trial of an officer.

**60.** A military court for the trial of a prisoner of war other than an officer prisoner shall consist of not less than three officers, none of whom shall have been officers for less than two years unless, in the opinion of the convening authority (which shall be stated in the order convening the court and shall be conclusive), officers having that period of service are not, having regard to the public service, available.

Constitution of military court for trial of an officer.

**61.** A military court for the trial of an officer prisoner of war shall consist of not less than five officers, none of whom shall be of lower rank than the rank corresponding to that of the accused, and none of whom shall have been officers for less than three years, unless, in the opinion of the convening authority (which shall be stated in the order convening the court and shall be conclusive), officers of that rank or length of service are not, having due regard to the public service, available, and in no case shall an officer under the rank of Captain be a member of a military court for the trial of a prisoner of war of equivalent rank and status to a field officer.

President of military court.

**62.** The president of a military court shall be of a rank not lower than that of field officer, and shall be appointed by order of the convening authority.

Jurisdiction of military courts.

**63.—(1.)** Subject to the provisions of these Regulations, military courts shall have power to try any prisoner of war upon any charge preferred before them for any offence which, if committed by a member of the Australian Military Forces, would be triable before a military tribunal or a civil court of criminal jurisdiction, or for any contravention by such prisoner of any of the provisions of these Regulations, the Prisoners of War Camp Orders or the Camp Rules.

(2.) The convening authority of a military court or the president or judge-advocate of the court, or, in the case of the taking of a summary of evidence in accordance with the Rules of Procedure, the convening authority or the officer before whom the summary of evidence is directed to be taken by the convening authority, may summon witnesses to attend and give evidence or produce documents, or may require any person, other than the accused, to give evidence and produce documents, and every person so summoned or required shall comply with the summons or requirement.

Challenges by accused.

**64.—(1.)** An accused about to be tried by a military court may object, for any reasonable cause, to the membership of any member of the court, including the president, whether appointed to serve thereon originally or to fill a vacancy caused by the retirement of an officer objected to.

(2.) Every objection made by an accused to the membership of any officer shall be submitted to the other officers appointed to form the court, who shall decide the objection.

(3.) If the objection is in respect of the resident and is allowed by one-third or more of the other officers appointed to form the court, the president shall retire, and the court shall adjourn for the purpose of the appointment of another president.

(4.) If an objection in respect of the president is allowed, the authority convening the court shall appoint another president, subject to the same right of the accused to object.

(5.) If the objection is in respect of a member other than the president and is allowed by one-half or more of the other officers (including the president) appointed to form the court, the officer objected to shall retire, and the authority convening the court shall appoint an officer to fill the vacancy, subject to the same right of the accused to object.

(6.) In order to enable an accused to avail himself of the privilege of objecting to the membership of any officer, the names of the officers appointed to form the court shall be read over in the hearing of the accused on their first assembling, and before they are sworn, and he shall be asked whether he objects to any of such officers being members of the court, and a like question shall be asked in respect of any officer appointed to serve in lieu of a retiring officer.

**65.**—(1.) An oath or affirmation in the form prescribed by the Rules of Procedure shall be taken by every member of every military court before the commencement of the trial. Administration of oaths.

(2.) An oath or affirmation in the form prescribed by the Rules of Procedure shall be taken by the judge-advocate or person officiating as judge-advocate (if any), and also by every officer in attendance on a military court for the purpose of instruction (if any), and also by every shorthand writer (if any) and interpreter (if any) in attendance on the court.

(3.) Every witness before a military court shall be examined on oath or affirmation taken in the form prescribed by the Rules of Procedure.

(4.) An affirmation taken in pursuance of this regulation or of the Rules of Procedure shall have the same force and effect, and shall entail the same liabilities, as an oath.

**66.**—(1.) If a military court after the commencement of the trial is, by death or otherwise, reduced below the prescribed minimum, it shall be dissolved. Dissolution of military court.

(2.) If, after the commencement of the trial, the president dies or is otherwise unable to attend, and the court is not reduced below the prescribed minimum, the convening authority may appoint the senior member of the court, if of sufficient rank, to be president, and the trial shall proceed accordingly; but if he is not of sufficient rank the court shall be dissolved.

(3.) If, on account of the illness of the accused before the finding, it is impossible to continue the trial, the military court shall be dissolved.

(4.) Where a military court is dissolved under the foregoing provisions of this regulation the accused may be tried again.

Court may be cleared for deliberation.

**67.** The president of the military court may, for the purpose of deliberation amongst the members, cause the court to be cleared of all other persons.

Adjournment.

**68.** A military court may adjourn from time to time and from place to place.

View.

**69.** A military court may, where necessary, view any place.

Finding on charge of civil offence.

**70.** Where a prisoner of war is charged before a military court with an offence, and the charge is one upon which, if he had been tried by a civil court for such an offence, he might have been found guilty of any other offence, the military court shall have power to find him guilty of that other offence.

Majority of court to decide.

**71.** Subject to regulations 72 and 74 of these Regulations a simple majority of the members of a military court shall decide all questions before that court.

Equality of votes in military court.

**72.**—(1.) In the case of equality of votes on the finding the accused shall be deemed to be acquitted.

(2.) In the case of an equality of votes on the sentence, or any question arising after the commencement of the trial except the finding, the president shall have a second or casting vote.

Scale of punishments by military courts.

**73.** On conviction by a military court, punishment may be awarded according to the scale following, that is to say—

- (a) death;
- (b) imprisonment, with or without hard labour, for life or any lesser period;
- (c) detention for any term not exceeding two years; or
- (d) field punishment for any period not exceeding three months:

Provided that—

- (i) no punishment may be awarded in excess of that prescribed for acts of a similar nature when committed by members of the Australian Military Forces;
- (ii) an offender shall not be subject to detention for more than two consecutive years, whether under one or more sentences;
- (iii) for the purposes of computation and revision of punishment, detention shall not be deemed to be a less punishment than imprisonment if the term of detention is longer than the term of imprisonment.

Constitution of court for sentence of death.

**74.** Sentence of death shall not be passed by a military court—

- (a) unless the court consists of five or more members; and
- (b) all the members thereof concur in the sentence.

Notice of sentence of death to be given to accused.

**75.**—(1.) Where a military court upon conviction passes a sentence of death upon a prisoner of war, the president shall, at the conclusion of the trial, cause to be transmitted forthwith to the accused, under sealed cover, a notification signed by himself setting forth the finding and sentence of the court, and any recommendation to mercy.



(2.) The president shall attach to the record of the proceedings a copy of that notification and a certificate signed by himself and dated, stating that this regulation has been complied with.

**76.** Where a military court recommends a person under sentence to mercy, the recommendation shall be attached to and form part of the record of the proceedings of the court, and shall be promulgated and communicated to the person under sentence, together with the finding and sentence. Recommendations to mercy.

**77.** Subject to regulation 84 of these Regulations, the findings and sentences of a military court may be confirmed by the Governor-General or— Confirmation of findings and sentences.  
Amended by 1942, No. 526.

- (a) in the case of an officer prisoner of war or person of equivalent status—by any officer to whom the Governor-General has delegated the like powers in respect of general courts-martial;
- (b) in the case of any other prisoner of war—by any officer to whom the Governor-General has delegated the like powers in respect of district courts-martial.

**78.**—(1.) The authority having power to confirm the finding and sentence of a military court may send back such finding and sentence, or either of them, for revision once, but not more than once, and it shall be lawful for the court on any revision to receive any additional evidence; and, where the finding only is sent back for revision, the court shall have power, without any direction, to revise the sentence also. Revision.

(2.) In no case shall the authority recommend the increase of a sentence, and the court may not, on revision of the sentence, either in obedience to the recommendation of an authority or for any other reason, increase the sentence awarded.

**79.** A finding of acquittal, whether in respect of all or some only of the offences with which the accused is charged, shall not require confirmation or be subject to be revised, and shall be pronounced at once in open court, and if it relates to the whole of the offences the accused shall be discharged and returned to the custody of the Camp Commandant or other officer responsible for his control. Acquittal.

**80.** A member of a military court shall not have authority to confirm the finding or sentence of that court, and where a member of a court becomes confirming authority he shall refer the finding and sentence of the court to a superior authority competent to confirm the findings and sentences of the like descriptions of courts, and that authority shall be deemed to be in that instance the confirming authority. No confirmation by a member of a military court.

**81.** An officer having authority to confirm the finding and sentence of a military court may withhold his confirmation wholly or partly, and refer such findings and sentence or the part not confirmed to any superior authority competent to confirm the findings and sentences of the like description of court, and, subject to regulation 84 of these Reference by confirming officer to superior authority.

Regulations, that authority shall, for the purpose of these Regulations, be deemed to be in that instance and to the extent of such reference the confirming authority.

Finding of guilty and sentence not valid until confirmed.

**82.** Subject to the provisions of these Regulations with respect to the finding of acquittal, the finding and sentence of a military court shall not be valid except insofar as they are confirmed by an authority authorized to confirm them.

Notification of sentence of death.

**83.**—(1.) If sentence of death is passed on a prisoner of war by a military court, or civil court of competent jurisdiction, a communication setting forth in detail the nature and the circumstances of the offence shall be addressed as soon as possible through the proper channels to the representative of the protecting Power for transmission to the Power in whose armed forces the prisoner served.

(2.) The sentence shall not be carried out before the expiration of a period of at least three months from the date of the receipt of this communication by the protecting Power.

Sentence of death not to be carried into effect until confirmed by Governor-General.

**84.** Sentence of death passed by a military court upon a prisoner of war shall not be carried into effect until, in addition to compliance with the other requirements of these Regulations, it has been confirmed by the Governor-General.

Mitigation, remission, commutation and suspension of sentences by confirming authority.

**85.** The confirming authority may, when confirming the sentence of a military court, mitigate or remit the punishment thereby awarded, or commute such punishment for any less punishment to which the offender might have been sentenced by that court. The confirming authority may also suspend for such time as seems expedient the execution of a sentence.

Confirmation notwithstanding technical or other deviation not causing injustice.

**86.**—(1.) Where it appears to the confirming authority that a military court had power to try a prisoner of war, and that that prisoner was charged under these Regulations with some offence, and was found on legally admissible evidence to have been guilty of that offence, that finding and the sentence may be confirmed, and, if confirmed, shall be valid, notwithstanding any deviation from the requirements of these Regulations, or any defect or objection, technical or otherwise, unless it appears to the confirming authority that any injustice has been done to the prisoner of war.

(2.) Nothing in this regulation shall relieve an officer from any responsibility for any wilful or negligent disregard of any of these Regulations.

Mitigation, remission or commutation of sentence after confirmation.  
**Amended by 1942, No. 526.**

**87.** When a sentence of a military court has been confirmed, the punishment thereby awarded may be mitigated, remitted, or commuted for any less punishment to which the offender might have been sentenced by the said Court, by the Governor-General or—

- (a) in the case of an officer prisoner of war or person of equivalent status—by any officer to whom the Governor-General has delegated the like powers in respect of general courts-martial; or

- (b) in the case of any other prisoner of war—by any officer to whom the Governor-General has delegated the like powers in respect of district courts-martial.

**88.** An authority having power under regulation 85 or 87 of these Regulations to mitigate, remit or commute any punishment may do all or any one or more of those things in respect of a person subject to such punishment.

Mitigation, remission and commutation may be cumulative.

**89.** The provisions of these Regulations with respect to an original sentence of imprisonment or detention shall apply to a sentence of imprisonment or detention imposed by way of commutation.

Regulations relating to original sentences applicable to sentences imposed in commutation.

**90.** An order in writing of the Camp Commandant or of an officer thereto authorized by the Adjutant-General shall be sufficient warrant for—

Orders for committal.

- (a) the committal to prison or to detention barracks of a prisoner of war sentenced by a military court to imprisonment;
- (b) the committal to detention barracks of a prisoner of war sentenced by a military court or by a summary award to detention.

**91.** The term of imprisonment or detention to which a prisoner of war is sentenced by a military court, whether the sentence has been revised or not, and whether the prisoner of war is already undergoing sentence or not, shall be reckoned to begin on the day on which the record of the original sentence was signed by the president of the court.

Commencement of sentences.

**92.** The sentence passed by a military court shall be executed in such manner as the Adjutant-General from time to time directs.

Execution of sentences.

**93.** Any prisoner of war who considers himself aggrieved by the finding or sentence of a military court may forward a petition to the confirming authority or to any authority specified in regulation 87 of these Regulations through the proper channels.

Petition by convicted prisoner of war.

**94.** In addition to the notification required by regulation 83 of these Regulations in the case of a sentence of death, particulars of all sentences pronounced against prisoners of war by a military or civil court shall be communicated immediately to the protecting Power through the proper channels.

Notification of sentence.

**95.** The following provisions shall apply with respect to evidence in proceedings under these Regulations:—

Evidence in proceedings under these Regulations.

- (a) Any warrants issued or orders made in pursuance of these Regulations shall be deemed to be evidence of the matters and things required by these Regulations or the Rules of Procedure to be stated therein, and any copies of such warrants or orders purporting to be certified to be true copies by an officer of the Australian Military Forces shall be admissible in evidence.

- (b) Where an escaped prisoner of war has been apprehended by, or has surrendered himself into the custody of, any member of the Naval, Military or Air Forces of the Commonwealth, or any constable, a certificate purporting to have been signed by the member or constable and stating the fact, date and place of such apprehension or surrender shall be evidence of the matters so stated.

Rules of  
Procedure for  
military courts.  
Substituted by  
1941, No. 201.

**96.** The Minister may make rules, not inconsistent with these Regulations, prescribing all matters which by these Regulations, are required or permitted to be prescribed or which are necessary or convenient to be prescribed in relation to the trial of prisoners of war by military courts, and, in particular, in relation to—

- (a) the convening, constituting, adjournment, dissolution and sittings of military courts;
  - (b) the procedure and rules of evidence to be observed at any such trial; and
  - (c) the forms to be used in connexion with any such trial and the revision and confirmation of the findings and sentences of military courts.
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# DEFENCE ACT 1903-1956, NAVAL DEFENCE ACT 1910-1952 AND AIR FORCE ACT 1923-1956

## DEFENCE COMMITTEE REGULATIONS.\*

1. These Regulations may be cited as the Defence Committee Citation. Regulations.\*

2. The object of these Regulations is to constitute a Defence Com- Object.  
mittee which shall be an advisory and consultative body to advise the  
Minister of State for Defence with respect to matters within the functions  
of the Committee under these Regulations.

3. The Defence Committee Regulations (being Statutory Rules 1929, Repeal.  
No. 26, as amended by Statutory Rules 1938, No. 81) are repealed.

4. In these Regulations, unless the contrary intention appears— Definitions.  
“the Committee” means the Defence Committee constituted under  
these Regulations;  
“the Minister” means the Minister of State for Defence.

5.—(1.) There shall be a Defence Committee (to be known as “the The Defence  
Defence Committee”) which shall consist of— Committee.

- (a) the Chief of the Naval Staff;
- (b) the Chief of the General Staff;
- (c) the Chief of the Air Staff; and
- (d) an officer of the Department of Defence appointed by the  
Minister to be a member of the Committee.

\* \* \* \* \*

Sub-reg. (2.)  
omitted by  
1952, No. 73.

(3.) Whenever the Committee considers it necessary so to do, the  
Committee may, with the approval of the Minister, co-opt any person  
for the consideration of any matter and that person shall for the time  
being be deemed to be a member of the Committee.

(4.) The Committee may call into consultation representatives of  
any Department or authority concerned in a matter under discussion.

(5.) If any member of the Committee specified in sub-regulation (1.)  
of this regulation is unable to attend a meeting, he may be represented as  
a member—

- (a) in the case of the Chief of Staff of any Service—by a senior  
officer nominated by that Chief of Staff; and

\* The Defence Committee Regulations, in force under the *Defence Act* 1903-1956, the *Naval Defence Act* 1910-1952 and the *Air Force Act* 1923-1956, comprise the following Statutory Rules:—

| Year and Number.     | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|----------------------|----------------------------------------------------------------|
| 1946, No. 39 .. .. . | 28th February, 1946                                            |
| 1950, No. 80 .. .. . | 23rd November, 1950                                            |
| 1952, No. 73 .. .. . | 28th August, 1952                                              |

- (b) in the case of an officer of the Department of Defence—by another officer of that Department appointed by the Minister.

Chairman.

**6.** The Minister may appoint a member of the Committee to be Chairman of the Committee.

Meetings.

**7.—(1.)** The Chairman shall convene meetings of the Committee.

(2.) The members specified in sub-regulation (1.) of regulation 5 of these Regulations or their representatives shall form a quorum:

Provided that not less than two of the members so specified shall be included in the quorum.

Secretaries.

**8.** The Secretary or Joint Secretaries to the Committee shall be an officer or officers of the Department of Defence and shall be appointed by the Minister.

Minutes.

**9.** The Secretary or the Joint Secretaries, as the case may be, shall keep minutes of all meetings of the Committee.

Functions of the Committee.

**10.** The functions of the Committee shall be to advise the Minister with respect to the following matters:—

- (a) The defence policy as a whole;
- (b) Matters of policy or principle and important questions having a joint Service or inter-departmental defence aspect; and
- (c) Such other matters having a defence aspect as are referred to the Committee by or on behalf of the Minister.

Matters to be dealt with by the Committee.

**11.** In the performance of its functions, the Committee shall investigate, and advise the Minister with respect to—

- (a) any matter referred to it by or on behalf of the Minister; and
- (b) any matter within its functions with respect to which the Committee considers the Minister should be advised.

Standing committees and sub-committees.

**12.—(1.)** The Minister may, on the recommendation of the Committee, appoint such standing committees and sub-committees as he considers necessary for the investigation of any matter within the functions of the Committee.

(2.) The Committee may appoint such special sub-committees as it considers necessary for the investigation of any particular matter within the functions of the Committee.

(3.) The functions of standing committees shall be such as are approved by the Minister, on the recommendation of the Committee, and the functions of sub-committees shall be such as are determined by the Committee.

Decisions of the Minister.

**13.** The Secretary, Department of Defence, shall inform the Secretary or the Joint Secretaries, as the case may be, to the Committee and the Departments concerned of the decisions of the Minister on all matters with respect to which the Committee has advised the Minister.

## DEFENCE FORCES RETIREMENT BENEFITS ACT 1948-1956

### DEFENCE FORCES RETIREMENT BENEFITS REGULATIONS.\*

1. These Regulations may be cited as the Defence Forces Retirement Benefits Regulations.\* Citation.

2. In these Regulations "the Act" means the *Defence Forces Retirement Benefits Act 1948-1949*. Definition.

3. Where under the Act a member is required to contribute to the Fund from the date when he becomes a member, the first deduction from his pay for the purpose of his contributions shall be made on the first pay day occurring during his membership. Commencement of contributions.

4. Where a contribution includes a fraction of a penny amounting to a half-penny or more, the next higher penny shall be deducted. Fractions of a penny.

5.—(1.) Pensions, gratuities, lump sum payments and refunds of contributions granted in pursuance of the Act shall be authorized for payment in accordance with the provisions of the Treasury Regulations. Payment of pensions, lump sum payments and refunds of contributions.

(2.) Pensions shall be paid on the Thursday of each fortnight which alternates with the Thursday on which payment of the pay of members of the Forces is made.

6.—(1.) Payments by the Commonwealth to the Fund in accordance with section 32 of the Act shall be made in the manner prescribed by the Treasury Regulations immediately after each pension pay day. Payments by the Commonwealth to the Fund.

(2.) Payments by the Commonwealth to the Fund in accordance with section 33 of the Act shall be made in the manner prescribed by the Treasury Regulations immediately after the payment of the benefit has been made to the member.

7. As and when required by the Board—

(a) a pensioner to whom, or in respect of whom, pension payments are being made shall submit evidence satisfactory to the Board that he is alive; Evidence as to pensioners.

\* The Defence Forces Retirement Benefits Regulations, in force under the *Defence Forces Retirement Benefits Act 1948-1956*, comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in Gazette. | Date of Commencement. |
|---------------------|----------------------------------|-----------------------|
| 1949, No. 60 .. ..  | 15th September, 1949 .. ..       | 15th September, 1949  |
| 1950, No. 14 .. ..  | 23rd March, 1950 .. ..           | 23rd March, 1950      |
| 1951, No. 111 .. .. | 28th September, 1951 .. ..       | 28th September, 1951  |
| 1954, No. 4 .. ..   | 28th January, 1954 .. ..         | 28th January, 1954    |
| 33 .. ..            | 14th April, 1954 .. ..           | 14th April, 1954      |
| 1955, No. 14 .. ..  | 15th February, 1955 .. ..        | 15th February, 1955   |
| 45 .. ..            | 23rd June, 1955 .. ..            | 23rd June, 1955       |
| 1956, No. 25 .. ..  | 22nd March, 1956 .. ..           | 1st January, 1956     |

- (b) a person in receipt of a widow's pension shall submit evidence satisfactory to the Board that she has not re-married; and
- (c) a person in receipt of a child's pension shall submit evidence satisfactory to the Board that the child is still alive and is in his care, and is being maintained by him.

Prescribed rate of interest for purposes of section 17 (5.) of the Act.

Substituted by 1956, No. 25.

8. For the purposes of sub-section (5.) of section 17 of the Act, the rate of interest—

- (a) shall, from the commencement of this regulation, be three and three-quarters per centum per annum; and
- (b) shall, notwithstanding anything contained in these Regulations before the commencement of this regulation, be deemed to have been three and three-quarters per centum per annum.

Prescribed rate of interest for purposes of sections 32 (2.), 33 and 50 (1.) of the Act.

Inserted by 1956, No. 25.

8A. For the purposes of sub-section (2.) of section 32, section 33 and sub-section (1.) of section 50 of the Act, the rate of interest shall be three and three-quarters per centum per annum.

Periods for elections.

Sub-reg. (1.) amended by 1954, No. 4.

9.—(1.) An election for the purposes of section 26 of the Act shall be made within four months after the date on which the member becomes liable to contribute under the Act or within one month after the commencement of these Regulations, whichever is the later.

Inserted by 1954, No. 4.

(1A.) An election for the purposes of section 27 of the Act shall be made—

- (a) in the case of a member who became a contributor before the commencement of this sub-regulation—within four months after that commencement; or
- (b) in any other case—within four months after the date on which the member becomes liable to contribute under the Act.

(2.) An election under sub-section (4.) of section 52 of the Act shall be made before any payment of pension under that section is made.

(3.) An election under section 80 of the Act shall be made within four months after the appointed date or after the date on which the member attains the age of eighteen years, or within one month after the commencement of these Regulations, whichever is the later.

Prescribed authorities of the Commonwealth.

Substituted by 1954, No. 4; amended by 1955, No. 45.

10. The following authorities are prescribed authorities of the Commonwealth for the purposes of the Act:—

Australian Aluminium Production Commission;  
 Australian Atomic Energy Commission;  
 Australian Broadcasting Commission;  
 Australian Canned Fruits Board;  
 Australian Dairy Produce Board;  
 Australian Egg Board;  
 Australian Meat Board;  
 Australian National Airlines Commission;  
 Australian Whaling Commission;  
 Australian Wheat Board;  
 Australian Wine Board;  
 Australian Wool Bureau;  
 Australian Wool Realization Commission;



Board of Management appointed under the *Australian War Memorial Act 1925-1952*;  
 Canberra Community Hospital Board;  
 Commonwealth Scientific and Industrial Research Organization;  
 Dried Fruits Control Board;  
 Flax Commission;  
 Overseas Telecommunications Commission (Australia);  
 Snowy Mountains Hydro-electric Authority;  
 The Australian National University;  
 The Council of the Canberra University College;  
 Trustees of the Services Canteens Trust Fund.

**11.** Any amount of deferred pay and interest thereon paid to the Fund under the provisions of sub-section (4.) of section 78 of the Act shall not be deemed to be contributions for the purpose of a refund under the provisions of section 54 of the Act, unless the Board, having regard to the special circumstances of any particular case otherwise approves in respect of the whole or any portion of that amount. Incapacity due to wilful action.

**12.** Any amount of deferred pay and interest thereon paid to the Fund under the provisions of sub-section (4.) of section 78 of the Act shall not be deemed to be contributions for the purpose of a refund, under the provisions of sub-section (1.) of section 60 of the Act, to a contributor who is dismissed from the Service or whose commission is cancelled, unless the Board, having regard to the special circumstances of any particular case otherwise approves in respect of the whole or any portion of that amount. Dismissal or cancellation of commission.

**13.** The amount of deferred pay and interest thereon credited to a member shall not be paid under the provisions of paragraph (a) of sub-section (5.) of section 78 of the Act to any member— Dismissal or premature retirement of contributor for limited benefits.

- (a) in the case of a member of the Permanent Air Force—whose appointment is terminated for misconduct, or who is dismissed from the Service, or who is retired on the ground of invalidity or physical or mental incapacity to perform his duties and whose invalidity or incapacity is, in the opinion of the Board, due to wilful action on his part for the purpose of obtaining pension; and
- (b) in the case of a member of the Permanent Naval Forces—
  - (i) who is discharged for desertion or misconduct or for the reason that his services are no longer required;
  - (ii) who is dismissed from the Service;
  - (iii) who is retired on the ground of invalidity or physical or mental incapacity to perform his duties and whose invalidity or incapacity is, in the opinion of the Board, due to wilful action on his part for the purpose of obtaining pension;
  - (iv) who, being an officer who was trained at the Royal Australian Naval College, either resigns or voluntarily retires from the Active List before he has attained the age of thirty years; or

- (v) who, being an officer who was not trained at the Royal Australian Naval College, either resigns or voluntarily retires from the Active List before he has completed four years' service as a commissioned officer or Warrant Officer on the Active List,

unless the Board, having regard to the special circumstances of any particular case, otherwise approves in respect of the whole or any portion of that amount.

Contributions  
by certain  
Air Force  
Officers.

14. The contributions payable by members under the provisions of paragraph (d) of section 79 of the Act shall be in accordance with the table of contributions set out in the First Schedule to these Regulations.

Commutation  
of pension.

15.—(1.) A pensioner who is in receipt of a pension in accordance with section 52, 55, 57, 58 or 73 of the Act shall not be permitted to commute any portion of the pension.

(2.) A pensioner shall not be permitted to commute any portion of the pension which would be payable after his death to his widow and surviving children, if any.

Sub-regs.  
(3.) and (4.)  
omitted by  
1955, No. 45.

\* \* \* \* \*

(5.) An application for commutation of pension shall be made in writing to the Board, and shall be deemed to be made as at the date on which application is received at the offices of the Board during the hours of public business, or the date upon which payment of the pension commences, whichever is the later.

(6.) A pensioner who has made application for commutation of pension shall furnish to the Board such information as the Board requires (including information as to his health and habits and his intention in obtaining the commutation) and shall, if the Board so directs, submit himself for personal examination by a Commonwealth Medical Officer nominated by the Board.

(7.) If a pensioner fails to furnish information or submit himself for examination, in accordance with a requirement or direction given in pursuance of the last preceding sub-regulation, within a period of two calendar months after the date of that requirement or direction, the Board may treat the application as having been withdrawn.

(8.) A pensioner who has made application for commutation shall continue to draw his full pension until the date upon which the Board grants the application for commutation.

(9.) The basis of the commutation in the case of a pensioner who is regarded by the Board as a first class life shall be as follows:—

- (a) That portion of the pension which has been provided by the contributions paid by the pensioner during his service shall be commuted first.
- (b) The calculation in respect of the commutation shall be made as at the day on which the Board gives its approval to the commutation.
- (c) The factor to be applied to the annual amount of pension which is to be commuted shall be that shown in the Second Schedule according to the age next birthday of the pensioner as determined by the Board.

**16.** A person shall not make any false or misleading statement in any information required or given for the purpose of, or in connexion with any matter arising under, the Act or these Regulations. False information.

Penalty: Fifty pounds.

**17.—(1.)** The provisions of the Act shall apply to and in respect of any person who, immediately prior to the commencement of the Act— Application of the Act to certain persons serving in the Citizen Air Force at commencement of Act.

- (a) was a serving member of the Citizen Air Force; and
- (b) by virtue of regulation 128 of the National Security (Supplementary) Regulations, was, or was deemed to be, an “employee” within the meaning of section 60A of the *Superannuation Act 1922-1947*,

as if that person were a “member” as defined in section 4 of the Act.

(2.) The continuous full-time service as a member of the Citizen Air Force of a person to whom sub-regulation (1.) of this regulation applies shall be deemed to be service for pension for the purposes of the Act.

**18.—(1.)** The provisions of the Act shall apply to and in respect of any person who— Application of the Act to certain members of the Permanent Naval Forces.

- (a) was a rating in the Permanent Naval Forces prior to the third day of September, 1939;
- (b) was subsequently, without a break in the continuity of his service, appointed an officer for temporary service in the Permanent Naval Forces; and
- (c) was subsequently, without a break in the continuity of his service, appointed an officer of the Permanent Naval Forces.

(2.) The continuous full-time service as an officer appointed for temporary service in the Permanent Naval Forces of a person to whom sub-regulation (1.) of this regulation applies shall be deemed to be service for pension for the purposes of the Act.

\* \* \* \* \*

Reg. 19  
inserted by  
1950, No. 14;  
repealed by  
1955, No. 45.

Application of the Act to certain members of the Military Forces.

Inserted by 1951, No. 111; substituted by 1954, No. 4.

20.\*—(1.) Subject to this regulation, the provisions of the Act apply to, and in respect of, a person who—

- (a) immediately prior to the commencement of the *Defence Forces Retirement Benefits Act* 1948 was an employee within the meaning of section 60A of the *Superannuation Act* 1922-1947 and a contributor to the Superannuation Fund established under that Act;
- (b) served on continuous full-time duty as a member of a part of the Permanent Military Forces other than the Australian Regular Army from the commencement of the *Defence Forces Retirement Benefits Act* 1948 to the commencement of this regulation; and
- (c) without breaking the continuity of his service, continues to serve after the commencement of this regulation on continuous full-time duty as a member of the Permanent Military Forces.

(2.) Subject to the next succeeding sub-regulation, the continuous full-time service after attaining the age of twenty years of a person to whom this regulation applies shall be deemed to be service for pension for the purposes of the Act.

(3.) The continuous full-time service after attaining the age of twenty years of a person to whom this regulation applies before the date upon which the person became an employee within the meaning of section 60A of the *Superannuation Act* 1922-1947 which would not be service for pension within the meaning of section 75 of the Act, if that person was a serving member within the meaning of that section, shall not be deemed to be service for pension for the purposes of the Act.

(4.) For the purposes of the Act and these Regulations, the rank of a person to whom this regulation applies who is an officer in a part of the Permanent Military Forces other than the Australian Regular Army shall be deemed to be the substantive rank which he would have held from time to time if he had continued to serve as a soldier during the period that he serves as an officer.

Retiring ages and pensions for certain classes of members.

Inserted by 1951, No. 111; substituted by 1955, No. 14; amended by 1955, No. 45.

21.† For the purposes of the definition of “retiring age for the rank held” in sub-section (1.) of section 4 of the Act, the age for compulsory retirement of a member of the Permanent Naval Forces or the Permanent Military Forces who—

- (a) is a member of a branch or service specified in the first column of the table set out at the foot of this regulation; and
- (b) holds a rank specified opposite to that branch or service in the second column of that table,

\* This regulation was substituted by regulation 3 (1.) of Statutory Rules 1954, No. 4. Regulation 3 (2.) of those Statutory Rules reads as follows:—

“(2.) This regulation shall be deemed to have come into operation on the thirteenth day of August, 1952.”

† This regulation was substituted by regulation 1 of Statutory Rules 1955, No. 14. Regulation 2 of those Statutory Rules reads as follows:—

“2. Regulation 21 of the Defence Forces Retirement Benefits Regulations as amended by the last preceding regulation—

- (a) shall, in its application to an officer of the Army Canteens Service, be deemed to have come into operation on the twenty-eighth day of January, 1954; and
- (b) shall, in its application to an officer of the Royal Australian Army Nursing Service, be deemed to have come into operation on the twenty-eighth day of September, 1951.”

is the age specified opposite to that rank in the third column of that table and, for the purposes of section 49 of the Act, the pension or benefit payable on retirement to or in respect of the member on or after attaining the retiring age for the rank held is—

- (c) where a rank and force is specified opposite to the rank held by the member in the fourth column of that table—the pension or benefit to which the member would be entitled under the Act if he were a member holding that rank in that force; and
- (d) where a rank and force is not so specified—the pension or benefit to which the member would be entitled if this regulation did not apply in relation to him.

| First Column.<br>Branch or Service.                              | Second Column.<br>Rank.                                                                                         | Third Column.<br>Retiring Age.                                                   | Fourth Column.<br>Rank and Force.                                                 |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| Executive Branch of the Permanent Naval Forces                   | Vice-Admiral ..<br>Rear-Admiral ..                                                                              | 60 years<br>57 years                                                             | ..<br>Major-General, Permanent Military Forces                                    |
| Naval Ordnance Inspection Branch of the Permanent Naval Forces   | Chief Inspector ..                                                                                              | 57 years                                                                         | Captain, Permanent Naval Forces                                                   |
| Naval Dockyard Police Branch of the Permanent Naval Forces       | Superintendent ..<br>Sub-Inspector ..                                                                           | 55 years<br>55 years                                                             | Commander, Permanent Naval Forces<br>Commissioned Officer, Permanent Naval Forces |
| Printing and Stationery Service of the Permanent Military Forces | Colonel ..<br>Lieutenant-Colonel ..<br>Major ..<br>Captain ..<br>Major-General ..<br>Brigadier ..<br>Colonel .. | 57 years<br>55 years<br>55 years<br>55 years<br>60 years<br>57 years<br>57 years | ..<br>..<br>..<br>..<br>..<br>..<br>..                                            |
| Army Canteens Service of the Permanent Military Forces           | Lieutenant-Colonel ..<br>Major ..<br>Captain ..<br>Lieutenant ..<br>Second Lieutenant ..<br>Matron-in-chief ..  | 55 years<br>55 years<br>55 years<br>55 years<br>55 years<br>55 years             | ..<br>..<br>..<br>..<br>..<br>..                                                  |
| Royal Australian Army Nursing Service                            | Principal Matron ..<br>Matron ..<br>Senior Sister ..<br>Sister ..                                               | 55 years<br>55 years<br>55 years<br>55 years                                     | ..<br>..<br>..<br>..                                                              |

\* \* \* \* \*

\* \* \* \* \*

Reg. 22 inserted by 1951, No. 111; repealed by 1955, No. 14.

Reg. 23 inserted by 1951, No. 111; repealed by 1955, No. 45.

24.—(1.) Subject to this regulation, the provisions of the Act apply in relation to a member—

- (a) who elected under section 80 of the Act not to become a contributor under the Act; and
- (b) who, after that election, has been or is appointed an officer.

Liability for certain officers to contribute.

Inserted by 1954, No. 4.

## DEFENCE FORCES RETIREMENT BENEFITS ACT

(2.) A member may elect to contribute to the Fund—

(a) if he is a member of the Permanent Naval Forces—

(i) as from the commencement of the *Defence Forces Retirement Benefits Act* 1948, or

(ii) as from the date of his appointment as an officer or the commencement of this regulation, whichever is the later; and

(b) if he is a member of the Australian Regular Army or the Permanent Air Force—

(i) as from the commencement of the *Defence Forces Retirement Benefits Act* 1948; or

(ii) as from the date of his appointment as an officer.

(3.) An election for the purposes of the last preceding sub-regulation shall be made by the member not later than four months after—

(a) the commencement of this regulation; or

(b) in the case of a member who is appointed an officer after that commencement—the date of his appointment as an officer.

(4.) If the election by a member under sub-regulation (2.) of this regulation is not received by the Board within the period specified in the last preceding sub-regulation, the member shall be deemed to have elected to contribute to the Fund—

(a) in the case of a member of the Permanent Naval Forces—as from the date of his appointment as an officer or the commencement of this regulation, whichever is the later; or

(b) in the case of a member of the Australian Regular Army or the Permanent Air Force—as from the date of his appointment as an officer.

(5.) A member shall be liable to pay contributions to the Fund from the date as from which he has elected, or is deemed to have elected under the last preceding sub-regulation, to contribute to the Fund.

(6.) The amount of contributions payable in respect of the period from the date as from which the member has elected, or is deemed to have elected under sub-regulation (4.) of this regulation, to contribute to the Fund, to the date on which the first deduction of contributions from the pay of the member is made shall be deducted from the pay of the member in such amounts, and during such period, as the Board determines.

(7.) Subject to section 26 of the Act, the service of a member before the date as from which he has elected, or is deemed to have elected under sub-regulation (4.) of this regulation, to contribute to the Fund shall not be service for pension for the purposes of the Act.

(8.) In this regulation, “member” means a member to whom the provisions of the Act apply in pursuance of sub-regulation (1.) of this regulation.

## THE SCHEDULES.

## THE FIRST SCHEDULE.

Regulation 14.

RATES OF CONTRIBUTIONS TO BE PAID FORTNIGHTLY BY CERTAIN AIR FORCE OFFICERS.

| Age next Birthday. |    |    |    |    |    | Contribution<br>for first two<br>units. | Contribution<br>for each sub-<br>sequent unit. |
|--------------------|----|----|----|----|----|-----------------------------------------|------------------------------------------------|
|                    |    |    |    |    |    | s. d.                                   | s. d.                                          |
| 20                 | .. | .. | .. | .. | .. | 0 10                                    | 0 4                                            |
| 21                 | .. | .. | .. | .. | .. | 0 11                                    | 0 5                                            |
| 22                 | .. | .. | .. | .. | .. | 1 0                                     | 0 5                                            |
| 23                 | .. | .. | .. | .. | .. | 1 1                                     | 0 6                                            |
| 24                 | .. | .. | .. | .. | .. | 1 2                                     | 0 6                                            |
| 25                 | .. | .. | .. | .. | .. | 1 3                                     | 0 6                                            |
| 26                 | .. | .. | .. | .. | .. | 1 4                                     | 0 7                                            |
| 27                 | .. | .. | .. | .. | .. | 1 4                                     | 0 7                                            |
| 28                 | .. | .. | .. | .. | .. | 1 5                                     | 0 7                                            |
| 29                 | .. | .. | .. | .. | .. | 1 5                                     | 0 7                                            |
| 30                 | .. | .. | .. | .. | .. | 1 6                                     | 0 8                                            |
| 31                 | .. | .. | .. | .. | .. | 1 6                                     | 0 8                                            |
| 32                 | .. | .. | .. | .. | .. | 1 7                                     | 0 8                                            |
| 33                 | .. | .. | .. | .. | .. | 1 7                                     | 0 8                                            |
| 34                 | .. | .. | .. | .. | .. | 1 8                                     | 0 9                                            |
| 35                 | .. | .. | .. | .. | .. | 1 8                                     | 0 9                                            |
| 36                 | .. | .. | .. | .. | .. | 1 9                                     | 0 9                                            |
| 37                 | .. | .. | .. | .. | .. | 1 10                                    | 0 10                                           |
| 38                 | .. | .. | .. | .. | .. | 1 10                                    | 0 10                                           |
| 39                 | .. | .. | .. | .. | .. | 1 10                                    | 0 10                                           |
| 40                 | .. | .. | .. | .. | .. | 1 11                                    | 0 10                                           |
| 41                 | .. | .. | .. | .. | .. | 1 11                                    | 0 10                                           |
| 42                 | .. | .. | .. | .. | .. | 1 11                                    | 0 10                                           |
| 43                 | .. | .. | .. | .. | .. | 2 0                                     | 0 11                                           |
| 44                 | .. | .. | .. | .. | .. | 2 0                                     | 0 11                                           |
| 45 and over        | .. | .. | .. | .. | .. | 2 0                                     | 0 11                                           |

## THE SECOND SCHEDULE.

Regulation 15.

FACTORS FOR COMMUTATION OF PENSION UNDER SECTION 74.

Substituted by  
1951, No. 111.

Table I.—Male Pensioners.

| Age next Birthday. |    |    |    |    |    | Factor per £1 of<br>Annual Pension. |
|--------------------|----|----|----|----|----|-------------------------------------|
| 40                 | .. | .. | .. | .. | .. | 15.846                              |
| 41                 | .. | .. | .. | .. | .. | 15.615                              |
| 42                 | .. | .. | .. | .. | .. | 15.378                              |
| 43                 | .. | .. | .. | .. | .. | 15.136                              |
| 44                 | .. | .. | .. | .. | .. | 14.886                              |
| 45                 | .. | .. | .. | .. | .. | 14.633                              |
| 46                 | .. | .. | .. | .. | .. | 14.372                              |
| 47                 | .. | .. | .. | .. | .. | 14.109                              |
| 48                 | .. | .. | .. | .. | .. | 13.841                              |
| 49                 | .. | .. | .. | .. | .. | 13.568                              |
| 50                 | .. | .. | .. | .. | .. | 13.392                              |
| 51                 | .. | .. | .. | .. | .. | 13.010                              |
| 52                 | .. | .. | .. | .. | .. | 12.725                              |
| 53                 | .. | .. | .. | .. | .. | 12.436                              |
| 54                 | .. | .. | .. | .. | .. | 12.142                              |
| 55                 | .. | .. | .. | .. | .. | 11.845                              |
| 56                 | .. | .. | .. | .. | .. | 11.547                              |
| 57                 | .. | .. | .. | .. | .. | 11.248                              |

Table II.—Female Pensioners.

| Age next Birthday. |    |    |    |    |    | Factor per £1 of<br>Annual Pension. |
|--------------------|----|----|----|----|----|-------------------------------------|
| 55                 | .. | .. | .. | .. | .. | 13.475                              |
| 56                 | .. | .. | .. | .. | .. | 13.198                              |
| 57                 | .. | .. | .. | .. | .. | 12.916                              |

\* \* \* \* \*

Third Schedule  
inserted by  
1951, No. 111;  
repealed by  
1955, No. 45.

## DEFENCE TRANSITION (RESIDUAL PROVISIONS) ACT 1952

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### NATIONAL SECURITY (EXTERNAL TERRITORIES) REGULATIONS.\*

Re-transfer  
of certain cases  
transferred to  
Supreme Court  
of Papua-New  
Guinea.

**2.\*—**(1.) Notwithstanding the repeal of regulation 22 of the National Security (External Territories) Regulations and notwithstanding anything contained in the *Papua-New Guinea Provisional Administration Act* 1945, every action transferred to the Supreme Court of the Territory of Papua-New Guinea by sub-section (6.) of section 16 of that Act shall, by force of this regulation, be re-transferred to, the Supreme Court of the Australian Capital Territory, and may be continued in, and determined by, the Supreme Court of the Australian Capital Territory, as if the *Papua-New Guinea Provisional Administration Act* 1945 had not been passed, and as if regulation 22 of the National Security (External Territories) Regulations had not been repealed.

(2.) The provisions of sub-section (7.) of section 16 of the *Papua-New Guinea Provisional Administration Act* 1945 shall apply in relation to every order made, judgment, decree or direction given, or act done, by the Supreme Court of the Australian Capital Territory by virtue of the last preceding sub-regulation as if made, given or done prior to the commencement of that Act.

(3.) In this regulation, “action” includes suit, cause, matter or proceeding.

---

\* Regulation 2 of Statutory Rules 1945, No. 205, which, by virtue of the *Defence Transition (Residual Provisions) Act* 1952, is continued in force until otherwise provided by law. Statutory Rules 1945, No. 205, were made under the *National Security Act* 1939-1943, were notified in the *Gazette* and commenced on 29th December 1945.



**NATIONAL SECURITY (GENERAL) REGULATIONS.\*****PART I.—PRELIMINARY.**

1. These Regulations may be cited as the National Security (General) Regulations.\*

\* \* \* \* \*

- 3.—(1.) In these Regulations, unless the contrary intention appears—
- “aircraft” means any machine which can support itself in the atmosphere from the reactions of the air upon it, and includes balloons, whether fixed or free, airships, gyroplanes, aeroplanes, gliders and kites;
- “ammunition” means ammunition for any firearm, and includes grenades, bombs and other like missiles, whether capable of use with a firearm or not;
- “article” includes any substance whatsoever and any animal, bird or other animate thing;
- “billeting” means the provision of accommodation by way of lodging, or food or both and either with or without attendance;
- “Defence Force” means the Defence Force of the Commonwealth;
- “document” includes part of a document;
- “enemy alien” means a person who, not being a British subject, possesses the nationality of a State at war with His Majesty;
- “essential services” means services in connexion with—
- (a) transport by sea, air, railway or tramway;
  - (b) the supply of electricity, gas or water;
  - (c) telegraphs or telephones;
  - (d) canal, dock, harbour, pier or lighthouse undertakings;
  - (e) irrigation works;
  - (f) sewerage or sewage disposal undertakings, and undertakings for the collection and disposal of refuse;
  - (g) mining, industrial or other undertakings engaged in the production of war materials or supplies;
  - (h) shipbuilding and ship repairs;
  - (i) any other undertaking which is declared by the Minister, by order published in the *Gazette*, to be essential for the prosecution of the war or essential to the life of the community;

Definitions.  
Sub-reg. (1.)  
amended by  
1940, Nos. 34,  
71, 171 and  
264;  
1941, Nos. 174  
and 325;  
1942, Nos.  
308 and 475;  
1943, No. 224;  
and Act No. 77,  
1946.

\* The National Security (General) Regulations consist of those provisions of Statutory Rules 1939, No. 87, as amended, that are continued in force by the *Defence Transition (Residual Provisions) Act 1952*. Those provisions comprise the following Statutory Rules:—

| Year and Number. |    |    |    |    | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|------------------|----|----|----|----|----------------------------------------------------------------|
| 1939, No. 87     | .. | .. | .. | .. | 13th September, 1939                                           |
| 1940, No. 34     | .. | .. | .. | .. | 15th February, 1940                                            |
| 71               | .. | .. | .. | .. | 23rd April, 1940                                               |
| 120              | .. | .. | .. | .. | 3rd July, 1940                                                 |
| 171              | .. | .. | .. | .. | 22nd August, 1940                                              |
| 264              | .. | .. | .. | .. | 28th November, 1940                                            |
| 1941, No. 174    | .. | .. | .. | .. | 24th July, 1941                                                |
| 248              | .. | .. | .. | .. | 30th October, 1941                                             |
| 291              | .. | .. | .. | .. | 16th December, 1941                                            |
| 325              | .. | .. | .. | .. | 31st December, 1941                                            |
| 1942, No. 308    | .. | .. | .. | .. | 15th July, 1942                                                |
| 402              | .. | .. | .. | .. | 18th September, 1942                                           |
| 475              | .. | .. | .. | .. | 29th October, 1942                                             |
| 1943, No. 224    | .. | .. | .. | .. | 2nd September, 1943                                            |
| 1944, No. 131    | .. | .. | .. | .. | 4th September, 1944                                            |
| 1945, No. 50     | .. | .. | .. | .. | 19th April, 1945                                               |

These Regulations were also amended by the *Defence (Transitional Provisions) Act 1946* (No. 77, 1946).

- “firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and includes any weapon whatsoever which the Minister by order declares to be a firearm;
- “fire brigade” means a fire brigade maintained in accordance with law and includes any fire brigade maintained by a local governing authority or employed for the purposes of an undertaking engaged in the performance of essential services;
- “information” means any information, whether true or false, and includes—
- (a) any opinion relating to any person, place or thing; and
  - (b) the report of any conversation relating to any person, place or thing;
- “land” includes, without prejudice to any of the provisions of section twenty-two of the *Acts Interpretation Act* 1901-1937, land covered with water, and buildings or parts of buildings;
- “law” means law of the Commonwealth or of any State or Territory of the Commonwealth;
- “local governing authority” means a municipal council or like body;
- “mayor” means the chairman of a local governing body, and includes any person presiding over a local governing body;
- “member of a fire brigade” includes any auxiliary fireman attached to a fire brigade;
- “munitions of war” includes the whole or any part of any ship, submarine, aircraft, tank or similar engine, arms, ammunition, bomb, torpedo, mine, or other article, material or device (whether actual or proposed), intended or adapted for use in war;
- “police” means police of the Commonwealth or of a State or Territory of the Commonwealth;
- “postal article” has the same meaning as in the *Post and Telegraph Act* 1901-1934;
- “print” means make or produce a copy or copies by any method of making, duplicating or multiplying copies, and the terms “printed” or “printer” have corresponding meanings;
- “prisoner of war” means a prisoner of war in the power of His Majesty;
- “prohibited place” means a place declared by or in pursuance of these Regulations to be a prohibited place for the purposes of these Regulations;
- “protected area” means an area declared in pursuance of these Regulations to be a protected area for the purposes of these Regulations;
- “public utility undertaking” means any of the following undertakings the carrying on of which is authorized by or under any law, that is to say:—
- (a) any undertaking for the supply of electricity, gas or water;
  - (b) any transport, dock, harbour or pier undertaking;
  - (c) any sewerage or sewage disposal undertaking, or any undertaking for the collection or disposal of refuse; or

- (d) any undertaking of a drainage authority, and includes any such undertaking which is carried on by or on behalf of the Commonwealth or a State or by a local governing authority;
- “quartering” has the same meaning as “billeting”;
- “requisitioned” means, in relation to any property, taken possession of or required to be placed at the disposal of the requisitioning authority and “requisitioning” has a corresponding meaning;
- “seaplane” includes a flying boat and any other aircraft designed to manœuvre on the water;
- “ship” includes every vessel used in navigation not ordinarily propelled by oars only;
- “submarine cable” means any submarine cable used or capable of being used for telegraphic or telephonic purposes, and includes all stations, instruments, land wires and appliances used in connexion with any submarine cable;
- “the war” means the present war\*;
- “vessel” means any ship, boat, or any other description of vessel used for any purpose on the sea or in navigation;
- “war offence” means—
- (a) treason, in so far as it consists in adhering to the King’s enemies, giving them aid and comfort; or
  - (b) an offence against the Act;
- “wireless receiving apparatus” means apparatus for receiving communications or information made or given by wireless telegraphy, wireless telephony or wireless television;
- “wireless transmitting apparatus” means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television.

(2.) For the purposes of these Regulations, the person for the time being in charge of any vessel or aircraft shall be deemed to be the master of the vessel or the pilot of the aircraft, as the case may be.

(3.) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these Regulations relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

(4.) The provisions of these Regulations in relation to ships, vessels and aircraft shall not, unless the contrary intention appears, apply to ships, vessels or aircraft of His Majesty’s Armed Forces or of any Armed Forces allied or associated with His Majesty’s Armed Forces.

Added by  
1943, No. 224.

|           |   |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|---|
| *         | * | * | * | * | * | * | * |
| *         | * | * | * | * | * | * | * |
| 54.†—(1.) | * | * | * | * | * | * | * |

Taking  
possession of  
land.

Sub-reg. (1.)  
omitted by  
Act No. 77,  
1946.

\* As to the meaning of references in the Regulations to “the war”, see *Birch v. Allen* (1942) 65 C.L.R. 621; 16 A.L.J. 149; 48 A.L.R. 259.

† Held by the High Court (*Rich, Starke, McTiernan and Williams, J.J., Latham, C.J. dissenting*) that the taking under this regulation, as in force prior to 1st January, 1947, by the Commonwealth for an indefinite period of the exclusive possession of property constitutes an acquisition of property within the meaning of s. 51 (xxxi) of the Constitution: *Minister for Army v. Dalziel* (1944) 68 C.L.R. 261; 17 A.L.J. 405; 50 A.L.R. 89. See also *In re Elsie Chandler* (1944) Q.S.R. 195. (Discussed in note in 18 A.L.J. 295).

Sub-reg. (2.)  
substituted by  
Act No.  
77, 1946.

(2.) Where, in pursuance of sub-regulation (1.) of regulation 54 of the National Security (General) Regulations, as in force prior to the first day of January, 1947, possession had been taken of any land and that land was, immediately prior to that date, in the possession of the Commonwealth or of any person or authority on behalf of the Commonwealth, the possession of that land may, subject to termination by a Minister, be continued and any order, authorization or direction made or given in relation to that land shall continue to have effect.

(3.) The owner or occupier of any land shall, if requested by the Minister of State for the Army or a person thereto authorized by him so to do, furnish to that Minister or such person as is specified in the request such information in his possession relating to the land (being information which reasonably may be demanded in connexion with the execution of this regulation) as is so specified.

Sub-reg. (4.)  
omitted by  
1941, No. 291.

\*       \*       \*       \*       \*       \*       \*       \*

\*       \*       \*       \*       \*       \*       \*       \*

Compensation  
for the  
acquisition of  
lands on which  
improvements  
have been  
made by the  
Common-  
wealth.

Inserted by  
1942, No. 402;  
amended by  
Act No. 77,  
1946.

**55AA.** Where any of the powers conferred by or under regulation 53, 54 or 55 of these Regulations (as in force prior to the first day of January, 1947) has been exercised in relation to any land, and the land is later compulsorily acquired in pursuance of any law of the Commonwealth or of a Territory of the Commonwealth, the value of the land shall, for the purpose of fixing the compensation to which any person is entitled under that law in respect of the acquisition, be assessed without reference to any increase in value arising from anything done on or in relation to the land by or on behalf of the Commonwealth or the Administration of the Territory or by or on behalf of any authority of the Commonwealth or the Territory.

Fixtures  
to land  
to remain  
property of the  
Common-  
wealth.

Inserted by  
1940, No. 120;  
amended by  
Act No. 77,  
1946.

**55A.** All buildings, fittings, fixtures or other structures of whatsoever nature (and all materials constituting the same) placed, built or erected by the Commonwealth in or on, or affixed by the Commonwealth to, any land possessed or used by the Commonwealth in pursuance of powers contained in these Regulations (as in force prior to the first day of January, 1947) shall remain the sole property of the Commonwealth and the Commonwealth shall have the right at any time to remove any such buildings, fittings, fixtures or other structures and the materials constituting the same.

\*       \*       \*       \*       \*       \*       \*       \*

\*       \*       \*       \*       \*       \*       \*       \*

### *Compensation.*

Definition.

Inserted by  
1941, No. 291;  
substituted by  
1942, No. 402;  
amended by  
Act No. 77,  
1946.

**60B.—(1.)** In regulations 60c to 60j (both inclusive), 60L and paragraph (d) of regulation 60M of these Regulations, “the Minister” means—

- (a) in relation to claims for compensation by reason of anything done in pursuance of regulations 53, 54 or 55 of these Regulations, or of any order made thereunder, the Minister of State for the Interior; and

- (b) in relation to claims for compensation by reason of anything done in pursuance of any other of the provisions mentioned in regulation 60D, the Minister by whom or by whose authority or direction the thing in respect of which the claim arose was done,

and, in regulations 60C to 60G (both inclusive), regulation 60J and paragraph (d) of regulation 60M includes the person who, being authorized in writing by the Minister so to do, did the act which is the subject matter of the claim for compensation, or made the order in pursuance of which the act was done.

**60C.** Notwithstanding anything contained in regulations 60D and 60E of these Regulations, where, by any order relating to the requisition or impressment of animals or things (whether made before or after the commencement of this regulation), provision is made for the assessment of compensation, and for the reference of claims for compensation to a Compensation Board in the absence of agreement, the procedure prescribed in that order shall be followed, and claims referred to a Compensation Board in pursuance of that order shall be deemed to have been referred by the Minister in pursuance of regulation 60E of these Regulations and shall be dealt with accordingly.

Orders relating to impressment.

Inserted by 1941, No. 291.

**60D.\*—(1.)** Any person who has suffered or suffers loss or damage by reason of anything done in pursuance of any of the following regulations and sub-regulations, namely, regulations 53, 54, 55, 56, sub-regulations (1.) and (2.) of regulation 57, regulation 58 and sub-regulation (4.) of regulation 59 of these Regulations, or in pursuance of any order

Claims for compensation.

Inserted by 1941, No. 291. Sub-reg. (1.) amended by 1942, No. 405; and Act No. 77, 1946.

\* *Held* by the High Court that a mortgagee of land has no right to receive any part of the compensation paid by the Commonwealth, in respect of a taking of possession under reg. 54 of these regulations, to the mortgagor who was in possession at the time of the taking. Such compensation is paid for the personal loss or damage suffered by the mortgagor; it is not in the nature of a payment in respect of an acquisition of the mortgaged property or a deprivation of interest diminishing the security and it does not represent any part of the capital value of the mortgaged property: *Syme v. Commonwealth* (1942) 66 C.L.R. 413; 16 A.L.J. 255; 49 A.L.R. 20. *Per Latham, C.J., McTiernan and Williams, JJ., and semble per Rich, J.* A mortgagee not in possession who suffers loss or damage by reason of the taking of possession by the Commonwealth is within the class of persons entitled to claim compensation under this regulation: *ibid.*

The nature of the compensation that may be claimed under this regulation was considered by the Supreme Court of Queensland (*Philp, J.*) in *In re Fish Steam Laundry Pty. Ltd.* (1945) Q.S.R. 96; 39 Q.J.P.R. 128. *Held* by the Supreme Court of Queensland (*Philp, J.*) that, in relation to loss or damage by reason of anything done in pursuance of reg. 54 of these regulations, the provisions of this regulation appointing time limits for the making of a claim, running as they do not from the date of service of a notice, for which reg. 54 makes no provision, but from the doing of an act or the happening of an event, manifestly do not provide just terms within the meaning of s. 51 (xxxi) of the Constitution and are, therefore, invalid: *ibid.* But see, however, *Schweppes Ltd. v. Commonwealth* (1945) 45 S.R. (N.S.W.) 35; 62 W.N. (N.S.W.) 35; (Discussed in note in 18 A.L.J. 316; citing *Minister for Army v. Dalziel* (1944) 68 C.L.R. 261; 17 A.L.J. 405; 50 A.L.R. 89.)

*Held* by the Supreme Court of New South Wales that the provision of the scheme for assessing and awarding compensation which is contained in regs. 60D to 60G negatives any right to enforce by an ordinary action at law payment of compensation for any expropriations authorised under these regulations: *Schweppes Ltd. v. Commonwealth* (1945) 45 S.R. (N.S.W.) 35; 62 W.N. (N.S.W.) 35. (Discussed in note in 18 A.L.J. 316.)

*Held* by the Supreme Court of Western Australia (*Wolff, J.*) that this regulation is designed to cover cases which might not be actionable unless a specific right were conferred on the citizen to recover compensation, and where the acts complained of sounded in tort, the proper remedy was by action against the Commonwealth under the *Judiciary Act*: *Minister for Army v. Peterson* (1945) 47 W.A.L.R. 40.

*Held* by the Supreme Court of Tasmania (*Morris, C.J.*) that ownership of land and buildings does not, as such, carry with it the right to compensation under this regulation: *Barnett v. Minister for Army* (1948) Tas. S.R. 66. The right to receive compensation under this regulation is alienable: *ibid.* *Per* the Supreme Court of Tasmania (*Morris, C.J.*): A claim for compensation under this regulation not made within the period specified in this regulation is barred by lapse of time unless the Minister sees fit to extend the time: *ibid.*

As to whether a claim is for a periodical payment or for a lump sum, see *Minister for Interior v. Brisbane Amateur Turf Club* 80 C.L.R. 123; 23 A.L.J. 626; (1949) A.L.R. 737. *Held* by the High Court that, (1.) so long as the Commonwealth retained part of property of which it had taken possession, its interference with the rights of the claimant had not ceased; (2.) where a Central Hirings Committee and the Minister dealt with a claim, made a determination and referred the matter to a Compensation Board, either the time had been extended by conduct or it was not open to the Commonwealth to raise the objection that the claim was out of time; (3.) a further lease of land occupied by the Commonwealth pursuant to reg. 54 of these Regulations could be granted during the occupation by the Commonwealth: *ibid.*

*Held* by the Supreme Court of Victoria (*Gavan Duffy, J.*) that an "agreement" within the meaning of this regulation should not be given a restricted meaning so as not to apply to future loss or damage: *In re Palais de Danse Pty. Ltd.* (1951) V.L.R. 1.

made under any of those regulations or sub-regulations, while those regulations and sub-regulations were in force, in relation to—

- (a) any property in which he has, or has had, any legal interest, or in respect of which he has, or has had, any legal right;
- (b) any undertaking in which he has or has had any legal interest; or
- (c) any contract to which he is or has been a party,

shall, if the compensation, or the method of fixing the compensation, in respect of the loss or damage is not prescribed by any regulations other than these Regulations, be paid such compensation as is determined by agreement or, in the absence of agreement, may, within two months after the doing of the thing on which the claim is based, or, within such further time as the Minister allows, make a claim in writing to the Minister for compensation:

Provided that, where the claim is in respect of an interference with rights which is of a continuing nature, the claimant may claim as compensation a periodical payment during the continuance of the interference, and may, within two months after the date upon which the interference ceases, submit a further claim in respect of any loss or damage suffered by reason of anything done during the period of the interference (except damage resulting from war operations) which has not been made good and is not covered by the periodical payment.

(2.) A claim for compensation under this regulation shall state—

- (a) the amount of compensation claimed;
- (b) the nature of the interest on which the claim is founded;
- (c) whether the claimant is aware of any, and if so what, interests in the property, undertaking or contract vested in any other person; and
- (d) the claimant's address for service of notices.

(3.) Where a person has received notice that it is proposed or intended to do something which, if done, would give that person a right to claim compensation under sub-regulation (1.) of this regulation, he may, at any time before the thing is done, unless the compensation is determined by agreement, make a claim for compensation as if the thing had already been done.

(4.) Where a claim is made in pursuance of sub-regulation (3.) of this regulation, it shall be treated in all respects as if it were a claim under sub-regulation (1.) of this regulation:

Provided that no compensation shall be payable before the thing in respect of which it is claimed has been done:

Provided further that no application for review by a court under regulation 60G may be made before the thing in respect of which the compensation is claimed has been done.

(5.) Where the compensation is determined by agreement, the Minister may execute on behalf of the Commonwealth an instrument setting out the terms and conditions agreed upon.

(6.) For the purposes of this regulation, "war operations" means operations of the armed forces of an enemy, or operations of any of the forces of the King or the Commonwealth or of any country allied or associated with His Majesty in the present war while in action against an enemy or while acting in the course of their duty upon any warning of the imminence of an attack by an enemy.

**60E.\***—(1.) Where a claim for compensation is made in pursuance of regulation 60D of these Regulations, the Minister shall, as soon as practicable, serve on the claimant personally, or by post at the address given in the claim, a notice stating—

Determination  
of compensation.  
Inserted by  
1941, No. 291.

- (a) the amount of compensation in the form of a lump sum, or in the form of a periodical payment, or both, which he considers just and reasonable; or
- (b) that, in his opinion, the claimant is not entitled to any compensation,

as the case may be.

(2.) Where a notice in pursuance of paragraph (a) of sub-regulation (1.) of this regulation is served on the claimant, it shall, subject to any right of the claimant to make a further claim by virtue of the proviso to sub-regulation (1.) of regulation 60D of these Regulations, be deemed to be an offer accepted by the claimant in full satisfaction of all claims for loss or damage suffered by reason of the doing of the thing out of which his claim arose, and the amount, periodical payment, or both, as the case may be, shall be payable to him by the Commonwealth according to the tenor of the notification, unless, within one month or such further time as the Minister allows after receipt of the notice, he requests the Minister, by notice served personally or by post at the address given in the notice served on the claimant, to refer the claim to a Compensation Board.

Amended by  
1942, No. 402;  
and  
1944, No. 131.

(3.) Where a notice in pursuance of paragraph (b) of sub-regulation (1.) of this regulation is served on the claimant, he shall be deemed to have abandoned his claim for compensation and shall have no right of action in respect of the subject-matter of the claim, unless, within one month or such further time as the Minister allows after the receipt of the notice, he requests the Minister, by notice served personally or by post at the address given in the notice served on the claimant, to refer the claim to a Compensation Board.

Amended by  
1942, No. 402.

(4.) If a notice in pursuance of sub-regulation (1.) of this regulation is not served on the claimant within two months after he makes a claim under regulation 60D of these Regulations, the claimant may by notice served personally or by post request the Minister to refer the claim to a Compensation Board.

Substituted by  
1942, No. 402.

(5.) Where the Minister has been requested to refer a claim to a Compensation Board, the Minister shall as soon as practicable forward the claim to a Compensation Board, together with a notice stating the address at which notices may be served by the Board on the Minister.

Added by  
1942, No. 402.

**60F.†**—(1.) Where the Minister refers a claim to a Compensation Board, the Board shall assess the compensation, if any, which it thinks just, and shall, as soon as practicable, serve—

Assessment by  
Compensation  
Board.

- (a) on the Minister, by post at his address for service; and

Inserted by  
1941, No. 291.

\* Held by the High Court (*Starke, J.*) that the assessment of compensation is not a function exclusively judicial and this regulation is not invalid as conferring judicial powers on Compensation Boards: *Noble and Bear v. Commonwealth* (1943) 17 A.L.J. 184. See note to regulation 60D referring to *Schweppes Ltd. v. Commonwealth* (1945) 45 S.R. (N.S.W.) 35; 62 W.N. (N.S.W.) 35. (Discussed in note in 18 A.L.J. 316).

Notice was served on a claimant that compensation for taking possession of the claimant's land had been determined at a specified figure. The claimant requested that the claim be referred to a Compensation Board but, before the claim was heard, withdrew the request. Held by the High Court that the withdrawal of the request placed the claimant in the same position as if no request were made and the claimant was, therefore, deemed to have accepted the determination: *Minister for Interior v. Brisbane Amateur Turf Club* 80 C.L.R. 123; 23 A.L.J. 626; (1949) A.L.R. 737.

† See footnote to reg. 60D (*supra* p. 2237) referring to *Schweppes Ltd. v. Commonwealth* (1945) 45 S.R. (N.S.W.) 35; 62 W.N. (N.S.W.) 35. (Discussed in note in 18 A.L.J. 316).

(b) on the claimant, either personally, or by post at the address given in the claim, or at his last-known place of abode or business,

a notice stating the compensation so assessed.

(2.) Subject to regulation 60G of these Regulations and to any right of the claimant to make a further claim by virtue of the proviso to sub-regulation (1.) of regulation 60D of these Regulations, the compensation so notified shall be deemed to be accepted by the claimant in full satisfaction of all claims for loss or damage suffered by reason of the doing of the thing out of which the claim arose, and shall become payable to him by the Commonwealth according to the tenor of the notification.

Applications  
for review.

Inserted by  
1941, No. 291;  
amended by  
1944, No. 131.

**60G.\***—(1.) If either the Minister or the claimant is dissatisfied with the assessment of the Compensation Board, he may, within one month after receipt of the notice of the assessment of the Board, or, where the assessment was made pursuant to sub-regulation (3.) of regulation 60D of these Regulations, within one month after the doing of the thing in respect of which the claim was made, apply to a court of competent jurisdiction for a review of the assessment.

(2.) An application under sub-regulation (1.) of this regulation shall be made in writing to the Registrar or other proper officer of the court, and shall be accompanied by a true copy of the application for endorsement and service.

(3.) Upon receipt of the application, the Registrar or other proper officer shall appoint a time for the hearing thereof, and shall endorse on the true copy of the application the place and time of hearing and return it to the applicant.

(4.) The applicant shall, not less than fourteen days before the day fixed for the hearing, serve on the other party (in this regulation referred to as "the respondent") in accordance with the practice of

\* Held by the High Court (*Starke, J.*) that the conferring by this regulation of federal jurisdiction on State Courts was validated by the *National Security Act 1943: Noble and Bear v. Commonwealth* (1943) 17 A.L.J. 184.

As to the practice and procedure to be adopted on an application for review under this regulation, see *Practice Note* (1943) 45 W.A.L.R. 53.

For cases where the principles on which compensation is payable under this regulation were discussed and applied, see *Minister for Army v. Pacific Hotel Pty. Ltd.* 17 A.L.J. 403; 50 A.L.R. 430; (1944) Q.S.R. 112; *Rockhampton Harbour Board v. Minister for Navy* (1945) Q.S.R. 11; 39 Q.J.P.R. 38; *Wyee Ltd. v. Minister for Army* (1946) 63 W.N. (N.S.W.) 200; *In re Elsie Chandler* (1944) Q.S.R. 195. (Discussed in note in 18 A.L.J. 295); *Minister for Interior v. Brisbane Amateur Turf Club* 80 C.L.R. 123; 23 A.L.J. 626; (1949) A.L.R. 737; *Minister for Navy v. Rae* (1945) 70 C.L.R. 339; 51 A.L.R. 177; *Grace Bros. Pty. Ltd. v. Minister for Army* (1945) 45 S.R. (N.S.W.) 206; 62 W.N. (N.S.W.) 74; *James Patrick and Co. Pty. Ltd. v. Minister for Navy* (1944) 50 A.L.R. 254; *In re Fish Steam Laundry Pty. Ltd.* (1945) Q.S.R. 96; 39 Q.J.P.R. 128.

See also footnote to reg. 60D referring to *Schweppes Ltd. v. Commonwealth* (1945) 45 S.R. (N.S.W.) 35; 62 W.N. (N.S.W.) 35. (Discussed in note in 18 A.L.J. 316).

Per the Supreme Court of Queensland (*Philp, J.*): The jurisdiction of a Court under this regulation is original and not appellate: *In re Fish Steam Laundry Pty. Ltd.* (1945) Q.S.R. 96; 39 Q.J.P.R. 128.

Held by the High Court that a person dispossessed by reason of anything done in pursuance of reg. 54 of these regulations is entitled to the value to him of the thing taken and is not limited to the actual pecuniary loss suffered by him. *Minister for Army v. Parbury Henty and Co. Pty. Ltd.*; *Minister for Army v. Carrier Air Conditioning Ltd.*; *Brickworks Ltd. v. Minister for Army* (1945) 70 C.L.R. 459; 19 A.L.J. 150, 207; 51 A.L.R. 309, 327.

Held by the High Court (*Rich, Dixon, McTiernan and Williams, JJ., Latham, C.J. and Starke, J.* dissenting) that on an assessment of compensation for the requisitioning of a ship the property in which was acquired under reg. 57 of these regulations, the Court has power to order that interest be paid on the amount of the compensation from the date of acquisition to the date of payment of the compensation: *Marine Board of Launceston v. Minister for Navy* (1945) 70 C.L.R. 518; 19 A.L.J. 315; 52 A.L.R. 61. For other cases involving the assessment of compensation in which interest was allowed, see *James Patrick and Co. Pty. Ltd. v. Minister for Navy* (1944) 50 A.L.R. 254; and *Minister for Navy v. Rae* (1945) 70 C.L.R. 339; 51 A.L.R. 177. For a case under s. 67 of the *Defence Act* where interest was not allowed, see *Commonwealth v. Huon Transport Pty. Ltd.* (1945) 70 C.L.R. 293; 51 A.L.R. 141; 19 A.L.J. 89. The jurisdiction of the High Court and the procedure in applications for review under this regulation were considered by the High Court (*Dixon, J.*) in *Minister for Navy v. Rae* (1945) 70 C.L.R. 339; 51 A.L.R. 177.

Held by the Supreme Court of Tasmania (*Morris, C.J.*) that an application for review cannot be heard until the conditions precedent to the hearing of the claim set out in the regulations have been fulfilled: *Barnett v. Minister for Army* (1948) Tas. S.R. 66.



the court relating to service of writs or summonses, the endorsed copy of the application.

(5.) Upon the day fixed, the court\* may, on proof of due service of the copy of the application, or if the respondent appears to contest the application, proceed to hear the application, and to determine whether any compensation is payable and, if so, the compensation which it thinks just, and may make an order for payment of the compensation so determined.

(6.) The court may, in any review under this regulation, award such costs as it thinks fit.

(7.) In any matter not provided for in these Regulations the powers, practice and procedure of the court shall be as nearly as may be in accordance with the powers, practice and procedure of the court in civil actions or appeals.

(8.) For the purposes of this regulation, "court of competent jurisdiction" means a court of the Commonwealth, or of a State or Territory of the Commonwealth (other than a court presided over by a Justice of the Peace, Magistrate or District Officer), which would have jurisdiction to hear and determine the application if it were an action between subject and subject for the recovery of a debt equal to the compensation claimed in the original claim to the Minister, or when the compensation claimed is wholly or partly in the form of a periodical payment, of a debt equal to the sum which the periodical payment claimed would amount to for the period of one year (or if the claim is in respect of a period of less than one year, for such lesser period), together with the amount of any other items in the claim.

Amended by  
1942, No. 402.

\* \* \* \* \*

**60J.** In any case where compensation, or part thereof, has not been paid within three months after the loss or damage in respect of which the compensation is payable was suffered, the Minister may, if in his discretion he thinks fit, authorize the payment of interest at such rate (not exceeding five per centum per annum) as he determines on the compensation or part thereof for the period commencing three months after that loss or damage was suffered and ending on the date of payment.

Interest on  
compensation.  
Inserted by  
1941, No. 291.

**60K.** No action, other than an action for the recovery of compensation determined by agreement, or in pursuance of these Regulations, or of any other regulations, or of any order relating to the requisition or impressment of animals or things, shall be maintained against any person† in respect of anything purporting to be or to have been done in pursuance of any of the regulations and sub-regulations mentioned in regulation 60D of these Regulations, or in pursuance of any order made in pursuance of any of those regulations or sub-regulations.

Other rights  
of action  
barred.  
Inserted by  
1941, No. 291.

**60L.—(1.)** For the purposes of these Regulations there shall be one or more Compensation Boards, each consisting of a Chairman and two other persons, appointed by the Minister.

Compensation  
Boards.  
Inserted by  
1941, No. 291.

\* Held by the High Court that an appeal lies to the Full Court of the Supreme Court of New South Wales from a determination made on a review of compensation under this regulation by a judge of the Supreme Court of New South Wales sitting as the Court but without a jury: *Minister for Army v. Parbury Henty and Co. Pty. Ltd.*; *Minister for Army v. Carrier Air Conditioning Ltd.*; *Brickworks Ltd. v. Minister for Army* (1945) 70 C.L.R. 459; 19 A.L.J. 150, 207; 51 A.L.R. 309, 327; Held also that such appeal is not prevented by s. 39 (2.) (a) of the *Judiciary Act*: *ibid.*

† Held by the Supreme Court of New South Wales that "person" in this regulation includes "the Commonwealth": *Schweppes Ltd. v. Commonwealth* (1945) 45 S.R. (N.S.W.) 35; 62 W.N. (N.S.W.) 35. (Discussed in note in 18 A.L.J. 316.)

Sub-reg. (2.)  
amended by  
1945, No. 50.

(2.) Except where the Minister considers that a Compensation Board cannot conveniently be so constituted, each Board shall include—

- (a) a person who holds, or has held, office as a Police, Stipendiary or Special Magistrate, who shall be the Chairman; and
- (b) a qualified practising accountant.

(3.) The Minister may appoint one or more persons having specialized knowledge of the subject-matter of the claim to act as assessors to assist a Compensation Board.

(4.) At least one of the assessors appointed to assist a Board or, where only one assessor is appointed, that assessor, shall be a person who is not otherwise in the employ of the Commonwealth.

Substituted by  
1942, No. 302.

(5.) There may be paid to any member of a Compensation Board and to any assessor such remuneration (if any) for his services and such travelling allowances (if any) as the Minister directs.

Added by  
1945, No. 50.

(6.) Where, during or after the hearing of any claim, the Chairman, or either of the other members of a Compensation Board, is unable on account of death, illness or otherwise to proceed with the hearing or determination, the remaining members may continue with the hearing and determination, or the determination, as the case may be.

Added by  
1945, No. 50.

(7.) A member who has been absent during any part of the hearing of a claim shall not be eligible to take any further part in the hearing and determination of that claim.

Added by  
1945, No. 50.

(8.) If the Minister and the claimant consent, the Chairman of a Compensation Board may sit alone for the hearing of any claim, and in any such case the determination of the Chairman shall be of the same force and effect as if it were the determination of the Board.

Deputies.

Inserted by  
1945, No. 50.

**60LA.**—(1.) The Minister may appoint a person (including a member of the Board) to be the Deputy Chairman of a Compensation Board during any absence of the Chairman.

(2.) The Minister may appoint a person to be the Deputy of any member (other than the Chairman) of a Compensation Board during any absence of the member, or at any time when the member is acting as Deputy of the Chairman of the Board.

(3.) A person appointed under this regulation shall, while acting as Deputy, have all the powers and perform all the functions of the member of the Board for whom he is the Deputy, and any reference in these Regulations to a member of a Board shall be read as including a reference to the Deputy of a member so acting.

(4.) It shall not be necessary for a person appointed under this regulation to have any qualification possessed by the member of whom he is appointed to be the Deputy.

Rules.

Inserted by  
1941, No. 291.

**60M.** The Minister may make rules as to the conduct of the proceedings of Compensation Boards and, in particular, as to—

- (a) the summoning and examination of witnesses and the production of books, documents and papers;
- (b) the administration of oaths and affirmations;
- (c) the protection of members of the Boards and of witnesses summoned to attend or appearing before them;
- (d) the appearance or representation before any such Board of the claimant and of the Minister; and
- (e) the fees payable to witnesses.

\* \* \* \* \*

**NATIONAL SECURITY (INDUSTRIAL PROPERTY) REGULATIONS.\***

1. These Regulations may be cited as the National Security (Industrial Property) Regulations.\* Citation.

2. These Regulations shall be administered by the Attorney-General. Administration.

\* \* \* \* \*

Reg. 3  
repealed by  
Act No. 77,  
1946.

4. Any reference in these Regulations to the Commissioner of Patents, the Registrar of Trade Marks or the Registrar of Designs shall include a reference to a Deputy Commissioner of Patents, the Deputy Registrar of Trade Marks or a Deputy Registrar of Designs, respectively. References to Commissioner, &c., to include references to Deputy.

5.—(1.) Subject to any directions of the Attorney-General, the Commissioner of Patents or the Registrar of Designs may, notwithstanding anything contained in any Act, if it appears to him to be necessary or expedient so to do in the interests of the public safety or the defence of the Commonwealth, by order, prohibit or restrict the publication of information with respect to the subject matter of any application made (whether before or after the commencement of this regulation) for the grant of a patent or the registration of a design and prohibit or restrict the communication of such information to any person or to particular persons or classes of persons. Prohibition of publication of information with respect to inventions and designs, &c.

(2.) A person shall not publish or communicate any information in contravention of any order continued in force under regulation 3 of these Regulations or made under the last preceding sub-regulation.

\* \* \* \* \*

Sub-reg. (3.)  
omitted by  
1945, No. 146.

6. Subject to any direction of the Attorney-General, the Commissioner of Patents, the Registrar of Trade Marks or the Registrar of Designs may, notwithstanding anything contained in any Act, if it appears to him to be necessary or expedient so to do in the interests of the public safety or the defence of the Commonwealth, or by reason of circumstances attributable to the war, refrain from doing, or delay the doing of, anything which he would otherwise be required to do in connexion with any application made (whether before or after the commencement of this regulation) for the grant of a patent or the registration of a trade mark or design. Commissioner may refrain from or delay certain actions.

7.—(1.) At any time after a patent has been granted or an application for a patent has been received in the Patent Office, or at any time after a design has been registered or an application for the registration of a design has been received in the Designs Office, the Commonwealth may make, use, exercise and vend the invention, or may apply Use of inventions and designs for services of the Commonwealth.

\* The National Security (Industrial Property) Regulations in force under the *Defence Transition (Residual Provisions) Act 1952* comprise the following Statutory Rules:—

| Year and Number. | Date of Notification in <i>Gazette</i> and of Commencement. |
|------------------|-------------------------------------------------------------|
| 1943, No. 7      | 13th January, 1943                                          |
| 1944, No. 93     | 23rd June, 1944                                             |
| 113              | 28th July, 1944                                             |
| 1945, No. 146    | 13th September, 1945                                        |
| 1956, No. 29     | 12th April, 1956                                            |

These Regulations were also amended by the *Defence (Transitional Provisions) Act 1946* (No. 77, 1946).

the design, in connexion with the public safety or defence of the Commonwealth, and any contractor with the Commonwealth, and any person performing any work or service, or supplying any goods, necessary for the execution of any contract with the Commonwealth, may make, use, exercise and vend any such invention or may apply any such design, for the services of the Commonwealth in connexion with the public safety or defence of the Commonwealth.

(2.) Where any patented invention is so made, used, exercised or vended, or any registered design is so applied, the terms for the making, use, exercise or vending of the invention, or for the application of the design, shall be such terms as are, either before or after the making, use, exercise or vending of the invention or the application of the design, agreed upon with the approval of the Attorney-General between the Commonwealth, or the contractor or person performing the work or service or supplying the goods, as the case may be, and the patentee or the registered proprietor of the design, or, in default of agreement, as are fixed—

(a) by the Attorney-General; or

(b) on reference by the Attorney-General of the matter to the High Court or the Supreme Court of a State—by the Court to which the matter is referred.

(3.) The High Court or the Supreme Court shall, upon a reference being made thereto under the last preceding sub-regulation, have jurisdiction to fix the terms for the making, use, exercise or vending of the invention or the application of the design, as the case may be.

(4.) Any agreement or licence (whether entered into before or after the commencement of this regulation) fixing the terms on which any person (other than the Commonwealth) may make, use, exercise or vend an invention, or apply a design, shall be inoperative with respect to the making, using, exercising or vending of the invention after the commencement of this regulation, or the application of the design after the commencement of this regulation, whether in pursuance of the authority conferred by sub-regulation (1.) of this regulation or otherwise, for the services of the Commonwealth in connexion with the public safety or defence of the Commonwealth, unless the agreement has been approved by the Attorney-General.

(5.) An agreement entered into in pursuance of sub-regulation (2.) of this regulation shall not make provision for any payment in respect of matters not arising directly from the right to make, use, exercise or vend the invention, or to apply the design, to which the agreement relates.

(6.) The High Court or the Supreme Court may in fixing, and the Attorney-General may in fixing or approving, the terms for the making, use, exercise or vending of an invention, or for the application of a design, take into consideration any compensation which the inventor, applicant, patentee, licensee, or any person interested in the invention, or the applicant, registered proprietor or any person interested in the design, has received directly or indirectly from the Commonwealth in respect of the invention or design.

(7.) A contractor with the Commonwealth, and a person performing any work or service, or supplying any goods, necessary for the execution of any contract with the Commonwealth, in connexion with

the public safety or the defence of the Commonwealth, shall not make any charge against the Commonwealth, or include in the cost of any such work, service or goods, any amount, either as a separate item or otherwise, in respect of the right to make, use, exercise or vend any invention, or the right to apply any design, unless the amount is payable under an agreement or licence which is not inoperative by virtue of these Regulations.

(8.) No action for infringement shall lie against the Commonwealth or any person in respect of the making, use, exercise or vending of an invention, or the application of a design, whether under sub-regulation (1.) of this regulation or otherwise, in connexion with the public safety or defence of the Commonwealth or for the services of the Commonwealth in connexion with the public safety or defence of the Commonwealth.

(9.) The right to make, use, exercise and vend an invention, or to apply a design, under sub-regulation (1.) of this regulation shall include power to sell any goods made in pursuance of that right which are no longer required by the Commonwealth in connexion with the public safety or the defence of the Commonwealth, and a purchaser of any goods so sold, and any person claiming through him, shall be entitled to deal with the goods as if the Commonwealth were the patentee of the invention or the registered proprietor of the design.

7A.—(1.) A patentee who considers that a patented invention has been made, used, exercised or vended, or the registered proprietor of a design who considers that a design has been applied, in pursuance of the authority conferred by sub-regulation (1.) of the last preceding regulation, may apply to the High Court for a declaration accordingly and the High Court shall have jurisdiction to hear and determine the matter.

Declaration may be sought as to use of invention or design.  
Inserted by 1944, No. 93.

(2.) In any proceeding under the last preceding sub-regulation—

- (a) the Commonwealth shall be the defendant; and
- (b) the Commonwealth may, by way of counterclaim in the proceeding, apply for the revocation of the patent, or the rectification of the Register of Designs, as the case may be, and the provisions of the *Patents Act* 1903-1935 with respect to the revocation of patents, or of the *Designs Act* 1906-1934 with respect to the rectification of the Register of Designs, as the case may be, shall, *mutatis mutandis*, apply in relation to the counterclaim.

\* \* \* \* \*

Reg. 8  
repealed by  
Act No. 77,  
1946.

9. The publication, whether before or after the commencement of this regulation, in the interests of the public safety or the defence of the Commonwealth, of any invention or design—

Protection of persons disclosing inventions, &c., to Commonwealth for investigation.

- (a) to the Commonwealth or to any authority of the Commonwealth; or
- (b) to any person authorized by a Minister or by any authority of the Commonwealth to investigate the invention or design,

shall not, nor shall anything done for the purpose of the investigation, be deemed publication or use of the invention or design so as to prevent the grant of a patent for the invention or the registration of the design or so as to invalidate any patent for the invention or the copyright in the design.

Regs. 10 and 11  
repealed by  
1956, No. 29.

\* \* \* \* \*

High Court  
may order  
granting of  
compulsory  
licences in  
certain  
circumstances.

12.—(1.) Where—

- (a) the time within which an application for a patent may be made under section 121 of the *Patents Act 1903-1935* has, in pursuance of section 9 of the *Patents, Trade Marks, Designs and Copyright (War Powers) Act 1939-1940*, been extended;
- (b) a patent has been granted on the application; and
- (c) prior to the date on which the specification became open to public inspection, a person made, used, exercised or vended the invention or took steps to do so,

the High Court may, on the application of that person, order the patentee to grant a licence under the patent to that person for such period and on such terms (if any) as the Court thinks fit.

(2.) Where—

- (a) the Commissioner of Patents has delayed the advertisement of the acceptance of an application and complete specification, whether under regulation 21 of the *National Security (General) Regulations* or under regulation 6 of these Regulations;
- (b) a patent has been granted on the application; and
- (c) during the period during which the advertisement of the acceptance was delayed, a person made, used, exercised or vended the invention or took steps to do so,

the High Court may, on the application of that person, order the patentee to grant a licence under the patent to that person for such period and on such terms (if any) as the Court thinks fit.

(3.) The patentee and any person claiming an interest in the patent as exclusive licensee shall be made a party to any proceedings under this regulation and the Commissioner of Patents shall be entitled to appear and be heard on the hearing of the application.

(4.) In considering any application under this regulation, the Court shall have regard (amongst other things) to the circumstances under which the applicant commenced to make, use, exercise or vend the invention, or to take steps to do so, and shall not grant the application unless the Court is satisfied that the applicant has acted in good faith.

(5.) An order under this regulation directing the grant of a licence shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed executed by the patentee and all necessary parties.

13.—(1.) The Registrar of Trade Marks may renew the registration of a trade mark, notwithstanding that there has not been substantial user thereof since the date of the last registration, if the Registrar is satisfied that the want of substantial user thereof is due to circumstances attributable to the war.

Protection of  
trade marks  
under war  
circumstances.

(2.) An order shall not be made under section 72 of the *Trade Marks Act* 1905-1936 for the removal of a trade mark from the Register of Trade Marks if the Court is satisfied that the want of *bona fide* user of the trade mark is due to circumstances attributable to the war.

(3.) The reputation which a trade mark possesses shall not be affected by any non-user or reduced user thereof which is due to circumstances attributable to the war.

14.—(1.) No action shall lie for the infringement of a registered trade mark or for passing off against any person in relation to the use of a mark upon or in connexion with goods which are essential imports if the mark or get-up of the goods is identical or nearly identical with a mark or get-up applied to the goods outside Australia by the overseas supplier thereof.

Modification of  
law as to trade  
marks in  
relation to  
essential  
imports.

(2.) The use in Australia, upon or in connexion with goods which are essential imports, of a mark which was applied to the goods outside Australia by the overseas supplier thereof shall not be deemed user of a trade mark for the purpose of establishing rights under the *Trade Marks Act* 1905-1936 or at common law.

(3.) In any proceedings for any offence under Part IX. of the *Trade Marks Act* 1905-1936 it shall be a defence if the person charged proves that the goods were essential imports and that the mark applied to the goods or the get-up thereof was identical or nearly identical with a mark or get-up applied to the goods outside Australia by the overseas supplier thereof.

(4.) In this regulation—

“essential imports” means goods imported by or on behalf of the Commonwealth or an authority of the Commonwealth for use in connexion with the public safety or the defence of the Commonwealth;

“overseas supplier” means, in relation to any goods, a person carrying on outside Australia a business in the course of which a connexion in the course of trade between him and the goods subsisted.

(5.) A certificate under the hand of the Comptroller-General of Customs, or of any officer appointed by him to give such certificates, to the effect that goods bearing a mark specified in the certificate are or were essential imports shall be evidence of that fact for the purposes of this regulation.

Amended by  
1944, No. 113.

# DEFENCE TRANSITION (RESIDUAL PROVISIONS) ACT

## NATIONAL SECURITY (SHIPPING CO-ORDINATION) REGULATIONS.\*

### PART I.—PRELIMINARY.

Citation.

1. These Regulations may be cited as the National Security (Shipping Co-ordination) Regulations.\*

Reg. 2  
repealed by  
Act No. 77,  
1946.

\*       \*       \*       \*       \*       \*       \*

Administration.

Amended by  
1948, No. 76;  
and  
1952, No. 116.

3. These Regulations shall be administered by the Minister of State for Shipping and Transport.

Parts.

Amended by  
1945, No. 204;  
Act No. 77,  
1946;  
1948, No. 15;  
and  
1952, No. 116.

4. These Regulations are divided into Parts, as follows:—

Part I.—Preliminary.

Part II.—Director of Shipping.

Part III.—Australian Shipping Board.

Definitions.

Substituted by  
1945, No. 204;  
amended by  
1948, No. 15.

5. In these Regulations, unless the contrary intention appears—

“the Australian Shipping Board” or “the Board” means the Australian Shipping Board established under these Regulations;

“the Director” means the Director of Shipping appointed under these Regulations;

“the Navigation Act” means the *Navigation Act* 1912-1942.

Powers and functions of Director.

Substituted by  
1945, No. 204;  
amended by  
1948, No. 15.

6. The exercise of the powers and functions of the Director or of the Board under these Regulations shall be subject to any directions of the Minister.

Reg. 7  
repealed by  
1956, No. 109.

\*       \*       \*       \*       \*       \*       \*

Reg. 7A  
inserted by  
1945, No. 69;  
repealed by  
1945, No. 204.

\*       \*       \*       \*       \*       \*       \*

\* The National Security (Shipping Co-ordination) Regulations in force under the *Defence Transition (Residual Provisions) Act* 1952 comprise the following Statutory Rules:—

| Year and Number. |    |    |    |    | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|------------------|----|----|----|----|----------------------------------------------------------------|
| 1944, No. 86     | .. | .. | .. | .. | 2nd June, 1944                                                 |
| 113              | .. | .. | .. | .. | 28th July, 1944                                                |
| 126              | .. | .. | .. | .. | 24th August, 1944                                              |
| 1945, No. 47     | .. | .. | .. | .. | 18th April, 1945                                               |
| 69               | .. | .. | .. | .. | 11th May, 1945                                                 |
| 204              | .. | .. | .. | .. | 20th December, 1945                                            |
| 1947, No. 144    | .. | .. | .. | .. | 8th October, 1947                                              |
| 1948, No. 15     | .. | .. | .. | .. | 27th January, 1948                                             |
| 76               | .. | .. | .. | .. | 25th June, 1948                                                |
| 131              | .. | .. | .. | .. | 19th October, 1948                                             |
| 1952, No. 116    | .. | .. | .. | .. | 19th December, 1952                                            |
| 1956, No. 109    | .. | .. | .. | .. | 14th December, 1956                                            |

These Regulations were also amended by the *Defence Transitional Provisions Act* 1946 (No. 77, 1946) and the *Stevedoring Industry Act* 1947 (No. 2, 1947).



## PART II.—DIRECTOR OF SHIPPING.

8.—(1.) There shall be a Director of Shipping, who shall be appointed by the Minister and shall hold office on such terms and conditions as the Minister determines. Director of Shipping.

(2.) There shall be payable to the Director such remuneration and allowances as the Minister determines.

(3.) The Director shall be a body corporate with perpetual succession and an official seal.

9. The Director shall have and perform such duties, and shall have and may exercise such of the powers and functions of the Board, as the Minister determines. Powers and functions of Director.

Substituted by  
1945, No. 204;  
amended by  
1948, No. 15.

\* \* \* \* \*

Reg. 10  
repealed by  
1945, No. 204.

\* \* \* \* \*

Reg. 11  
repealed by  
1956, No. 109.

12.—(1.) Subject to the approval of the Minister, the Director may appoint such officers and employees as are necessary to assist him or the Board in exercising his or its powers and functions under these Regulations. Appointment of officers and employees.

Sub-reg. (1.)  
amended by  
1948, No. 15.

(2.) Officers and employees so appointed shall not be subject to the *Commonwealth Public Service Act* 1922-1943 and (except in the case of persons the terms and conditions of whose employment are otherwise regulated by law) shall be employed on the same terms and conditions (subject to such variations, if any, as the Minister determines) as the terms and conditions of employment of temporary employees under that Act.

(3.) Where an officer or an employee appointed in pursuance of this regulation was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as an officer or employee under these Regulations shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act* 1928-1940 shall apply as if this regulation were a section of an Act and that Act and section were specified in the schedule to the *Officers' Rights Declaration Act* 1928-1940.

\* \* \* \* \*

Sub-reg. (4.)  
omitted by  
1945, No. 204.

## PART III.—AUSTRALIAN SHIPPING BOARD.

\* \* \* \* \*

Heading  
amended by  
1945, No. 204.

Regs.  
13 and 14  
repealed by  
Act No. 77,  
1946.

15. In this Part, unless the contrary intention appears—

“master” means any person having command or charge of a ship; Definitions.  
Amended by  
1945, No. 204.

“owner” includes the manager or secretary of any company or body corporate or any person to whom the whole or a part of a ship belongs;

“ship” includes every boat or other description of vessel used for any purpose on the sea or in navigation not ordinarily propelled by oars only.

Reg. 16  
repealed by  
1956, No. 109.

\* \* \* \* \*

Australian  
Shipping  
Board.

**17.**—(1.) There shall be an Australian Shipping Board, which shall consist of—

Substituted by  
1945, No. 204.  
Sub-reg. (1.)  
amended by  
1948, No. 76;  
1952, No. 116;  
and  
1956, No. 109.

- (a) the Secretary, Department of Shipping and Transport, who shall be the Chairman of the Board;
- (b) the Director, who shall be the Deputy Chairman of the Board; and
- (c) another officer of the Department of Shipping and Transport;

\* \* \* \* \*

(2.) Members of the Board (other than the Chairman and Deputy Chairman) shall be appointed by the Minister and shall hold office on such terms and conditions as the Minister determines.

(3.) The Board shall be a body corporate, with perpetual succession and a common seal.

Deputies of  
members of  
the Board.

**17A.**—(1.) The Minister may appoint a person to be the deputy of any member of the Board.

Inserted by  
1945, No. 204.

(2.) Any person so appointed shall, in the event of the absence of the member of whom he is the deputy from any meeting of the Board, be entitled to attend that meeting and when so attending shall be deemed to be a member of the Board.

(3.) Any such appointment of a deputy, and any act done by him as such, shall not, in any proceedings, be questioned on the ground that the occasion for his appointment or for the exercise of his powers had not arisen or had ceased.

Meetings of  
the Board.  
Inserted by  
1945, No. 204.

**18.**—(1.) Meetings of the Board shall be held at such times and places as the Board from time to time determines.

Sub-reg. (2.)  
amended by  
1956, No. 109.

(2.) The Chairman of the Board may at any time call a meeting of the Board.

Sub-reg. (3.)  
omitted by  
1956, No. 109.

\* \* \* \* \*

(4.) The Chairman shall preside at all meetings of the Board at which he is present.

Sub-reg. (5.)  
omitted by  
1956, No. 109.

\* \* \* \* \*

(6.) At any meeting of the Board, the person presiding thereat shall have a deliberate vote and, in the event of an equality of votes, shall also have a casting vote.

(7.) All questions before the Board shall be decided by a majority of votes.

(8.) The Board shall keep a record of its proceedings.

\* \* \* \* \*

Regs.  
19 and 20  
repealed by  
1956, No. 109.

**20A.** The Board shall have power to make arrangements for the management and operation of ships placed under its control and may—

Power of Board  
to charter  
ships, &c.

(a) charter, on behalf of the Commonwealth, any ship;

Inserted by  
1945, No. 204;  
amended by  
1952, No. 116;  
and  
1956, No. 109.

(b) employ any ship so chartered, or any ship placed under the control of the Board, to convey mails, passengers or cargo on such terms and conditions as the Board determines;

(c) allot any ship so chartered, or any ship placed under the control of the Board, for use by any person;

(d) sub-charter to any person any ship so chartered, or any ship placed under the control of the Board; and

(e) enter into any agreement with any person or authority (whether in Australia or outside Australia) providing for that person or authority to act on behalf of, or as agent for, the Board in respect of such matters as are provided in the agreement.

\* \* \* \* \*

Regs. 21, 22, 23  
repealed by  
1956, No. 109.

\* \* \* \* \*

Regs. 24-27  
repealed by  
1952, No. 116.

\* \* \* \* \*

Reg. 27A  
inserted by  
1945, No. 204;  
repealed by  
1952, No. 116.

\* \* \* \* \*

Regs. 28-32  
repealed by  
1952, No. 116.

\* \* \* \* \*

Reg. 33  
repealed by  
1956, No. 109.

\* \* \* \* \*

Regs. 34  
and 35  
repealed by  
1952, No. 116.

\* \* \* \* \*

Regs. 36  
and 37  
repealed by  
1956, No. 109.

\* \* \* \* \*

Regs. 38  
and 39  
repealed by  
1952, No. 116.

Delegation.

**40.**—(1.) The Board may, by instrument in writing and at its discretion, delegate to any person or body of persons all or any of its powers, functions and authorities under this Part (except this power of delegation), so that the delegated powers, functions and authorities may be exercised by the delegate.

(2.) Every delegation by the Board shall be revocable in writing at will, and no delegation shall prevent the exercise of any power, function or authority by the Board.

Regs. 41, 42  
and 43  
repealed by  
1956, No. 109.

\* \* \* \* \*

Finance.

**44.**—(1.) The Board may open and maintain one or more accounts with the Commonwealth Bank of Australia and, subject to sub-regulation (5.) of this regulation, shall pay into one or other of those accounts all moneys received by the Board in respect of its operations.

(2.) Out of the moneys standing to the credit of the accounts, the Board shall, subject to sub-regulation (5.) of this regulation, defray all costs and expenses of administering this Part and make all payments in respect of compensation and remuneration and any other payments incurred by the Board in the exercise of its powers and functions under this Part.

(3.) The Board may, from time to time, withdraw from any such account any moneys not immediately required for the purposes of the last preceding sub-regulation and may lodge those moneys on fixed deposit in the name of the Board with the Commonwealth Bank of Australia for such period as the Board thinks fit.

(4.) The Board may determine the manner in which, and the persons by whom, cheques and other instruments shall be drawn, signed, counter-signed or endorsed on behalf of the Board.

(5.) The Board may authorize any person required or authorized to act as agent for a ship which is requisitioned under this Part or under any Regulations repealed by this Part, or which is otherwise under the control of the Board—

- (a) to receive on behalf of the Board any moneys earned by the Board by the carriage of cargo or passengers on that ship and otherwise in the administration of this Part;
- (b) to deduct therefrom any amounts payable to him under this Part in respect of that ship or otherwise; and
- (c) to pay thereout on behalf of the Board any expenses incurred by the Board in respect of that ship.

(6.) Any person authorized under the last preceding sub-regulation to receive moneys shall—

- (a) when directed by the Board, pay to the Board the balance (if any) of the moneys received in respect of the period specified in the Board's direction remaining after making all authorized deductions and payments in respect of that period; and
- (b) present to the Board such returns and accounts as the Board directs.

(7.) The accounts of the Board shall be subject to audit by the Auditor-General.

\* \* \* \* \*

Reg. 45  
repealed by  
1956, No. 109.

\* \* \* \* \*

Regs. 46  
and 47  
repealed by  
1956, No. 109.

\* \* \* \* \*

Part IV.  
(Regs. 48  
and 49)  
repealed by  
1952, No. 116.

\* \* \* \* \*

Regs. 50-54  
repealed by  
1945, No. 204.

\* \* \* \* \*

Reg. 55  
repealed by  
Act No. 77,  
1946.

\* \* \* \* \*

Part V.  
(Regs. 56-83)  
repealed by  
Act No. 2, 1947.

\* \* \* \* \*

Part VI.  
(Regs. 84-104)  
repealed by  
1945, No. 204.

\* \* \* \* \*

Part VII.  
(Regs. 105-124)  
repealed by  
Act No. 77,  
1946.

\* \* \* \* \*

Schedule  
repealed by  
1956, No. 109.

**NATIONAL SECURITY (SUPPLEMENTARY) REGULATIONS.\***

Citation.

1. These Regulations may be cited as the National Security (Supplementary) Regulations.\*

\*       \*       \*       \*       \*       \*       \*       \*

\*       \*       \*       \*       \*       \*       \*       \*

Certain matters not to be registered as trade marks or designs.

Added by 1942, No. 269. Sub-reg. (1.) amended by Act No. 77, 1946.

62.—(1.) The Registrar of Trade Marks may refuse to register any trade mark which contains—

- (a) any word or group of letters specified in any order in force by virtue of the *Defence (Transitional Provisions) Act 1946* whereby the assumption or use of that word or group is prohibited; or
- (b) any representation of any badge or emblem to which this regulation applies,

or any mark so nearly resembling any such word, badge or emblem as to be likely to deceive.

Amended by Act No. 77, 1946.

(2.) The Registrar of Designs may refuse to register any design which consists of, embodies or contains—

- (a) any representation of—
  - (i) the King, the Queen, or any member of the Royal Family;
  - (ii) the Royal arms, crests, armorial bearings, insignia or devices, or arms, crests, armorial bearings, insignia or devices so nearly resembling them as to be likely to be taken therefor, or of the Royal crowns or of the British national flags, or the word “Royal”, or any other words, letters or devices likely to lead persons to think that the applicant had royal or government patronage or authorization;
  - (iii) the arms, flags or seal of the Commonwealth or of any State or Territory of the Commonwealth;
  - (iv) the armorial bearings, flags, state emblems, or signs of any country other than the Commonwealth; or
  - (v) the arms or emblems of any city or town in the Commonwealth or of any State or Public Authority or public institution,

or of any matter so nearly resembling any such matter as to be likely to deceive;

- (b) any word or group of letters specified in any order in force by virtue of the *Defence (Transitional Provisions) Act 1946* whereby the assumption or use of that word or group is prohibited, or any word so nearly resembling any such word as to be likely to deceive; or

\* The National Security (Supplementary) Regulations consist of those provisions of Statutory Rules 1940, No. 126, as amended, that are continued in force by the *Defence Transition (Residual Provisions) Act 1952*. Those provisions comprise the following Statutory Rules:—

| Year and Number. |    |    |    |    | Date of Notification in <i>Gazette</i> and of Commencement. |
|------------------|----|----|----|----|-------------------------------------------------------------|
| 1940, No. 126    | .. | .. | .. | .. | 4th July, 1940                                              |
| 1942, No. 269    | .. | .. | .. | .. | 19th June, 1942                                             |
| 1943, No. 114    | .. | .. | .. | .. | 5th May, 1943                                               |
| 1944, No. 104    | .. | .. | .. | .. | 17th July, 1944                                             |

These regulations were also amended by the *Defence (Transitional Provisions) Act 1946* (No. 77, 1946).

- (c) any representation of any badge or emblem to which this regulation applies, or of any badge or emblem so nearly resembling any such badge or emblem as to be likely to deceive.

(3.) In this regulation—

“badge” includes order, decoration and medal and the ribbon thereof;

“badge or emblem to which this regulation applies” means any badge or emblem supplied or authorized by any Commonwealth or State Government Department or any local or public authority for any purpose directly or indirectly connected with defence measures, and includes such other badges and emblems as the Attorney-General, by order published in the *Gazette*, specifies;

“emblem” includes a regimental or other distinctive mark and an armlet.

\* \* \* \* \*

**100.**—(1.) The mere production of the *Gazette* or the Government Gazette of a State purporting to contain any instrument or copy of any instrument shall be *prima facie* evidence that the instrument was duly made, given or issued in the terms set out in the *Gazette* or in the Government Gazette and that the instrument is in force.

Evidence of orders, &c.  
Added by 1943, No. 114;  
substituted by 1944, No. 104.

(2.) The mere production of—

(a) a document purporting to be an extract from the *Gazette* or the Government Gazette of a State, purporting to be printed or published by the Government Printer for the Commonwealth or for the State, as the case may be, and purporting to contain any instrument or a copy of any instrument; or

(b) a document purporting to be a copy of any instrument and purporting to be printed or published by the Government Printer for the Commonwealth or for a State, as the case may be,

shall be *prima facie* evidence that the instrument—

(c) was duly made, given or issued to the effect of or in the terms set out in the extract or copy and is in force; and

(d) in the case of an instrument referred to in paragraph (a) of this sub-regulation, was published in the *Gazette* or the Government Gazette, as the case may be.

(3.) For the purpose of this regulation, “instrument” means—

(a) any instrument under the *National Security Act* 1939, or under that Act as amended, or under the *Defence (Transitional Provisions) Act* 1946;

(b) any order, rule, by-law, notice, direction or other instrument made, given or issued under any regulation made under or in force by virtue of either of those Acts; and

(c) any notice, direction or other instrument given or issued under any order, rule or by-law made under any such regulation.

Amended by Act No. 77, 1946.

\* \* \* \* \*

## DEFENCE (VISITING FORCES) ACT 1939-1950

## DEFENCE (VISITING FORCES) REGULATIONS.\*

Citation.

1. These Regulations may be cited as the Defence (Visiting Forces) Regulations.\*

Judge-Advocates for courts-martial for trial of certain members of Air Force outside Australia.

2. Where any part of the Air Forces of the Commonwealth is serving together and acting in combination with a Home Force at any place outside Australia, the Governor-General may authorize the Judge-Advocate-General of His Majesty's Forces to depute judge-advocates for the purposes of courts-martial convened, for the trial of members of that part, by any officer duly appointed to command the combined force or any part thereof, and to advise any such officer in relation to the proceedings of courts-martial convened by him.

Prescribed officers.  
Added by  
1942, No. 365.

3. Each of the following officers shall be a prescribed officer for the purposes of sub-section (3.) of section eight of the *Defence (Visiting Forces) Act* 1939, namely:—

- (a) The Naval Officer-in-Charge at any port;
- (b) Any officer of the Australian Military Forces not below the rank of Lieutenant-Colonel; and
- (c) Any officer of the Royal Australian Air Force not below the rank of Squadron Leader.

\* The Defence (Visiting Forces) Regulations in force under the *Defence (Visiting Forces) Act* 1939-1950 comprise the following Statutory Rules:—

| Year and Number. |    |    |    | Date of Notification in <i>Gazette</i> and of Commencement. |
|------------------|----|----|----|-------------------------------------------------------------|
| 1941, No. 105    | .. | .. | .. | 15th May, 1941                                              |
| 1942, No. 365    | .. | .. | .. | 20th August, 1942                                           |



# DESIGNS ACT 1906-1950

## DESIGNS REGULATIONS 1906.\*

### PART I.—PRELIMINARY.

#### Division 1.—General Provisions.

1. These Regulations are divided into parts as follows†:—

Part I.—Preliminary.

Division 1.—General Provisions.

Division 2.—Agents.

Part II.—Registration of Designs.

Part IIA.—Extension of Period of Registration.

Part III.—Appeals.

Division 1.—Appeal to the Law Officer.

Division 2.—Appeal to the Supreme Court.

Part IV.—The Register of Designs.

Division 1.—General.

Division 2.—Correction or Rectification of the Register.

Part V.—Miscellaneous.

Parts.

Amended by  
1930, No. 173.

2. These Regulations may be cited as the Designs Regulations 1906.\* Short title.

3. In these Regulations—

“Design to be applied to a set of articles” means a design (with or without modifications or variations not, in the opinion of the Registrar, sufficient to alter the character thereof or substantially to effect the identity thereof) to be applied to articles which, in the opinion of the Registrar, constitute a set of articles.

Definitions.

Amended by  
1930, No. 150;  
and  
1937, No. 53.

\* The Designs Regulations 1906 in force under the *Designs Act* 1906-1950 comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|---------------------|------------------------------------------|-----------------------|
| 1907, No. 51 .. ..  | 18th May, 1907 .. ..                     | 8th May, 1907         |
| 1913, No. 173 .. .. | 21st June, 1913 .. ..                    | 17th June, 1913       |
| 1930, No. 150 .. .. | 18th December, 1930 .. ..                | 16th December, 1930   |
| 1934, No. 1 .. ..   | 11th January, 1934 .. ..                 | 11th January, 1934    |
| 121 .. ..           | 27th September, 1934 .. ..               | 27th September, 1934  |
| 1935, No. 24 .. ..  | 14th March, 1935 .. ..                   | 14th March, 1935      |
| 73 .. ..            | 1st August, 1935 .. ..                   | 1st August, 1935      |
| 1937, No. 53 .. ..  | 20th May, 1937 .. ..                     | 20th May, 1937        |
| 1940, No. 6 .. ..   | 11th January, 1940 .. ..                 | 11th January, 1940    |
| 1941, No. 67 .. ..  | 27th March, 1941 .. ..                   | 27th March, 1941      |
| 1945, No. 143 .. .. | 13th September, 1945 .. ..               | 13th September, 1945  |
| 200 .. ..           | 20th December, 1945 .. ..                | 20th December, 1945   |
| 1952, No. 64 .. ..  | 1st September, 1952 .. ..                | 1st September, 1952   |
| 1954, No. 82 .. ..  | 1st July, 1954 .. ..                     | 1st July, 1954        |

† The regulations contained in the various Parts and Divisions of Parts of these Regulations are as follows:—

- Part I., Divsn. 1., rr. 1-9;  
Divsn. 2., rr. 10-13;  
Part II., rr. 14-25;  
Part IIA., r. 25A;  
Part III., Divsn. 1., rr. 26-31;  
Divsn. 2., rr. 32-36;  
Part IV., Divsn. 1., rr. 37-43;  
Divsn. 2., rr. 44-47;  
Part V., rr. 48-60.

“The Act” means the *Designs Act* 1906.

“*The Official Journal*” means the Australian Official Journal of Patents, Trade Marks, and Designs.

Classification of articles.

4. The prescribed classification of articles for the purposes of the Act and these Regulations shall be as set out in the First Schedule.

Fees.

5.—(1.) The Fees to be paid under the Act and these Regulations shall be as set out in the Second Schedule.

Substituted by 1954, No. 82.

(2.) Payment of fees shall be made at the Designs Office by such means, and in such manner, as the Registrar directs.

Added by 1941, No. 67.

(3.) Where any document provided for by the Act or these Regulations is lost or destroyed, and the Registrar is satisfied that its loss or destruction was due to circumstances arising from the existence of a state of war, the Registrar may issue, without fee, a certified copy of the document so lost or destroyed or, if the Registrar thinks fit, he may supply a further document to the same effect as the document lost or destroyed.

Forms.

6. The Forms contained in the Third Schedule may be used in any proceeding or matter under the Act or these Regulations, to which they are appropriate, but may be modified, as directed by the Registrar, to meet particular cases.

Hours of business.

Substituted by 1945, No. 200.

7. Except in the case of holidays observed under the *Commonwealth Public Service Act* 1922-1945, the Designs Office shall be open to the public on week days (other than Saturdays) from ten o'clock in the morning to four o'clock in the afternoon.

Address for service.

8. If the Registrar so requires, every applicant shall state an address for service at some place in or near the city in which the Designs Office is situate.

Size, &c., of documents.

9. Subject to these Regulations and to any directions from time to time given by the Registrar, an application for the registration of a design, and all drawings, sketches, photographs, or tracings of a design, and all other documents required by the Act or Regulations to be left at or sent to the Designs Office or a sub-office, shall be upon strong foolscap paper (on one side only), of an approximate size of 13 inches by 8 inches, and shall have on the left thereof a margin of not less than one and a half.

#### *Division 2.—Agents.*

Appointment of agent.

10. Any applicant may appoint some person residing in Australia to be his agent, to represent him in relation to a design, either generally or for any specified purpose.

Form of appointment.

11. The appointment of an agent must be in writing, and may be in accordance with Form D, and must be lodged at the Designs Office.

Agent to represent principal.

Amended by 1935, No. 24.

12. Notices and other documents, other than applications for the registration of designs, may be signed by an agent on behalf of his principal, and all communications between the Registrar and the principal may be sent to the agent, and service on the agent shall be deemed service on the principal.

**13.** The Registrar shall not be bound to recognize as an agent, or to receive further communications from any person who has been convicted criminally or whose name has been removed from the Register of Patent Attorneys, kept under the provisions of the *Patents Act* 1903, and not since restored. The Registrar may, in his discretion, also refuse to receive communications from any agent whose conduct, in the Registrar's opinion, is calculated to prejudice the applicant's interest, and may call on the applicant either to appoint a more suitable agent, or to communicate directly with the Registrar.

Registrar's discretion as to agents.

## PART II.—REGISTRATION OF DESIGNS.

**14.** An application for the registration of a design must be made in writing, and must set out the name and address of the applicant.

Application to be in writing.

**15.** An application must be signed by the applicant, but the following shall be sufficient:—

Signature to applications.

- (a) If the application is made by a firm, the firm's signature thereto may be made by any member of the firm.
- (b) If the application is made by a body corporate, it may be signed by a director or by the secretary, or some principal officer thereof, on behalf of the body corporate.

**16.—(1.)** An application for the registration of a design—

Requisites of application.

- (a) shall, in describing the nature of the design, state whether the design is to be applied to the purpose of the ornamentation, pattern, shape or configuration of the article or articles to which it is to be applied and the way in, or the means by, which it is to be applied; and
- (b) shall be accompanied by Form B, to which shall be attached a sketch, specimen, drawing or photograph of the design which, in the opinion of the Registrar, is suitable for reproduction and record purposes.

Substituted by 1937, No. 53.

(2.) Where an application is made for the registration of a design to be applied to a set of articles, the sketch, specimen, drawing or photograph of the design attached to Form B shall show the various arrangements in which it is proposed to apply the design to the articles included in the set.

**17.** The application may be in such of the Forms A, A1, or A2 as is applicable to the case.

Form of application.

**18.** Every application for registration of a design shall be indorsed with the actual time of its receipt, either at the Designs Office or at a sub-office. For the purposes of this Regulation, the time at which an application is lodged shall be reckoned according to the standard or legal time in the State in which the Designs Office or sub-office in which the application is lodged is situated.

Applications when lodged to be indorsed with actual time of receipt.

**19.** Applications for registration of designs sent by prepaid letter through the post shall, as far as practicable, be recorded in the order in which the letters containing them were delivered at the Designs Office or sub-office; or, in the case of letters delivered at the same time, in the order in which they are opened.

Manner of recording application.

Acknowledgment of application.

**20.** On receipt of the application, the Registrar shall furnish the applicant with an acknowledgment thereof.

Notice of objection to registration.

**21.** If the Registrar is of opinion that the design is not new or original, or has been published in Australia, or that some bar to its registration exists, he shall give notice thereof to the applicant. The notice may state the grounds of the Registrar's opinion, and shall inform the applicant that he is entitled to be heard personally, or by his agent, before the Registrar deals with the application.

Notice of application for hearing.

**22.** Within fourteen days from the receipt of the notice, or such further time as is fixed by the notice, the applicant shall notify to the Registrar whether or not he desires to be heard upon the matter, and in default of his doing so, the application shall be deemed to be abandoned.

Notice for hearing.

**23.** If the applicant notifies the Registrar that he desires to be heard, the Registrar shall fix a time for the hearing, and shall give to the applicant not less than ten days' notice of the time so fixed, and if the applicant fails to appear personally, or by his agent, at the time fixed for the hearing, the application shall be deemed to be abandoned.

Hearing.

**24.** On the hearing, the Registrar shall hear the applicant, and shall consider the application, and shall decide whether to register the design either generally or in respect only of certain articles in the class in which registration is applied for, or to refuse it.

Advertisement of registration.

**25.** After the registration of any design, a notice of such registration shall be inserted in the Official Journal.

#### PART IIA.—EXTENSION OF PERIOD OF REGISTRATION.

Extension of period of registration.

**25A.—(1.)** An application for the extension of the period of registration of a design for a second or third period of five years—

Inserted by 1913, No. 173; substituted by 1943, No. 1.

- (a) shall be made at any time after the registration of the design but not later than three months after the expiration of the first or second period of five years respectively;
- (b) shall be lodged at the Designs Office or sub-office;
- (c) may be in accordance with Form N or Form O respectively; and
- (d) shall be accompanied by the prescribed fee:

Provided that in the case of a design the registration of which expired on or after 1st January, 1933, but before the date on which this regulation takes effect, the application may be made within three months from the date on which this regulation takes effect, and, for the purposes of items 2A and 2B in the Second Schedule to these Regulations the period of registration shall be deemed to have expired on the date on which this regulation takes effect.

(2.) If the Registrar grants an application for the extension of the period of registration of a design for a second period of five years, or for a third period of five years, an entry of the extension of the period of registration shall be made in the Register of Designs, and the Registrar shall send to the registered proprietor at his registered address, or his address for service, a notice that the period of registration has been extended for a second period of five years or a third period of five years, as the case may be.

(3.) The extension of the period of registration of a design shall be advertised in the Official Journal.

PART III.—APPEALS.

*Division 1.—Appeal to the Law Officer.*

**26.** When any applicant intends to appeal to the Law Officer from a decision of the Registrar, he shall, within one month from the date of the decision appealed against, send to the Law Officer and to the Registrar notice of appeal in writing, setting out the grounds of appeal. Notice of appeal.

**27.** If the applicant lodges any declaration or document with the Law Officer, he shall, on the same day, serve a copy thereof on the Registrar. Service of copies.

**28.** The Registrar shall forward to the Law Officer all documents and evidence used before him, with such observations as he sees fit to make on the case. Transmission of documents.

**29.** The Law Officer may give such directions (if any) as he thinks fit with respect to the hearing of the appeal. Directions by Law Officer.

**30.** Seven days' notice of the time and place appointed for the hearing, or such shorter notice as the Law Officer in any particular case directs, shall be given to the Registrar and to the applicant. Hearing of appeal.

**31.** Subject to the direction and leave of the Law Officer, the evidence to be used on the appeal to the Law Officer shall be the same as that used at the hearing before the Registrar. Evidence.

*Division 2.—Appeal to the Supreme Court.*

**32.** When any applicant intends to appeal to the Supreme Court from a decision of the Law Officer, he shall, within one month from the date of the decision appealed against, send to the Registrar notice of appeal in writing, setting out of the grounds of appeal, and file a copy of the notice in the Court. Notice of appeal.

**33.** If the applicant files any affidavit or document in the Court, he shall, on the same day, serve a copy thereof on the Registrar. Service of copies.

**34.** The Registrar shall forward to the proper Officer of the Court all documents and evidence used on the hearing before him. Transmission of documents.

**35.** The procedure in the Supreme Court in relation to the appeal shall be as directed by Rules of Court, or as the Court or a Judge thereof in each case directs. Procedure in Court.

**36.** If the applicant fails to prosecute the appeal with due diligence, the Court or a Judge thereof may order it to be dismissed. Dismissal for want of prosecution.

PART IV.—THE REGISTER OF DESIGNS.

*Division 1.—General.*

**37.** Upon the sealing of a certificate of registration, the Registrar shall cause to be entered in the Register of Designs the particulars set forth in section 33 of the Act, with such others as appear to him to be expedient in the public interest. Time of registration of designs.

**38.** When a person becomes entitled to the copyright in a registered design, or to any share or interest therein, by assignment, transmission, or other operation of law, or where a person acquires any right to apply the design, either exclusively or otherwise, a request for the entry of his Request by subsequent proprietor.

name in the Register as such proprietor of the design, or as having acquired such right, as the case may be, shall be addressed to the Registrar, and left at the Designs Office.

Signature to request.

**39.** Every such request shall, in the case of an individual, be made and signed by him; and in the case of a firm or partnership, by some one or more members of such firm or partnership; or in either case, by his or their agent respectively, duly authorized to the satisfaction of the Registrar; and in the case of a body corporate, by a director or secretary or principal officer thereof, or by the agent of the body corporate.

Particulars in request.

**40.** Every such request shall state the name, address, and description of the claimant, and the particulars of the assignment, transmission, or other operation of law, by virtue of which the request is made, so as to show the manner in which, and the person to whom, the design has been assigned or transmitted, or the person who has acquired such right as aforesaid, as the case may be.

Declaration with request.

**41.** Every such request shall be accompanied by or have written thereon a declaration verifying the several statements therein, and declaring that the particulars stated in the request comprise every material fact and document affecting the proprietorship of the design or the right to apply it, as the case may be, as claimed by such request.

Proof of title if required.

**42.** The claimant shall furnish to the Registrar such other proof of title as he requires for his satisfaction.

Hours of inspection of register.

**43.** The Register shall be open to the inspection of the public during office hours on every day during which the Designs Office is open, except on the days and at the times following:—

- (a) Days which are from time to time notified by a placard posted in a conspicuous place at the Designs Office.
- (b) Times when the Register is required for any purpose of official use.

*Division 2.—Correction or Rectification of the Register.*

Correction of register.

**44.** A request for the alteration of the Register in pursuance of section 37 of the Act may be in accordance with Form L, and shall be lodged at the Designs Office, accompanied by the prescribed fee.

Notice to Registrar.

**45.** Four clear days' notice of every application to the Supreme Court under section 39 of the Act shall be given to the Registrar.

Notice of order of Court.

**46.** Where an order has been made by the Supreme Court for the rectification of the Register, the person or persons in whose favour the order has been made, or such one of them, if more than one, as the Court directs, shall forthwith send to the Registrar an office copy of the order. The Register shall thereupon be rectified, in accordance with the order of the Court.

Publication of rectification or variation of register.

**47.** Whenever an order affecting the Register is made by the Supreme Court, or by the High Court on appeal therefrom, the Registrar shall publish, by advertisement in the Official Journal, the terms of the order, and such circumstances connected with the making of it as, in his opinion, should be published in the public interest.

PART V.—MISCELLANEOUS.

**48.** Except where the Registrar otherwise directs, evidence to be used before him shall be given by declaration. Evidence.

**49.** Where, under these Regulations, any person is required to do any act or thing, or to sign any document, or to make any declaration, or produce to or leave with the Registrar, or at the Designs Office, any document or evidence, and it is shown to the satisfaction of the Registrar that from any reasonable cause that person is unable to comply with the requirement, the Registrar may, upon the production of such other evidence, and subject to such terms as he thinks fit, dispense with the requirement. Dispensing with evidence.

**50.—(1.)** Declarations for the purposes of the Act and these Regulations may be taken or made before any of the following persons:— Witnessing of declarations contained in applications for designs.

- (a) In Australia—The Registrar, a Deputy Registrar, a Notary Public, a Justice of the Peace, a Commissioner for Affidavits, or any person authorized by any Act or State Act to administer oaths or take declarations;
- (b) In British Dominions other than Australia—any Judge, Magistrate, Justice of the Peace, Notary Public, or Commissioner for Oaths or Affidavits, or any person authorized by law to administer oaths or take declarations;
- (c) In foreign countries—any Judge of a Superior Court, British Consul or Consular Officer, or Notary Public.

(1A.) Nothing in these Regulations which relates to declarations shall require the declaration contained in the form of application for a design to be made before any person specified in the last preceding sub-regulation, but such declaration may be made before any witness. Inserted by 1935, No. 24.

(2.) The Registrar may take notice of the signature to any declaration, and of the signature of the person before whom it purports to have been declared, without proof of those signatures or the official character of the person before whom the declaration purports to have been made.

**51.** The time prescribed by these Regulations for doing any act or taking any proceeding thereunder may be enlarged by the Registrar, if he thinks fit, and upon such terms as he directs. Registrar may enlarge time.

**52.** Before delivery on sale of any article to which a registered design has been applied, the proprietor of the design shall, if the article is included in Class 12 or Class 13 in the First Schedule, cause the article to be marked with the abbreviation "Regd.", and shall, if the article is included in any of the Classes 1 to 11 or in Class 14 in the First Schedule, cause the article to be marked with the abbreviation "Rd.", and also, in the case of articles other than lace, with the number appearing on the certificate of registration. Registration marks.

**52A.** The provisions of sub-section (1.) of section 29 of the Act, and the provisions of these Regulations as to the marking of articles to which registered designs are applied, shall be dispensed with in so far as those provisions are applicable to printed or woven textile piece goods, other than handkerchiefs. Dispensation as regards marking.  
Inserted by 1934, No. 121.

**53.** Before exercising any discretionary power given to the Registrar by the Act adversely to an applicant for registration of a design, the Registrar shall (if so required by the applicant within one month from Exercise of discretionary power by Registrar.

the date of the Registrar's objection), give the applicant an opportunity of being heard personally or by his agent, by sending the applicant at least ten days' notice of a time when he may be so heard.

Notice of wish  
to be heard  
before  
Registrar.

**54.** Within five days from the date when such notice would be delivered in the ordinary course of post, or such longer time as the Registrar appoints in the notice, the applicant shall notify to the Registrar whether or not he desires to be heard in the matter.

Notification of  
decision.

**55.** The decision of the Registrar shall be notified to the applicant in writing.

Failure by  
applicant  
to notify  
Registrar.

**56.** If the applicant fails to notify the Registrar within the time allowed that he desires to be heard in the matter, the application shall be deemed to be abandoned.

Certificate by  
Registrar.

**57.** The Registrar, when required for the purpose of any legal proceeding or other special purpose to give a certificate as to any entry, matter, or thing which he is authorized by the Act or these Regulations to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give that certificate, and shall specify on the face of it the legal proceeding or other purpose for which the certificate is granted.

Advertise-  
ments.

**58.** All advertisements, notices, or documents, which by the Act or by these Regulations are required to be published, shall be advertised in the Official Journal.

Amendment of  
documents.

**59.** Any document or drawing or other representation of a design, for the amending of which no special provision is made by the Act or these Regulations, may be amended, and any irregularity in procedure which, in the opinion of the Registrar, may be waived without detriment to the interests of any person, may be corrected, if the Registrar thinks fit, and on such terms as he directs.

Correction of  
clerical errors.  
Added by  
1945, No. 143.

**60.** The Registrar may correct any clerical error in the Register of Designs or in any proceedings under the Act or these Regulations where the correction is necessary solely by reason of an error in the Designs Office.

#### FIRST SCHEDULE.

#### CLASSIFICATION OF ARTICLES.

Amended by  
1913, No. 173;  
and  
1937, No. 53.

##### Classes.

1. Articles composed wholly or chiefly of metal, not included in Class 2.
2. Jewellery.
3. Articles composed wholly or chiefly of wood, bone, ivory, papier mache, or other solid substances not included in other classes.
4. Articles composed wholly or chiefly of glass, earthenware, or porcelain, bricks, tiles, or cement, but not including articles comprised in Class 4A.
- 4A. Articles for household use composed wholly or chiefly of glass, earthenware or porcelain.
5. Articles composed wholly or chiefly of paper (except hangings).
6. Articles composed wholly or chiefly of leather, including book-bindings, of all materials, but not including ladies' handbags and ladies' belts.
- 6A. Articles composed wholly or chiefly of leather, being ladies' handbags or ladies' belts.
7. Paper hangings.
8. Carpets and rugs in all materials, floorcloths, and oilcloths.
9. Lace, hosiery.
10. Millinery and wearing apparel, including boots and shoes.
11. Ornamental needlework on muslin or other textile fabrics.
12. Printed or woven designs on textile piece goods.
13. Printed or woven designs on handkerchiefs and shawls.
14. Articles not included in other classes.



SECOND SCHEDULE.

Substituted by  
1952, No. 64.

Regulation 5.

FEES.

|                                                                                                                                   | £                            | s. | d. |
|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------|----|----|
| 1. On application to register one design to be applied to a set of articles, or to one or more articles .. .. .                   | 2                            | 0  | 0  |
| 2. On application for extension of the period of registration of a design for a second or third period of five years .. .. .      | 5                            | 0  | 0  |
| 3. On notice of appeal to Law Officer against refusal of Registrar to register a design .. .. .                                   | 6                            | 0  | 0  |
| 4. On request to enter name of subsequent proprietor .. .. .                                                                      | 4                            | 0  | 0  |
| 5. On request to correct a clerical error .. .. .                                                                                 | 1                            | 0  | 0  |
| 6. On request to amend application for the registration of a design .. .. .                                                       | 2                            | 0  | 0  |
| 7. On request to amend a document under regulation 59 .. .. .                                                                     | 2                            | 0  | 0  |
| 8. On request to enter new address—for each design .. .. .                                                                        | 1                            | 0  | 0  |
| 9. For entry in the register of a rectification of or an alteration in the register, not otherwise charged—for each entry .. .. . | 2                            | 0  | 0  |
| 10. On request for certificate of Registrar for legal proceedings or other special purpose .. .. .                                | 1                            | 0  | 0  |
| 11. For inspection of the Register .. .. .                                                                                        | 0                            | 2  | 0  |
| 12. For copy of a registered design .. .. .                                                                                       | Cost according to agreement. |    |    |
| 13. For photographic copies of documents .. .. .                                                                                  | 0                            | 2  | 6  |
| 14. For rectification of office copies, manuscript or printed .. .. .                                                             | 1                            | 0  | 0  |
| 15. For copy of certificate of registration of design .. .. .                                                                     | 2                            | 0  | 0  |
| 16. For subpoena .. .. .                                                                                                          | 0                            | 2  | 0  |

THE THIRD SCHEDULE.

DESIGNS.

Commonwealth of Australia.

The *Designs Act* 1906.

FORM A. Amended by  
1934, No. 121;  
1935, Nos. 24  
and 73; and  
1937, No. 53.

APPLICATION FOR REGISTRATION OF DESIGN IN CLASS No. .

(By the Author.)

I (1) of (2)  
(3) hereby make  
application for the registration of the accompanying design in Class (4)  
in respect of (5), under the provisions  
of the *Designs Act* 1906, and I do hereby declare that such design is new or original,  
and has not yet been published in Australia.

And I do further declare that I am the author of the said design, and that I have  
not effected an assignment or transmission of my right therein.

The nature of the design is as follows:—(6)

And I make this declaration conscientiously believing it to be true.

Dated the                      day of                      , 19                      .

(Signature of applicant)

To the Registrar of Designs,  
Commonwealth of Australia.

- 
- (1) Name of applicant (in full).  
(2) Address.  
(3) Occupation.  
(4) Here set out class in which it is desired to register the design. A separate application form is required for each separate class.  
(5) Here state the articles or set of articles to which the design is to be applied.  
(6) Here insert statement of nature of design, and state whether it is applicable for the pattern or for the shape or configuration of the design, and the means by which it is applicable.

Amended by  
1934, No. 121;  
1935, Nos. 24  
and 73; and  
1937, No. 53.

DESIGNS.

Commonwealth of Australia.

FORM A1.

The *Designs Act* 1906.

## APPLICATION FOR REGISTRATION OF DESIGN IN CLASS No. .

(By the person entitled by assignment to apply for registration.)

I (1)

of (2)

(3)

hereby make

application for the registration of the accompanying design in Class (4)  
in respect of (5) , under the provisions  
of the *Designs Act* 1906, and I do hereby declare that such design is new or original,  
and has not yet been published in Australia.

And I do further declare that (6)

is the author thereof, and that he has assigned his interest to (7)

In proof whereof I forward the accompanying deed(s) of assignment, with an  
attested copy (8) thereof.

The nature of the design is as follows:—(9)

And I make this declaration conscientiously believing it to be true.

Dated the day of , 19 .

(Signature of applicant)

To the Registrar of Designs,  
Commonwealth of Australia.

- 
- (1) Name of applicant (in full).  
(2) Address.  
(3) Occupation.  
(4) Here set out number of class in which it is desired to register the design. A separate application form is required for each separate class.  
(5) Here state the articles or set of articles to which the design is to be applied.  
(6) Here insert full name, address, and occupation of author.  
(7) Where the applicant is the assignee of the author insert "me." Where there are one or more intermediate assignments, particulars of each must be inserted, e.g., "A.B., who has assigned his interest to C.D., who has assigned his interest to me."  
(8) Or "with attested copies", as the case may be.  
(9) Here insert statement of nature of design, and state whether it is applicable for the pattern or for the shape or configuration of the design, and the means by which it is applicable.

Amended by  
1934, No. 121;  
1935, Nos. 24  
and 73; and  
1937, No. 53.

DESIGNS.

Commonwealth of Australia.

FORM A2.

The *Designs Act* 1906.

## APPLICATION FOR REGISTRATION OF DESIGN IN CLASS No. .

(By the Author jointly with the Assignee of a part interest in the design.)

We (1)

hereby make application for the registration of the accompanying design in Class  
(2) , in respect of (3)  
under the provisions of the *Designs Act* 1906, and we do hereby declare that such  
design is new or original, and has not yet been published in Australia.

And I (4) do hereby declare  
that I am the author of the said design, and that I have not effected any assignment  
or transmission of my rights therein other than to the aforesaid (5)

And I (5) do hereby declare  
that I am the assignee of a part interest in the design.

The nature of the design is as follows:—(6)

And we make this declaration conscientiously believing it to be true.

Dated the day of , 19 .

(Signature of applicant)

To the Registrar of Designs,  
Commonwealth of Australia.

- 
- (1) Here insert (in full) names, addresses, and occupations of applicants.  
(2) Here set out class in which it is desired to register the design. A separate application form is required for each separate class.  
(3) Here state the articles or set of articles to which the design is to be applied.  
(4) Here insert name (in full) of the author.  
(5) Here insert name (in full) of the assignee.  
(6) Here insert statement of nature of design, and state whether it is applicable for the pattern or for the shape or configuration of the design, and the means by which it is applicable.

DESIGNS.

Commonwealth of Australia.

FORM B. Amended by  
1937, No. 53.

*The Designs Act 1906.*

ADDITIONAL REPRESENTATION OF DESIGN TO ACCOMPANY  
APPLICATION FOR REGISTRATION.

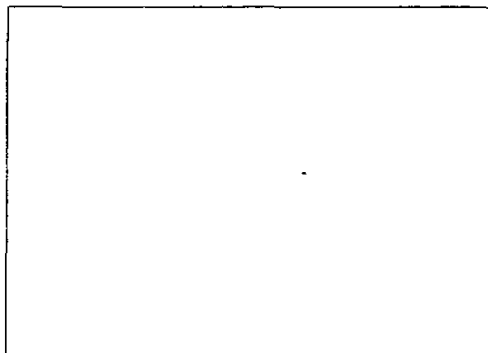
Name of Applicant (1)

Number of Application (2)

Date of Application (2)

Articles in respect of which registration applied for (4)

Class No. (3)



Statement of nature of design:—(5)  
(6)

- 
- (1) Name in full.  
(2) The number and date will be inserted by the office.  
(3) Number of class (in figures).  
(4) List of articles to be the same as that contained in the form of application.  
(5) Here insert statement of the nature of the design in same terms as that contained in the form of application.  
(6) To be signed by the applicant or his agent. Where an agent signs on behalf of an applicant, the words "Agent for the applicant" must be added after his signature.

---

Commonwealth of Australia.

*The Designs Act 1906.*

STATEMENT OF ADDRESS.

SIR,

I hereby authorize and request you to send all notices in connexion with my application for registration of a design in Class (1) to

Dated this                      day of                      , 19                      .  
(2)

To the Registrar of Designs,  
Commonwealth of Australia.

NOTE.—A particular address must be given. An address such as "General Post Office, Melbourne," will not be accepted.

- 
- (1) Here set out class in which it is desired to register the design.  
(2) Signature of applicant.

## DESIGNS ACT

DESIGNS.

FORM D.

Commonwealth of Australia.

The *Designs Act* 1906.

## APPOINTMENT OF AGENT.

SIR,

I (1) hereby  
 We (1) nominate, constitute, and appoint (2)  
 of (3), in the Commonwealth of Australia (4),  
 to be <sup>my</sup><sub>our</sub> agent (5)  
 for <sup>me</sup><sub>us</sub> and in <sup>my</sup><sub>our</sub> name (6)  
 and for that purpose to sign on <sup>my</sup><sub>our</sub> behalf all documents (except such as are  
 expressly required by the *Designs Act* 1906 or the Regulations to be signed by <sup>me</sup><sub>us</sub>  
 personally), that <sup>my</sup><sub>our</sub> said agent may think necessary or desirable; and <sup>I</sup><sub>we</sub> further  
 empower <sup>my</sup><sub>our</sub> said agent to alter and amend any documents, whether originally  
 executed by <sup>me</sup><sub>us</sub> or on <sup>my</sup><sub>our</sub> behalf, in any manner which may be necessary.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ .  
 (7)

Witness—

To the Registrar of Designs,  
 Commonwealth of Australia.

- 
- (1) Here insert (in full) name, address, and occupation of principal.  
 (2) Here insert (in full) name of agent.  
 (3) Here insert full address of agent.  
 (4) Here insert occupation of agent.  
 (5) Applicant may here insert the words "with full powers of substitution and revocation."  
 (6) Here insert purpose for which agent was appointed, such as "to apply for and obtain registration  
 of <sup>my</sup><sub>our</sub> design (illustrated on back hereof) in the Commonwealth of Australia," or such other words as  
 are applicable to the case.  
 (7) Signature of principal.

DESIGNS.

FORM E.

Commonwealth of Australia.

The *Designs Act* 1906.

## FORM OF APPLICATION FOR HEARING.

(Place)

(Date)

SIR,

I (1) hereby  
 apply to be heard in reference to (2)  
 and request that I may receive due notice of the day fixed for the hearing.

I have the honour to be,  
 Sir,

Your obedient servant,  
 (3)

To the Registrar of Designs,  
 Commonwealth of Australia.

- 
- (1) Here insert (in full) name and address.  
 (2) Here insert particulars of subject-matter of desired hearing.  
 (3) Signature.

DESIGNS.

FORM F.

Commonwealth of Australia.

The *Designs Act* 1906.

NOTICE THAT HEARING BEFORE REGISTRAR WILL BE ATTENDED.

In the matter of the Application No. \_\_\_\_\_ for registration of a Design  
in Class \_\_\_\_\_

(Place)

(Date)

SIR,

I (1) \_\_\_\_\_ hereby  
give notice that the hearing in reference to Application No. \_\_\_\_\_, dated the  
day of \_\_\_\_\_, 19\_\_\_\_, will be attended by me or  
by some person on my behalf.

I have the honour to be,

Sir,

Your obedient servant,

(2)

To the Registrar of Designs,  
Commonwealth of Australia.

(1) Here insert (in full) name and address.

(2) Signature.

DESIGNS.

FORM G.

Commonwealth of Australia.

The *Designs Act* 1906.

NOTICE OF APPEAL TO LAW OFFICER.

In the matter of an Application No. \_\_\_\_\_, by \_\_\_\_\_  
of \_\_\_\_\_, for registration of a Design in  
Class \_\_\_\_\_

I hereby appeal against the decision of the Registrar of Designs (1)  
upon the following grounds:—(2)

(3)

To the Law Officer, and to the Registrar of Designs,  
Commonwealth of Australia.

(1) Here set out shortly the decision appealed against.

(2) Here set out the grounds of appeal in numbered paragraphs.

(3) Signature of appellant or his agent.

DESIGNS.

FORM H.

Commonwealth of Australia.



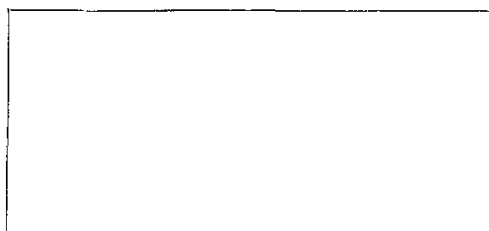
The *Designs Act* 1906.

CERTIFICATE OF REGISTRATION OF DESIGN.

No. ....

I, \_\_\_\_\_, Registrar of Designs, do hereby certify  
that the design, a representation of which is shown hereunder, has been registered in  
Class \_\_\_\_\_, in respect of  
for a period of five years, as from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
and that \_\_\_\_\_, of \_\_\_\_\_, has been  
entered on the Register of Designs as the owner thereof.

Representation of the Design referred to in this Certificate.



Given under my hand and the seal of the Designs Office this \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_.

Registrar of Designs.

## DESIGNS ACT

DESIGNS.

FORM I.

Commonwealth of Australia.

*The Designs Act 1906.*REQUEST TO ENTER NAME OF SUBSEQUENT OWNER UPON THE  
REGISTER OF DESIGNS.

(Place)

(Date)

I (1) hereby  
request that you will enter my name on the Register of Designs as owner of Design  
No. (2), registered in Class (3), which stands at present  
in the name of (4)

I am entitled to be registered as owner of the said design by virtue of (5)

In proof whereof I transmit the accompanying (6)  
with an attested copy thereof

And I declare that the particulars stated in this request comprise every material  
fact and document affecting the proprietorship of the design or the right to apply it,  
as the case may be, as claimed by this request.

And I make this declaration conscientiously believing it to be true.

Declared before me at (7)  
, the (8) day of , 19 .

To the Registrar of Designs,  
Commonwealth of Australia.

- 
- (1) Here insert (in full) name, address, and occupation of applicant.
  - (2) Here insert registered number of design.
  - (3) Here insert No. of class in which registered.
  - (4) Here insert name of present registered owner.
  - (5) Here insert particulars showing how transferee derives his title.
  - (6) Here insert the nature of the document.
  - (7) To be signed by the person applying for registration of the transfer.
  - (8) To be signed by the person before whom the declaration is made.

DESIGNS.

FORM J.

Commonwealth of Australia.

*The Designs Act 1906.*REQUEST FOR CERTIFICATE FOR USE IN LEGAL PROCEEDINGS OR  
OTHER SPECIAL PURPOSE.

(Place)

(Date)

Sir,

I (1) hereby  
request you to send me for the purpose of use in (2)  
a certificate that the design, of which a copy is herein enclosed, was (3)

I have the honour to be,  
Sir,

Your obedient servant,  
(Signature)

To the Registrar of Designs,  
Commonwealth of Australia.

- 
- (1) Here insert name and full address of person making request.
  - (2) Here state title of legal proceeding, or other special purpose for which the certificate is desired.
  - (3) Here state the entry, matter, or thing concerning which the writer desires a certificate.

DESIGNS.

Commonwealth of Australia.

FORM K.

*The Designs Act 1906.*

CERTIFICATE FOR USE IN LEGAL PROCEEDINGS OR OTHER SPECIAL PURPOSE.

In the matter of  
I, \_\_\_\_\_, Registrar of Designs, hereby  
certify that  
Witness my hand and the seal of the Designs Office this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_\_.  
Registrar of Designs.

DESIGNS.

Commonwealth of Australia.

FORM L.

*The Designs Act 1906.*

APPLICATION FOR AMENDMENT OR ALTERATION OF THE REGISTER UNDER SECTION 37 OF THE ACT.

I (1) \_\_\_\_\_, of (2) \_\_\_\_\_,  
(3) \_\_\_\_\_, the registered owner of design No. (4) \_\_\_\_\_,  
\_\_\_\_\_ , which has been entered on the Register of Designs, and  
dated as of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, request that  
you will amend or alter such Register in the following manner:—(5)  
And I do hereby declare that the reasons for making this application are as  
follow:—(6)  
And I make this declaration conscientiously believing it to be true.  
Declared before me at \_\_\_\_\_, (7) \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.  
(8)  
To the Registrar of Designs,  
Commonwealth of Australia.

- 
- (1) Name (in full) of registered owner of design.
  - (2) Address.
  - (3) Occupation.
  - (4) Here insert registered No. of design.
  - (5) Here set out desired amendment or alteration of the Register.
  - (6) Here furnish particulars of the reasons for desiring the amendment or alteration.
  - (7) To be signed by the registered owner.
  - (8) To be signed by the person before whom the declaration is made.

DESIGNS.

Commonwealth of Australia.

FORM M.

*The Designs Act 1906.*

NOTICE OF ORDER OF THE COURT FOR RECTIFICATION OF THE REGISTER OF DESIGNS.

In the matter of the Design No. \_\_\_\_\_, registered in Class \_\_\_\_\_  
in the name of \_\_\_\_\_  
Notice is hereby given that, by an Order of the Court, made on the  
day of \_\_\_\_\_, 19\_\_\_\_\_, it was directed that (1)  
An office copy of the Order of the Court is enclosed herewith.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.  
To the Registrar of Designs,  
Commonwealth of Australia.

- 
- (1) Here insert particulars of the terms of the order.
  - (2) To be signed by the party seeking to enforce the order of the Court.

Added by  
1913, No. 173;  
amended by  
1934, No. 1.

FORM N.

Commonwealth of Australia.

The *Designs Act* 1906-1933.

APPLICATION FOR EXTENSION OF REGISTRATION OF A DESIGN  
FOR A SECOND PERIOD OF FIVE YEARS.

I (1)  
We \_\_\_\_\_ of (2)  
the registered proprietor of Design No. \_\_\_\_\_ in Class \_\_\_\_\_ hereby apply  
that the registration of the Design in question may be extended for a further period  
of five years in accordance with the provisions of sub-section (2A.) of section 26 of the  
*Designs Act* 1906-1933.

(Signature)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

To the Registrar of Designs,  
Commonwealth of Australia.

---

(1) Name of registered proprietor (in full).  
(2) Address.

Added by  
1913, No. 173;  
amended by  
1934, No. 1.

FORM O.

Commonwealth of Australia.

The *Designs Act* 1906-1933.

APPLICATION FOR EXTENSION OF REGISTRATION OF A DESIGN  
FOR A THIRD PERIOD OF FIVE YEARS.

I (1)  
We \_\_\_\_\_ of (2)  
the registered proprietor of Design No. \_\_\_\_\_ in Class \_\_\_\_\_ hereby apply  
that the registration of the Design may be extended for a further period of five years  
in accordance with the provisions of sub-section (2B.) of section 26 of the *Designs Act*  
1906-1933.

(Signature)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

To the Registrar of Designs,  
Commonwealth of Australia.

---

(1) Name of registered proprietor (in full).  
(2) Address.



## DIPLOMATIC IMMUNITIES ACT 1952

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### DIPLOMATIC IMMUNITIES REGULATIONS.\*

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1. These Regulations may be cited as the Diplomatic Immunities Regulations.\* Citation.

2. The Federation of Malaya is declared to be a country to which the *Diplomatic Immunities Act* 1952 applies. Federation of Malaya.

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\* Statutory Rules 1956, No. 77; in force under the *Diplomatic Immunities Act* 1952; notified in the *Gazette* and commenced on 15th November, 1956.

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## DISTILLATION ACT 1901-1956

## DISTILLATION REGULATIONS.\*

*Short Title.*

1. These Regulations may be cited as the Distillation Regulations.\*

*Application for Spirit Maker's Licence.*

2. The application shall be in duplicate in accordance with Form 1, and shall comply with all the requirements indicated therein.

3. If, after inspection, an officer certifies in accordance with Form 2, the licence may be granted, and shall be in accordance with Form 3 or Form 5.

- 4.—(1.) The security shall be in accordance with Form 4 or Form 6.

Sub-reg. (2.)  
added by  
1947, No. 141.

- (2.) The amount of the security shall be such amount, being not less than Five hundred pounds and not more than Five thousand pounds, as the Collector determines.

## REQUIREMENTS AS TO PREMISES AND PLANT.

Amended by  
1927, No. 91.

5. The following requirements must be complied with to the satisfaction of the Collector in relation to every distillery licensed under a Spirit Maker's licence:—

*Premises.*

- (a) The premises must admit of the proper supervision of operations by officers.
- (b) When required by the Collector the premises must be securely walled or fenced, and furnished with substantial gates, which shall be provided with locks approved by the Collector.

\* The Distillation Regulations in force under the *Distillation Act 1901-1956* comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|---------------------|------------------------------------------|-----------------------|
| 1926, No. 206 .. .. | 23rd December, 1926 .. ..                | 22nd December, 1926   |
| 1927, No. 91 .. ..  | 18th August, 1927 .. ..                  | 13th August, 1927     |
| 1929, No. 105 .. .. | 19th September, 1929 .. ..               | 13th September, 1929  |
| 1934, No. 71 .. ..  | 7th June, 1934 .. ..                     | 7th June, 1934        |
| 1940, No. 281 .. .. | 12th December, 1940 .. ..                | 12th December, 1940   |
| 1946, No. 34 .. ..  | 21st February, 1946 .. ..                | 21st February, 1946   |
| 76 .. ..            | 2nd May, 1946 .. ..                      | 2nd May, 1946         |
| 1947, No. 26 .. ..  | 28th February, 1947 .. ..                | 28th February, 1947   |
| 84 .. ..            | 26th June, 1947 .. ..                    | 1st July, 1947        |
| 141 .. ..           | 7th October, 1947 .. ..                  | 7th October, 1947     |
| 1948, No. 96 .. ..  | 29th July, 1948 .. ..                    | 29th July, 1948       |
| 1949, No. 97 .. ..  | 25th November, 1949 .. ..                | 25th November, 1949   |
| 1951, No. 80 .. ..  | 23rd July, 1951 .. ..                    | 23rd July, 1951       |
| 105 .. ..           | 18th September, 1951 .. ..               | 18th September, 1951  |
| 1952, No. 98 .. ..  | 6th November, 1952 .. ..                 | 6th November, 1952    |
| 1954, No. 23 .. ..  | 18th March, 1954 .. ..                   | 18th March, 1954      |
| 108 .. ..           | 28th October, 1954 .. ..                 | 28th October, 1954    |
| 1955, No. 64 .. ..  | 29th September, 1955 .. ..               | 29th September, 1955  |
| 1956, No. 129 .. .. | 24th December, 1956 .. ..                | 24th December, 1956   |

- (c) There must be on the premises—
- (i) A material store or material tank for the reception of material;
  - (ii) A spirit store for the storing of spirits pending warehousing or for storing of spirits in vats during the process of maturing;
  - (iii) A warehouse for the warehousing of spirits, provided that this requirement may be waived subject to the approval of the Comptroller.
  - (iv) Reasonable office accommodation for the supervising officer.
- (d) The name of every store-house or room must be painted in oil colours in conspicuous letters on the outside of its door.
- (e) Except by permission the premises must not be within one hundred yards in a direct line from any brewery or from the premises of a cordial manufacturer or from the premises of a seller of spirits.

*Plant.*

- (f) There must be erected in the still-house—
- (i) A still capable of exhausting in the case of a general distiller's licence at least one hundred and fifty gallons of wash in an hour, and in the case of a wine distiller's licence at least fifty gallons in an hour, or a wash still capable of containing at least six hundred gallons, and also capable of containing double the quantity which the low wines or spirit still is capable of containing.  
In lieu of one still of the required capacity two or more stills aggregating the required capacity shall suffice.
  - (ii) Also if the still is of such a kind that the produce of the wash on the first distillation is spirits and feints—  
One wash charger,  
One feints receiver,  
One spirit receiver;
  - (iii) Also if the still is of such a kind that the produce of the wash on the first distillation is low wines, then in addition to the above—  
One low wines receiver,  
One low wines and feints charger.
- (g) In every fermenting back—
- (i) There must be a discharge cock or plug and plug-hole, through which all wash in the back may be conveyed by a pipe or open trough into the wash charger, or by authority through a close metal pipe direct to the still;

## DISTILLATION ACT

- (ii) Except as provided in paragraph (i) and except the pipe admitting the wort and a sewer cock or plug and plughole for carrying off the water with which the back is cleansed, there must be no other pipe or outlet:

Provided that—

- (iii) When the conversion of the starch contents and fermentation take place simultaneously, the fermenting vessel may be provided with other necessary apparatus and outlet pipes capable of being securely fastened.

(h) Every wash charger—

- (i) Must be of a capacity of not less than half that of the largest fermenting back or as approved by the Collector in cases where the capacity of the fermenting backs exceeds 10,000 gallons;
- (ii) Must be connected—
  - (1) With the fermenting backs by one close metal pipe with one end fixed into a pump placed in a pipe or trough communicating with the fermenting back and the other end fixed into the wash charger;
  - (2) with the wash stills by one close metal pipe with a branch to each still or to the intermediate still charger;
  - (3) with the feints receiver by a close pump or metal pipe;and so that—

- (iii) There must be a cock on each of the connecting pipes.

(i) Every low wines receiver—

- (i) Must be connected with the safe at the end of the worm of the wash still by one close metal pipe attached to and leading directly from the safe, so that all low wines running from the safe into the pipe shall immediately be discharged into the receiver;
- (ii) Must have fixed in it a pump or discharge cock for the conveyance of low wines into the low wines and feints charger.

(j) Every feints receiver—

- (i) Must be connected with the safe at the end of the worm of the still by one close metal pipe attached to and leading directly from the safe, so that all feints running from the safe into the pipe shall immediately be discharged into the feints receiver;
- (ii) Must have fixed in it a pump, or discharge cock, for the conveyance of feints into the low wines and feints charger or wash charger.

(*k*) Every low wines and feints charger—

- (i) Must be connected with the still by a close metal pipe with a cock thereon, one end of the pipe being fixed into the bottom of the charger and the other attached to the pump or to the still;
- (ii) Must be connected with the low wines receiver and feints receiver by close metal pipes, whereof one end must be fixed into the charger and the other end attached to the pump or discharge cock fixed in each receiver.

(*l*) Every spirit receiver—

- (i) Must be connected with the safe at the end of the worm of the still by one close metal pipe secured with a locked union joint at its junction with the safe, and leading directly from the safe, so that all spirits running from the safe into the pipe shall immediately be discharged into the receiver;
- (ii) Must have fixed therein a proper discharge cock or other appliance for drawing off the spirits.

(*m*) Every low wines receiver, feints receiver, low wines and feints charger and spirit receiver—

- (i) Must be a closely-covered vessel; and
- (ii) Except as already specified, must have no outlet.

(*n*) Every vat in which spirits are to be stored must be close-covered and secured with fastenings.

(*o*) The still and the furnace door thereof, and every cock, valve, or pipe conveying steam into or about the still must be provided with fastenings so that they can be securely locked.

There must be an air-valve on the still.

An enclosed and secure safe must be connected with the end of the worm.

(*p*) A discharge cock must be fixed to every still not more than three feet distant from the body of the still, and firmly attached to the still by a close metal pipe, and must be so placed as to be easily accessible to the officer.

(*q*) Every pipe must be so fixed and placed as to be capable of being examined for the whole of its length.

(*r*) The pipes must be painted and kept painted in oil colours as follows:—

If for the conveyance of—

|                               |    |    |    |    |        |
|-------------------------------|----|----|----|----|--------|
| Wort or wash . . . . .        | .. | .. | .. | .. | Red.   |
| Low wines or feints . . . . . | .. | .. | .. | .. | Blue.  |
| Spirits . . . . .             | .. | .. | .. | .. | Black. |
| Water . . . . .               | .. | .. | .. | .. | White. |

- (s) Every cock and pump must be fitted with fastenings for securing it by a lock, such lock to be supplied by the Collector at the expense of the distiller.
- (t) On the top of every charger and receiver, and of every vat for keeping spirits, there must be a dipping hole at which an officer can conveniently take his dip or gauge of the contents.  
A metal plate must be fixed at the dipping hole to secure it from being worn or altered.  
The dipping hole must have a cover and be fitted with a fastening to secure it by lock.
- (u) The name of every fixed vessel must be painted thereon in oil colours and in conspicuous letters, and where more than one vessel is used for the same purpose, distinctive numbers in arithmetical progression commencing with 1, must also be painted thereon.

#### THE NOTICE BOOK.

Sub-reg. (1.)  
amended by  
1940, No. 281.

#### 6.—(1.) A notice book—

- (a) Shall be supplied by the Collector to the distiller.
- (b) Shall be kept by the distiller at the distillery.
- (c) Shall be delivered to the officer when a notice is entered therein.

Added by  
1940, No. 281.

#### (2.) The notice book shall be—

- (a) in the case of a holder of a Spirit-maker's General Licence—in accordance with Form 7; and
- (b) in the case of a holder of a Wine Distiller's Licence—in accordance with Form 7A.

7. All notices required to be given by the distiller shall be given by entry in the notice book and delivery of the book to the officer.

8. Every notice entered in the notice book shall be valid, notwithstanding any defect in form.

#### THE PROCESS OF DISTILLATION.

9. No distiller shall, except by authority, mash or make wash or use a still between twelve o'clock noon on Saturday and two o'clock in the forenoon on Monday.

10. Every distiller who intends for the first time to commence to mash and every distiller who has discontinued mashing for more than two weeks shall give to the Collector six days before he begins to mash, a written notice specifying the time when he intends to commence mashing, but an earlier commencement may be sanctioned by authority.

Reg. 11  
repealed by  
1954, No. 108.

\* \* \* \* \*

**12.** No distiller shall, except by authority, begin to use any material for the production of spirits liable to one rate of duty until all spirits produced liable to any other rate of duty have been conveyed into the spirit or feints receiver. **Amended by 1954, No. 108.**

**13.** If the distiller intends to use for making spirits a different material from that which he is or last has been using and there is a difference of duty on spirits produced from such materials he shall give twenty-four hours' notice of the time when he intends to commence to mash the new material. **Amended by 1954, No. 108.**

|   |   |   |   |   |   |   |   |                                                                          |
|---|---|---|---|---|---|---|---|--------------------------------------------------------------------------|
| * | * | * | * | * | * | * | * | <b>Regs. 14 to 24<br/>(inclusive)<br/>repealed by<br/>1954, No. 108.</b> |
| * | * | * | * | * | * | * | * |                                                                          |

**25.** All wash must be conveyed directly into the wash charger and thence into the still for distillation or directly from the back into the still.

**25A.** Before removing wash to a still— **Inserted by 1954, No. 108.**

- (a) the distiller shall give not less than twenty-four hours' notice specifying the quantity of wash intended to be removed; and
- (b) an officer shall take a sample of the wash for the purpose of ascertaining its alcoholic strength.

**26.** All low wines, feints, and spirits running from the worm of the still must run thence directly through the safe at the end of the worm.

**27.** All low wines shall be conveyed directly from the safe into the low wines receiver and thence directly into the low wines and feints charger and thence directly into the still for re-distillation.

**28.** All spirits must be conveyed directly from the safe into the feints receiver or spirit receiver.

**29.** All spirits conveyed into the feints receiver must be conveyed thence into the low wines and feints charger or wash charger or intermediate still charger and thence into the still for re-distillation unless permission be granted by the Collector for the discharge of the feints direct from the feints receiver into the still.

**30.** Except by authority no access shall be had to the end of the worm of any still or to any low wines feints or spirits from the time of the extraction or distillation thereof in the still until they are taken account of by the officer in the proper receiver.

Amended by  
1947, No. 141;  
and  
1954, No. 108.

31. Before distilling wine, beer or wash made from molasses or sugar the distiller shall not give less than twenty-four hours' notice of the time when he intends to commence to distil the wine, beer or wash made from molasses or sugar and its alcoholic strength, and if the quantity of spirits produced is less than the quantity of spirits which should have been produced the distiller shall pay the duty on the deficiency, unless such deficiency is explained to the satisfaction of the Collector.

Regs. 32-37  
repealed by  
1947, No. 141.

\* \* \* \* \*

38. All wash and produce from wine or beer shall, throughout the whole course of its distillation and until the removal of the spirits to the spirit store, be kept unmixed and separate from all else.

39. All feints produced by and remaining from a previous distillation may be mixed with the low wines or feints produced by a subsequent distillation, and the process of re-distilling feints may be repeated as often as the distiller thinks fit, provided that the mixed feints must be the produce of the same kind of material.

40. Before the removal of any low wines, feints, or spirits from a receiver, the distiller shall give reasonable notice of the time when the removal is to be commenced.

Amended by  
1954, No. 108.

41. At the time specified in the notice the officer shall attend, and after he has taken an account of the contents of the receiver and removed the fastenings of the pumps or discharge cock, but not before, the contents of the receiver may be removed therefrom and conveyed, if low wines or feints, into the proper charger or still, but if spirits, into a vat in the spirit store.

Amended by  
1954, No. 108.

42. After the fastenings have been removed by the officer no low wines, feints, or spirits may be conveyed into the receiver until the fastenings have been secured again.

43. Where a distiller has secured the low wines and feint pumps to the satisfaction of the officer, he may run low wines and feints together into the same receiver, and may at any time remove low wines and feints from a receiver to a charger and re-distil them.

#### RE-DISTILLATION.

Substituted by  
1954, No. 108.

44.—(1.) The Collector may, upon application in writing by a distiller, permit the distiller to re-distil spirits which are in his distillery.

(2.) If the spirits to be re-distilled are low wines or feints, they may be mixed in the still house with wine, wash, low wines or feints produced from the same kind of material.

(3.) If the spirits to be re-distilled are not low wines or feints, they shall not be mixed with wine, wash, low wines or feints or imported spirits, but feints arising from the re-distillation may be mixed with feints produced from the same kind of material when the re-distillation has been completed and an account has been taken of the spirits and feints produced.



(4.) If the loss on re-distillation is in excess of two and one-half per centum of the quantity of spirits re-distilled, the distiller shall, unless the loss is accounted for to the satisfaction of the Collector, pay to the Collector a sum equal to the duty that would have been payable on the quantity of spirits constituting the loss in excess of that percentage, if it had been entered for home consumption.

#### THE MATERIAL STORE.

**45.** All material in a distillery which is capable of use for distillation or in connexion therewith, shall unless when being so used be kept in the material store.

**46.** The distiller must keep in a book a complete and correct account showing under separate headings the quantities of each kind of material placed in the material store, and the quantities of each kind of material taken therefrom, and the purpose for which it has been applied.

**47.** The distiller shall—

- (a) Keep his material store account book written up daily and balanced monthly.
- (b) Produce the book when required by an officer.
- (c) Check the balance of any stock of material on hand when required by an officer.
- (d) Pay duty on the quantity of spirit that any material found deficient was capable of producing, unless any deficiency is accounted for to the satisfaction of the Collector.

#### THE SPIRIT STORE.

**47A.** For the purposes of regulations 48 to 77 (inclusive) of these Regulations, “cask” includes drum and any other vessel approved by the Collector. Inserted by  
1954, No. 108.

**48.** The spirit store is for the purpose of carrying on therein the flavouring, colouring, blending, and bottling of spirits, and the putting of spirits into casks. Spirits may also be stored in the spirit store during the process of maturing.

**49.** The spirit store must be—

- (a) Constructed of stone, brick, concrete, or other approved fireproof material.
- (b) Have all its windows secured with solid iron bars not less than one inch in diameter so fixed therein that the spaces between the bars and between the bars and the wall do not exceed six inches in width.
- (c) Have all its windows covered with close wire netting.
- (d) Have all its doors strongly constructed and sheeted on the inside with iron.

**50.** Only spirits in vats and in vessels approved by the Collector shall be kept in the spirit store. When vat is referred to the reference shall include any approved vessel.

Amended by  
1940, No. 281.

**51.** Each vat must be—

- (a) Of the capacity in the case of a general distillery of not less than two hundred gallons, and in the case of a wine distillery of not less than eighty gallons:

Provided that the Collector may permit vessels of smaller capacity to be used for storing vat ullages until such time as the ullages may be conveniently removed to the spirit warehouse or blended with other spirit in the spirit store, but in no case for a longer period than the period (if any) specified by the Collector when granting permission.

- (b) Unless otherwise permitted by the Collector, erected at least 3 feet from the ground or floor.
- (c) So placed that the whole exterior surface can without inconvenience be thoroughly inspected.

**52.** The spirit store shall be opened during such hours only as the Collector may direct.

**53.** No empty cask shall be taken into the spirit store except for the purpose of being immediately filled with spirit from a vat, and when these casks are filled they must not remain in the spirit store more than twenty-four hours except by authority.

Amended by  
1954, No. 108.

**54.** No cask of less capacity than ten imperial gallons shall be taken into a spirit store, and no spirits of less quantity than ten imperial gallons shall at any time be delivered from the spirit store. Provided that the Comptroller-General may permit casks or cases of less than ten imperial gallons capacity to be taken into a spirit store to be filled with spirits *intended for export*, and the casks, cases, or vessels when so filled may, subject to the Act and Regulations, be delivered from the spirit store to enable the spirits to be exported.

**55.** The Collector shall advise each distiller of the letter allotted to his distillery, to be called the distillery letter, and the number representing the State in which the distillery is situated, to be called the State number.

**56.** Every cask brought into the spirit store must be in sound condition and have legibly cut or branded or painted in oil colours the following particulars:—

On the outside of one end of the cask the name of the distiller or of the distillery, the place where the distillery is situated, and the distillery letter placed directly above the State

A  
number, thus, —  
4

On the other end of the cask its consecutive number and its weight, and when filled with spirits, the number of gallons it contains, and when rates of duty differ according to the material from which the spirits are made a letter denoting the material from which the spirits are made.

The Collector may, on the application of a purchaser of the spirits, permit the erasure from the casks of the name of the distiller or of the distillery, and of the place where the distillery is situated, and the substitution of the trade name and mark of the purchaser, provided that the distillery letter, State number, and the bond marks are preserved undefaced, and that the words "Made in Australia" are legibly cut, or branded, or painted in oil colours on the casks.

**57.** The weighing of every cask before and after being filled with spirits must take place in the presence of an officer who shall keep a record of the weights.

**58.** All spirits drawn from the vats must be put into casks in the presence of an officer.

**59.**—(1.) Upon written application being made to him, the Collector may grant permission to any distiller— Substituted by  
1943, No. 71.

- (a) to remove imported spirits from a Customs warehouse to the distiller's spirit store for the purpose of flavouring spirits distilled by the distiller; or
- (b) to remove from a Customs warehouse to his spirit store imported whisky entered under Item 3 (B) (1) of the *Customs Tariffs* 1933 for the purpose of blending with Australian distilled whisky.

(2.) In the case of an application covered by paragraph (a) of the last preceding sub-regulation the distiller shall submit a sample of the flavouring spirit for the Collector's approval.

**60.** The flavouring or blending referred to in the last preceding regulation shall be carried out in the spirit store in the presence of an officer, and Substituted by  
1943, No. 71.

- (a) where Australian distilled spirits are flavoured with imported spirits, the spirits when so flavoured shall not contain more than five per centum of imported spirits, and
- (b) where imported whisky is blended with Australian whisky, the blended spirits shall conform to the requirements of Excise Tariff Item 2 (E) (2).

**61.** If imported spirits are to be mixed with Australian spirits for exportation only, then no duty shall be charged on the imported spirits, but if imported flavouring spirits are to be mixed with spirits for home consumption, then, if the rate of duty on the imported spirits is greater than the rate of duty payable on the spirits distilled in Australia, the difference between such rates of duty shall be paid on the flavouring spirits before removal from the customs warehouse to the spirit store of the distiller. Substituted by  
1943, No. 71.

Inserted by  
1954, No. 108.

**61A.**—(1.) The Collector may, on the application of a distiller, grant permission for the removal of fortified Australian wine from a wine manufacturing warehouse to the distiller's spirit store for the purpose of flavouring whisky, brandy or rum.

(2.) The distiller shall, at the time of the application, submit for the Collector's approval a sample of the wine intended to be used as flavouring.

(3.) Where the Collector grants permission for the removal of fortified Australian wine under sub-regulation (1.) of this regulation, the distiller shall forthwith cause that wine to be conveyed to his spirit store in a carriage licensed under the *Customs Act* 1901-1953 or under the direct supervision of an officer.

(4.) Fortified Australian wine removed under this regulation shall remain subject to the control of the Customs.

(5.) The addition of the flavouring referred to in sub-regulation (1.) of this regulation shall be carried out in the spirit store in the presence of an officer.

**62.** The dip of any vats containing spirits may at any time be taken by an officer, and if any deficiency of spirits has taken place which cannot be attributed to natural loss, the distiller shall pay duty on the quantity of spirits so found deficient.

**63.** The spirits in the spirit store may be blended.

**64.** The clarification of cloudy spirits may be allowed by the addition thereto of a solution of alum in the proportion of not more than four gallons of such solution to every 1,000 gallons of spirits, or by means of any other treatment approved by the Comptroller.

**65.** A distiller may, by adding water thereto, reduce any spirits in the vat in the spirit store.

**66.** Upon giving reasonable notice to the officer in charge, a distiller may bottle spirits from any vat in his spirit store.

**67.** The spirits shall be put up in imperial or reputed quart or pint bottles or flasks, and shall, if not immediately removed from the distillery, be packed in cases containing one or more dozen imperial or reputed quart or pint bottles, or flasks, the bottles or flasks in each case to be of uniform size:

Provided that—

- (a) Spirits for export may be put up in bottles of uniform size smaller than those above prescribed, such bottles to be regarded as flasks.
- (b) Samples of spirits intended for display only may be put up in containers of any class or size.

- (c) Spirits may, subject to the approval of the Collector, be put up in bottles of sizes other than those elsewhere prescribed by this regulation, subject to the condition that the spirits be packed in cases containing one gallon or any integral multiple thereof and that each case contain bottles of a uniform size only.

**68.** Every case shall have branded or painted thereon, and the label of every bottle and flask shall bear— Substituted by  
1946, No. 76.

- (a) the name of the distiller or distillery and the place where the spirits were distilled; or  
(b) the distillery letter and the State number.

(2.) The label on a bottle or flask shall also bear the words “Produce of Australia” or “Made in Australia” or other words, approved by the Collector, indicating that the spirits have been distilled in Australia. Added by  
1954, No. 108.

**69.** No label shall be affixed by a distiller to any bottle or flask containing spirits, unless the Collector has given his permission in writing to the affixing of such labels. Amended by  
1954, No. 108.

**70.** The quantity of spirits in any cask or bottle may be calculated by weight, measure, or gauge, as the Collector may direct.

**71.** Upon written application being made to the Collector in accordance with Form 8, permission may be granted or refused to any distiller to colour any spirit in any vat, but before such permission is granted the colouring matter must be brought into the distillery and placed under the control of the officer, who shall forward samples to the Collector.

**72.** Except with the written permission of the Collector, a distiller shall not add any flavouring to any spirit in his distillery. The application for permission shall be in accordance with Form 9 and shall specify the spirit to which the flavouring is to be added and the material from which the spirit has been distilled. The flavouring shall be brought into the distillery and placed under the control of the officer who shall forward a sample for the Collector’s approval. Flavouring shall not be added to spirits representing brandy, whisky, rum, or gin, unless such spirits respectively have been distilled in the following manner:— Amended by  
1934, No. 71.

Brandy—wholly from the fermented juice of fresh grapes, or wholly from apple cider or other approved fruit juices.

Whisky—wholly from barley malt, or partly from barley malt and partly from other grain.

Rum—wholly from sugar, sugar syrup, molasses, or the refuse of sugar cane.

Gin—from barley malt, grain, grape wine, apples, or other approved fruit.

This regulation shall apply to flavouring other than that referred to in regulations 59, 60 and 61 of these Regulations.

Amended by  
1954, No. 108.

**73.** All casks and other vessels when filled with spirits, shall be conveyed to the spirit warehouse of the distiller, whence they may be removed to a Customs warehouse, or delivered upon payment of duty thereon.

**74.** A distiller may, by authority, re-vat in his spirit store, any spirits stored in his spirit warehouse.

**75.** Vats may be gauged by an officer whenever he deems it necessary.

Amended by  
1954, No. 108.

**76.** An officer shall keep a true account of all spirits received into the spirit store, and of all spirits removed from the spirit store, computed at proof strength, and shall balance such account monthly. The distiller on each such monthly balance shall pay duty on any deficiency of spirits found, unless such deficiency is accounted for to the satisfaction of the Collector.

**77.** Every door in the spirit store shall be provided by the distiller with an approved lock, the key of which shall be kept by him, and with a lock supplied by the Collector at the expense of the distiller, the key of which shall be kept by the officer, so that both the keys will be required to open the door.

#### THE SPIRIT WAREHOUSE.

Inserted by  
1954, No. 108.

**77A.** For the purposes of regulations 78 to 92 (inclusive) of these Regulations, "cask" includes drum and any other vessel approved by the Collector.

**78.** The spirit warehouse must—

- (a) Be substantially built of stone, brick, concrete, or approved fire-proof material.
- (b) Have all its windows secured with solid iron bars not less than one inch in diameter, so fixed therein that the spaces between the bars and between the bars and the wall do not exceed six inches in width.
- (c) Have all its windows covered with close wire netting.
- (d) Have all its doors strongly constructed and sheeted on the inside with iron.

**79.** No cask shall be taken into the spirit warehouse unless—

- (a) Its contents are as prescribed by regulation 54.
- (b) It is marked as required by regulation 56.

**80.** None of the particulars on a cask shall be altered in any way whilst in the spirit warehouse, except by permission of the Collector under regulation 56.

**81.** Casks must be arranged, stacked, or stowed so that an officer may pass easily between every tier.

**82.** Before any cask is removed from the spirit warehouse the distiller must give reasonable notice to the officer, and specify therein the mark and number of each cask.

**83.** The distiller may, in the presence of an officer, view and examine the spirits in any cask, or ascertain the condition of any cask, and must at once remedy any leakage.

\* \* \* \* \*

Reg. 84  
repealed by  
1940, No. 281.

**85.** All casks, if not removed within three years, shall at the expiration of that time, or such further time, if any, as may be allowed by the Collector, be examined by an officer, and the duty upon any difference or deficiency between the quantity ascertained on the spirits being first warehoused and the quantity found to exist at such examination, subject to the specified allowance or to such greater allowance as may be sanctioned by the Collector, shall be paid, and the quantity found in the casks shall either be re-warehoused or the duty shall be paid thereon.

Amended by  
1940, No. 281.

**86.** The distiller shall be entitled to an allowance for actual unintentional waste of spirits whilst in the warehouse according to the scale in Table A.

**87.** Nothing shall be added to spirits in the spirit warehouse.

**88.** Every door in the spirit warehouse shall be provided by the distiller with an approved lock, the key of which shall be kept by him, and with a lock supplied by the Collector, at the expense of the distiller, the key of which shall be kept by the officer, so that both the keys will be required to open the door.

**89.** Spirits in a spirit warehouse may be entered for home consumption or for export or for removal as in the case of warehoused goods under the *Customs Act* 1901-1925, and so that the removal may be to a warehouse licensed under the *Customs Act* 1901-1925, or to the spirit warehouse in another distillery, and the spirits in such last-mentioned warehouse shall be subject to the same condition as if originally warehoused therein.

Amended by  
1940, No. 281.

**90.** All spirits in the spirit warehouse upon which the duty has been paid must be removed forthwith from the distillery.

**91.** Entries for home consumption may be in accordance with Form 11.

**92.** The security for spirits entered for removal to an approved place or for exportation shall be in accordance with Form 12.

Substituted by  
1946, No. 34.

#### METHYLATION.

**93.** Spirits may be methylated and entered for home consumption in a distillery as in the case of spirits warehoused under the *Customs Act* 1901-1925.

## DISTILLATION ACT

## VIGNERONS' LICENCES.

**94.** The application for a licence shall be in duplicate in accordance with Form 1, and shall comply with all the requirements indicated therein.

**95.** If after inspection an officer certifies in accordance with Form 2, the licence may be granted and shall be in accordance with Form 13.

**96.**—(1.) The security shall be in accordance with Form 14.

Added by  
1947, No. 141.

(2.) The amount of the security shall be such amount, being not less than Five hundred pounds and not more than Five thousand pounds, as the Collector determines.

Substituted by  
1947, No. 141.

**97.** A vigneron's licence shall only be granted or renewed in respect of—

- (a) a pot still capable of containing more than 250 gallons but less than 600 gallons; or
- (b) a continuous still capable of exhausting more than 50 gallons but less than 150 gallons of wine in an hour.

**98.** Before a vigneron's licence shall be granted or renewed there must be erected upon the premises a spirit store which must—

- (a) Be a building of stone, brick, concrete, or other approved material.
- (b) Have its windows secured with iron bars, and covered with close wire netting.
- (c) Have its door strongly constructed, sheeted on the inside with iron, and provided by the vigneron with an approved lock, the key of which shall be kept by him, and with a lock supplied by the Collector at the expense of the vigneron, the key of which shall be kept by the officer.

**99.** The building, the securing of the windows, and of the door must be to the satisfaction of the Collector.

**100.** A feints receiver of not less than 35 gallons capacity and a spirit receiver of not less than 60 gallons capacity must be kept in the spirit store.

**101.** The still, the feints receiver, and the spirit receiver must be connected in such manner and be provided with such cocks, pipes, and fittings, as the Collector may direct.

**102.** Every vigneron shall keep his still and the receivers and fittings connected therewith in good repair and in a clean condition.

**103.** Every vigneron shall give to the Collector at least three days' notice of the day and hour when he intends to commence distilling.

**104.** A vigneron shall not distil spirits or use his still except by authority and, unless exempted in writing by the Collector, in the presence of an officer.



**105.** Every vigneron shall keep a notice-book in accordance with Form 15, and shall enter therein the quantity and alcoholic strength of wine and lees of wine he intends to distil, the quantity of wine and lees of wine in each charge he puts into the still, the number of proof gallons distilled, the number of proof gallons removed, the amount of duty paid, and the number of the receipt for the duty.

**106.** Any officer may take samples of the wine or lees of wine about to be distilled, and may by distillation ascertain the percentage of spirit contained in the wine or lees of wine.

**107.** If the quantity of spirits produced is less than the quantity of spirits which should have been produced, the vigneron shall pay duty on the deficiency, unless such deficiency is explained to the satisfaction of the Collector, and no distilling operations or mixing of spirits with wine shall be allowed until the duty demanded on any deficiency has been paid, or until such deficiency is accounted for to the satisfaction of the Collector.

**108.** All spirits distilled under a vigneron's licence shall be kept in the spirit store in vats or vessels approved by the Collector, and so placed as to be easily examined, and no spirits shall be kept elsewhere on the premises specified in the licence.

**109.—(1.)** A person to whom a vigneron's licence has been granted shall give to the Collector at least twenty-four hours' notice in writing of his intention to mix spirits with wine. Substituted by  
1954, No. 108.

(2.) The notice shall state the day and hour when the officer will be required and the quantity of spirit required for fortifying purposes.

(3.) A person shall be deemed to have complied with this regulation if he has, not less than twenty-four hours before mixing the spirits with wine, made application to use spirits for fortifying wine in accordance with regulation 86 of the Excise Regulations.

**110.** Before any spirits are taken out of the spirit store for the purpose of fortifying wine or for removal to the vigneron's wine manufacturing warehouse, the quantity to be taken out shall be gauged, weighed, or measured by an officer and entry shall be made out in accordance with Form 11. Amended by  
1940, No. 281;  
and  
1954, No. 108.

**111.** The officer shall forward the entries to the Collector.

Amended by  
1940, No. 281.

**112.** The spirit may then be mixed with wine in the presence of the officer.

**113.** The spirit shall be used in fortifying wine, and must be mixed with wine in the presence of an officer, who may take samples of the wine before and after mixing.

**114.** Any vigneron may, by permission, sell any surplus spirits, or remove the same to a Customs warehouse.

**115.** Two or more vignerons having each a vigneron's licence may, by permission, use a portable still, to be removed from time to time to the licensed premises where its use is required, or a still situated on the premises of one of them.

#### STILLS FOR PURPOSES OTHER THAN SPIRIT-MAKING.

**116.** The notice of intention to use a still for any purpose other than the distillation of spirits shall be in accordance with Form 18. The Collector's acknowledgment of the receipt of the notice shall be in accordance with Form 19. The security required in respect of stills exceeding one gallon in capacity shall be in accordance with Form 20.

Regs.  
117 to 124  
(inclusive)  
repealed by  
1954, No. 108.

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| * | * | * | * | * | * | * | * |

**125.** All spirits shall be deemed to be of the strength denoted by Sikes' hydrometer, with the percentage of obscuration (if any) added. Provided that it shall be lawful for the Comptroller, by notice in the *Gazette*, to direct that any other instrument may be used.

**126.** For the purpose of ascertaining by weighing the quantity of spirits contained in any cask or vessel—

- (a) The tables in the Table C and Table D shall be used in connexion with Sikes' hydrometer.
- (b) The number of pounds and decimal parts of a pound corresponding to the indication by Sikes' hydrometer of the spirits so weighed shall be the weight in pounds and decimal parts of a pound of one liquid gallon of such spirits.
- (c) The net weight in pounds of such spirits divided by the weight of one gallon of such spirits shall be the number of liquid gallons and decimal parts of a liquid gallon contained in the cask.

#### SAMPLES.

**127.** (1.) A sample taken or obtained by an officer under the provisions of section 63 or section 71 of the *Distillation Act* 1901-1925 shall be dealt with in the following manner:—

- (a) The officer taking or obtaining the sample shall, in the presence of the person or the agent or servant of the person from whom the sample is taken or obtained, divide the sample into three equal parts and label or mark and securely seal each part; and

- (b) the officer shall hand one part to the owner or his agent or servant, deliver for report another part to an analyst approved by the Collector, and retain the third part for further examination, if necessary.

(2.) Delivery of the part to the analyst may be effected personally or by sending the part by registered post addressed to the analyst at his usual address, or in such other manner as the Collector approves.

(3.) In the event of any dispute as to the identity of the part received by the analyst the burden of proof shall lie upon the person complaining.

(4.) The production of a certificate of analysis of the part purporting to be signed by the analyst shall be sufficient evidence of the identity of the part and of the result of the analysis, without proof of the signature of the person purporting to have signed the certificate.

#### DECLARATIONS BY AGENTS.

**128.**—(1.) Forms containing declarations may be signed by a duly authorized agent in cases where the principal is legally incapable of making a declaration.

(2.) Any officer may require from any agent the production of his written authority from the principal for whom he claims to act, and in default of the production of such authority may refuse to recognize the agency.

(3.) Any declaration made by an agent in pursuance of this Regulation shall be held to have been made with the knowledge and consent of the principal, so that in any prosecution in respect of any declaration made by any such agent the principal shall be liable only to the pecuniary punishment provided by the Act or these Regulations, as if such declaration had been made by the principal.

(4.) An authority under this Regulation may be according to Form 21.

#### FORMS AND TABLES.

**129.** The forms and tables prescribed by or referred to in these Regulations are those in the accompanying Schedule.

#### WORKING DAYS AND HOURS FOR DISTILLERIES.

**130.**—(1.) Subject to regulations 131 and 132 of these Regulations, <sup>Inserted by 1947, No. 26.</sup> all work at Distilleries and Vigneron's premises shall be performed only on the prescribed working days and during the prescribed working hours.

(2.) Subject to sub-regulation (3.) of this regulation—

(a) the working days shall be all days except Sundays and public holidays; and

(b) the working hours shall be from 8 a.m. to 5 p.m. on each day from Monday to Friday, and 8 a.m. to 12 noon on Saturdays.

(3.) The Collector may approve that the working days shall be Monday to Friday (but not including any public holiday) and that the working hours shall be such hours worked from Monday to Friday in equal daily periods, as the Collector specifies:

Provided that the working hours shall not commence before 7 a.m. on any day.

Inserted by  
1947, No. 26.

**131.** The Minister may permit work to be performed on Sunday, Christmas Day, Good Friday, Anzac Day or Eight Hours' Day or Labour Day (as the case may be) for such time and subject to such conditions as he thinks fit, and the Collector may permit work to be performed on any other day which is not a working day for such time and subject to such conditions as he thinks fit.

Inserted by  
1947, No. 26.

**132.** Subject to regulation 131, the Collector may permit work to be performed outside the working hours fixed by sub-regulations (2.) and (3.) of regulation 130 of these Regulations, for such time and subject to such conditions as he thinks fit.

Inserted by  
1947, No. 26;  
Sub-reg. (1.)  
amended by  
1947, No. 84;  
1949, No. 97;  
1951, No. 80;  
1952, No. 98;  
1954, No. 23;  
1955, No. 64;  
and  
1956, No. 129.

**133.—(1.)** Where the Collector permits work to be performed otherwise than on a prescribed working day or during the prescribed working hours (except where shift work is performed by direction of the Collector and such work does not involve the payment of overtime) a charge at the rate of Fifteen shillings per hour or part thereof shall be made against the distiller or vigneron for the services of each officer required to be in attendance:

Provided that—

- (a) where the service is performed on a public holiday—the charge shall be for not less than four hours except where the service is continuous with overtime worked on the previous day; and
- (b) where the service is performed on a working day but outside working hours—the charge shall be for not less than two hours except where the service is continuous with prescribed working hours.

(2.) The charge shall be calculated from the hour from which the attendance of the officer is necessary and, when the service is not continuous with prescribed working hours, shall include a charge in respect of the time reasonably occupied by the officer in proceeding to and from the place where the attendance is required.

Sub-reg. (3.)  
omitted by  
1951, No. 80.

\* \* \* \* \*

Inserted by  
1948, No. 96.

**134.** For the purposes of the last four preceding regulations "public holiday" means any day observed as a holiday in the Public Service of the Commonwealth in pursuance of section seventy-six of the *Commonwealth Public Service Act 1922-1947*.

#### REPEAL.

The Distillation Regulations 1913 (Statutory Rules 1913, No. 343, as amended by Statutory Rules 1920, Nos. 41, 184, 214; 1921, No. 38; 1925, Nos. 9, 27, 111, 145) are repealed.

## SCHEDULE.

Regs. 2, 94.

## FORM 1.

The Commonwealth of Australia.—The *Distillation Act* 1901-1925.

## APPLICATION FOR A LICENCE TO DISTIL SPIRITS.

Place.

Date.

I hereby apply for a [*set out general distiller's or wine distiller's or vigneron's, as case may be*] licence to distil spirits, and supply the following information:—

|                                                                                                                                                                        |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Name in full and address of applicant ..                                                                                                                               |  |
| Name of street or road and locality, town, or district where distilling operations are to be carried on .. ..                                                          |  |
| Description of each still and the number of gallons each still is capable of containing, or the number of gallons of wash per hour each still is capable of distilling |  |
| Name and description of every building, room, or place where operations of any kind are to be carried on, and the purpose for which each is to be used .. ..           |  |
| Kind of fence or wall surrounding the premises .. .. .                                                                                                                 |  |
| The area enclosed .. .. .                                                                                                                                              |  |

I attach to this application a plan (or plans) showing the whole of the premises where distillation is to be carried on; and the name, situation, and position of every building, room, place, vessel, and utensil to be used on the premises.

I also furnish a description showing the course, construction, and the use of all fixed pipes to be used, and of every branch thereof and cock thereon, and the room, place, vessel, or utensil with which such pipes communicate.

I also attach a statement showing the capacity in imperial gallons of each tun, back, charger, still, receiver, vat, or other vessel, as well as the number of imperial gallons that every inch of the height of each tun, back, charger, receiver, vat or other vessel is capable of containing, and with respect to vessels intended to contain spirits the number of imperial gallons that every inch and tenth of an inch of the height thereof respectively are capable of containing.

I declare that the above is true in every particular.

Signature of Applicant.

## FORM 2.

The Commonwealth of Australia.—The *Distillation Act* 1901-1925.

## CERTIFICATE OF INSPECTION.

Regs. 3, 95.

Place.

Date.

I certify that I have inspected the buildings, rooms, and places referred to in the application of A.B. for (a) licence, and that the requirements of the *Distillation Act* 1901-1925, and the regulations made thereunder, have been complied with, that the plans and descriptions are sufficient and complete, and that the statement of gauges is correct.

Officer.

(a) Here insert "General Distillers," "Wine Distillers," "Vignerons," as the case requires.

## DISTILLATION ACT

Substituted by  
1940, No. 281.

## FORM 3.

COMMONWEALTH OF AUSTRALIA.

*Distillation Act 1901-1934.*

## Reg. 3. SPIRIT-MAKER'S GENERAL LICENCE.

This licence is issued to \_\_\_\_\_ upon the condition that he complies with the *Distillation Act 1901-1934* and the Regulations thereunder relating to spirit-maker's licences, and authorizes him to distil spirits upon his premises situated at \_\_\_\_\_.

Unless previously cancelled, this licence shall remain in force until 31st December, 19\_\_\_\_, but may be renewed in accordance with section 22 of the *Distillation Act 1901-1934*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Collector of Customs for the  
State of \_\_\_\_\_.

## FORM No. 4.

The Commonwealth of Australia.—Security to the Customs.

## Reg. 4. SPIRIT-MAKER'S GENERAL LICENCE.

BY THIS SECURITY the Subscribers are, pursuant to the *Distillation Act 1901-1925* and the *Excise Act 1901-1923*, bound to the Customs of the Commonwealth of Australia in the sum of \_\_\_\_\_ subject only to this condition that if \_\_\_\_\_ who is an applicant for a Spirit-maker's General Licence under the *Distillation Act 1901-1925*, authorizing the Licensee to distil Spirits from any material, complies with the provisions of that Act and any amendments thereof or any Act passed in substitution therefor and the Regulations for the time being in force thereunder, so long as he holds a Spirit-maker's General Licence thereunder then this security shall be thereby discharged.\*

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

| Names and Descriptions of Subscribers. | Signatures<br>of<br>Subscribers. | Signatures<br>of<br>Witnesses. |
|----------------------------------------|----------------------------------|--------------------------------|
|                                        |                                  |                                |
|                                        |                                  |                                |
|                                        |                                  |                                |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as for example, thus:—"The liability of the subscribers is joint only," or "The liability of (mentioning subscribers) is limited to (here state amount of limit of liability or mode of ascertaining limit)".

## FORM 5.

COMMONWEALTH OF AUSTRALIA.

*Distillation Act 1901-1934.*

Reg. 3.

## WINE DISTILLER'S LICENCE.

This licence is issued to \_\_\_\_\_ upon the condition that he complies <sup>Substituted by</sup> with the *Distillation Act 1901-1934* and the Regulations thereunder relating to wine <sup>1940, No. 281.</sup> distillers' licences and authorizes him to distil spirits from wine or lees of wine only upon his premises situated at \_\_\_\_\_.

Unless previously cancelled, this licence shall remain in force until 31st December, 19\_\_\_\_, but may be renewed in accordance with section 22 of the *Distillation Act 1901-1934*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Collector of Customs for the  
State of \_\_\_\_\_.

## FORM No. 6.

The Commonwealth of Australia.—Security to the Customs.

Reg. 4.

## WINE DISTILLER'S LICENCE.

By THIS SECURITY the Subscribers are, pursuant to the *Distillation Act 1901-1925* and the *Excise Act 1901-1923*, bound to the Customs of the Commonwealth of Australia in the sum of \_\_\_\_\_ subject only to this condition that if \_\_\_\_\_ who is an applicant for a Wine Distiller's Licence under the *Distillation Act 1901-1925* authorizing the Licensee to distil Spirits from wine or lees of wine, complies with that Act and any amendment thereof or any Act passed in substitution therefor and the Regulations for the time being in force thereunder so long as he holds a Wine Distiller's Licence thereunder then this security shall be thereby discharged.\*

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

| Names and Descriptions of Subscribers. | Signatures<br>of<br>Subscribers. | Signatures<br>of<br>Witnesses. |
|----------------------------------------|----------------------------------|--------------------------------|
|                                        |                                  |                                |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as for example, thus:—"The liability of the subscribers is joint only," or "The liability of (mentioning subscribers) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

Reg. 6.

FORM 7.

COMMONWEALTH OF AUSTRALIA.

Distillation Act 1901-19 .

## NOTICE BOOK.

### SPIRIT MAKER'S GENERAL LICENCE.

### Distillery.

[illegible]

Inserted by  
1940, No. 281.

FORM 7A.

COMMONWEALTH OF AUSTRALIA.

*Distillation Act 1901-1934.*

## NOTICE BOOK.

Reg. 6.

### WINE DISTILLER'S LICENCE.

### ...Distillery.

[illegible]



Reg. 71.

FORM 8.

Commonwealth of Australia.—*Distillation Act* 1901-1925.

APPLICATION FOR PERMISSION TO COLOUR SPIRITS.

I request permission to colour spirits in my spirit store with colouring now under the control of the Officer.

I intend to use \_\_\_\_\_ to every hundred gallons of spirits.  
Distiller.  
Distillery.

The Collector of Customs,

The Collector,

I forward herewith a sample of the colouring referred to in this application.  
\_\_\_\_\_  
Officer.

APPROVED.—Referred to the officer in charge of the above-mentioned distillery for action accordingly.

Collector.

REPORT OF OFFICER.

Reg. 72.

FORM 9.

Commonwealth of Australia.—*Distillation Act* 1901-1925.

APPLICATION FOR PERMISSION TO FLAVOUR SPIRITS.

I request permission to flavour in my distillery with flavouring now under the control of the Officer the undermentioned spirits distilled from \_\_\_\_\_, viz.:—

Distiller.  
Distillery.

The Collector of Customs,

The Collector,

I forward herewith a sample of the flavouring referred to in this application.  
\_\_\_\_\_  
Officer.

APPROVED.—Referred to the officer in charge of the above-mentioned distillery for action accordingly.

Collector.

REPORT OF OFFICER.

\* \* \* \* \*

Form 10  
omitted by  
1940, No. 281.

**Substituted by  
1951, No. 105;  
amended by  
1954, No. 108.**

Regs. 91, 110.

FORM 11.

Warrant No. \_\_\_\_\_

## AUSTRALIAN EXCISE.

*Distillation Act* 1901-1950.

### HOME CONSUMPTION ENTRY.

Place  
Date

195

State of  
Ex.

Distillery at

Distiller:

Signature:

(Distiller or Owner).

| Vessels.<br>and Cases. |     | Description<br>of Vessel. | Material<br>from<br>which<br>made. | Description<br>of Spirit. | Liquid<br>Gallons. | Strength.              |                   |                     | Proof<br>Gallons. | Tariff<br>Item. | Rate of<br>Duty at<br>Proof. | Duty. |    |    |
|------------------------|-----|---------------------------|------------------------------------|---------------------------|--------------------|------------------------|-------------------|---------------------|-------------------|-----------------|------------------------------|-------|----|----|
| Brand.                 | No. |                           |                                    |                           |                    | By<br>Hydro-<br>meter. | Obscura-<br>tion. | Actual<br>Strength. |                   |                 |                              | £     | s. | d. |
|                        |     |                           |                                    |                           |                    |                        |                   |                     |                   |                 | £                            |       |    |    |

Total number of Packages (in words)

Total amount of duty (in words)

Collector.

**Amended by  
1946, No. 34.**

Reg. 92.

FORM 12.

Commonwealth of Australia.—*Distillation Act* 1901-1925.

SECURITY TO THE CUSTOMS.

### REMOVAL OF EXCISABLE SPIRITS.

By this Security the subscribers are, pursuant to the *Distillation Act* 1901-1925 and the *Excise Act* 1901-1923, bound to the Customs of the Commonwealth of Australia in the sum of

subject only to this condition that if for a period of \_\_\_\_\_ from date  
hereof \_\_\_\_\_ of \_\_\_\_\_

makes any entry for the removal to an approved place or for exportation of any excisable spirits subject to the control of the Customs and all such spirits are dealt with in all respects in accordance with the entry made therefor and with the said Act and any amendment thereof to the satisfaction of the Collector of Customs for the State in which such entry is made and all such spirits are at all times safely and securely kept until removed or exported in accordance with the entry made then this security shall be thereby discharged.\*

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

| Names and Descriptions of Subscribers. | Signatures<br>of<br>Subscribers. | Signatures<br>and Addresses<br>of Witnesses. |
|----------------------------------------|----------------------------------|----------------------------------------------|
|                                        |                                  |                                              |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as for example, thus:—"The liability of the subscribers is joint only," or "The liability of (mentioning subscribers) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

† If it is desired to give a continuing security, strike out reference to a period.

Reg. 95.

## FORM 13.

Substituted by  
1940, No. 281.

COMMONWEALTH OF AUSTRALIA.

*Distillation Act 1901-1934.*

## VIGNERON'S LICENCE.

This licence is issued to \_\_\_\_\_ upon the condition that he complies with the *Distillation Act 1901-1934* and the Regulations thereunder relating to vigneron's licences and authorizes him to distil spirits from wine or lees of wine only upon his premises situated at \_\_\_\_\_ for the purpose of fortifying his wine.

Unless previously cancelled, this licence shall remain in force until 31st December, 19\_\_\_\_, but may be renewed in accordance with section 22 of the *Distillation Act 1901-1934*.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Collector of Customs for the  
State of \_\_\_\_\_

Reg. 96.

## FORM No. 14.

Commonwealth of Australia.—Security to the Customs.

## VIGNERON'S LICENCE.

By this Security the Subscribers are, pursuant to the *Distillation Act 1901-1925* and the *Excise Act 1901-1923* bound to the Customs of the Commonwealth of Australia in the sum of \_\_\_\_\_

subject only to this condition that if who is an applicant for a Vigneron's Licence under the *Distillation Act 1901-1925* authorizing the Licensee to distil spirits from wine or lees of wine for the purpose of fortifying wine, complies with that Act and any amendment thereof or any Act passed in substitution therefor and the Regulations for the time being in force thereunder so long as he holds a Vigneron's Licence thereunder then this security shall be thereby discharged.\*

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

| Names and Descriptions of Subscribers. | Signatures<br>of<br>Subscribers. | Signatures<br>and Address of<br>Witnesses. |
|----------------------------------------|----------------------------------|--------------------------------------------|
|                                        |                                  |                                            |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as for example, thus:—"The liability of the subscribers is joint only," or, "The liability of (mentioning subscribers) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

## DISTILLATION ACT

Reg. 105.

FORM 15.

Commonwealth of Australia.—*Distillation Act* 1901-1925.

## VIGNERON'S NOTICE-BOOK AND REGISTER.

| Licensee.       |  |                                  |                             |                          |                        | Place.     |    |    |                 |                        |
|-----------------|--|----------------------------------|-----------------------------|--------------------------|------------------------|------------|----|----|-----------------|------------------------|
| Date of Notice. |  | Gallons of Wine to be Distilled. | Percentage of Proof Spirit. | Proof Gallons Distilled. | Proof Gallons Removed. | Duty Paid. |    |    | No. of Receipt. | Signature of Licensee. |
|                 |  |                                  |                             |                          |                        | £          | s. | d. |                 |                        |
|                 |  |                                  |                             |                          |                        |            |    |    |                 |                        |

Form 16  
repealed by  
1954, No. 108.

\* \* \* \* \*

Form 17  
repealed by  
1940, No. 281.

\* \* \* \* \*

Reg. 116.

FORM 18.

Commonwealth of Australia.—*Distillation Act* 1901-1925.

## NOTICE TO USE A STILL, OTHER THAN FOR MAKING SPIRITS.

Place.

/ / Date.

I herewith give you notice that I intend to use a Still, and furnish you with the following particulars:—

- (a) The size or capacity of the Still
- (b) The purpose for which Still is used or is intended to be used
- (c) The place where the Still is used or intended to be used

\* And I forward you security in the sum of \_\_\_\_\_ pounds that the Still shall not be used in distilling spirit.\*

Name.  
Occupation.

The Collector of Customs,

NOTE.—If the Still does not exceed 1 gallon in capacity security is not required, and the words between the asterisks may be struck out.

Reg. 116.

## FORM 19.

Commonwealth of Australia.—*Distillation Act 1901-1925.*ACKNOWLEDGMENT OF NOTICE TO USE A STILL OTHER THAN FOR  
DISTILLING SPIRITS.

Customs House,

/ / 19 .

## Memorandum.

I desire to acknowledge the receipt of your notice, dated  
that you intend to use a Still of                      gallons capacity for the purpose of  
distilling                      at                      \*and also your security that the  
Still shall not be used for distilling spirits.\*

The Still must not be removed, sold, altered, dismantled, or disposed of without  
permission (*Distillation Act 1901-1925*, Section 10).

Collector of Customs.

To

To be kept by person using the Still, and to be produced to an Officer of Customs  
upon demand.

NOTE.—If the Still does not exceed 1 gallon in capacity security is not required,  
and the words between the asterisks are to be struck out.

Reg. 116.

## FORM 20.

Commonwealth of Australia.—*Security to the Customs.*STILLS EXCEEDING ONE GALLON IN CAPACITY OTHER THAN FOR  
DISTILLING SPIRITS.

By this Security the Subscribers are pursuant to the *Distillation Act 1901-1925* and  
the *Excise Act 1901-1923*, bound to the Customs of the Commonwealth of Australia  
in the sum of                      subject only to this condition, that if  
who has, pursuant to Section 11 of the *Distillation Act 1901-1925*, given notice to the  
Collector of Customs for the State of                      that he (a)  
a Still of the size or capacity of                      gallons for the purpose of (b)  
at                      in the said State, shall not use, or suffer or permit any other  
person to use, the said Still for distilling spirits, then this security shall be thereby  
discharged.\*

Dated at                      the                      day of                      19 .

| Names and Descriptions of Subscribers. | Signatures<br>of<br>Subscribers. | Signatures<br>and Addresses<br>of Witnesses. |
|----------------------------------------|----------------------------------|----------------------------------------------|
|                                        |                                  |                                              |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what  
is intended, as for example, thus:—"The liability of the subscribers is joint only," or, "The liability of  
(mentioning subscribers) is limited to (here state amount of limit of liability or mode of ascertaining limit)."

(a) Insert "is using" or "intends to use".

(b) Insert purpose for which the Still is to be used.

Reg. 128.

FORM 21.

Commonwealth of Australia.—*Distillation Act* 1901-1925.

## AUTHORITY TO AGENT TO SIGN DECLARATIONS.

(a) Here insert name of principal. (a) hereby authorizes (b) (whose signature appears below) to sign as its agent forms containing declarations prescribed by the Distillation Regulations 1926 made under the *Distillation Act* 1901-1925.

(b) Here insert name of person authorized.

(c) Here insert "Company," "Corporation," or as the case may be.

Dated the                      day of                      19                      .

In witness whereof the Common Seal of the (c) was affixed hereto in the presence of

To the Collector of Customs at

Signature of person authorized.

Reg. 86.

TABLE A.

SCALE OF ALLOWANCES FOR BONA FIDE WASTE IN SPIRITS  
WAREHOUSED.

For each cask if warehoused over—

|                                |                      |    |                            |
|--------------------------------|----------------------|----|----------------------------|
| 7 days and less than 1 month   | ..                   | .. | 2.0 per cent. proof galls. |
| 1 month and less than 2 months | ..                   | .. | 3.0        "        "      |
| 2        "        "            | 3        "        "  | .. | 3.6        "        "      |
| 3        "        "            | 4        "        "  | .. | 4.4        "        "      |
| 4        "        "            | 5        "        "  | .. | 4.6        "        "      |
| 5        "        "            | 6        "        "  | .. | 4.8        "        "      |
| 6        "        "            | 7        "        "  | .. | 5.0        "        "      |
| 7        "        "            | 8        "        "  | .. | 5.2        "        "      |
| 8        "        "            | 9        "        "  | .. | 5.4        "        "      |
| 9        "        "            | 10        "        " | .. | 5.6        "        "      |
| 10        "        "           | 11        "        " | .. | 5.8        "        "      |
| 11        "        "           | 12        "        " | .. | 6.0        "        "      |
| 12        "        "           | 13        "        " | .. | 6.3        "        "      |
| 13        "        "           | 14        "        " | .. | 6.6        "        "      |
| 14        "        "           | 15        "        " | .. | 6.9        "        "      |
| 15        "        "           | 16        "        " | .. | 7.2        "        "      |
| 16        "        "           | 17        "        " | .. | 7.5        "        "      |
| 17        "        "           | 18        "        " | .. | 7.8        "        "      |
| 18        "        "           | 19        "        " | .. | 8.1        "        "      |
| 19        "        "           | 20        "        " | .. | 8.4        "        "      |
| 20        "        "           | 21        "        " | .. | 8.7        "        "      |
| 21        "        "           | 22        "        " | .. | 9.0        "        "      |
| 22        "        "           | 23        "        " | .. | 9.3        "        "      |
| 23        "        "           | 24        "        " | .. | 9.6        "        "      |
| 24        "        "           | 25        "        " | .. | 9.9        "        "      |
| 25        "        "           | 26        "        " | .. | 10.1        "        "     |
| 26        "        "           | 27        "        " | .. | 10.3        "        "     |
| 27        "        "           | 28        "        " | .. | 10.5        "        "     |
| 28        "        "           | 29        "        " | .. | 10.7        "        "     |
| 29        "        "           | 30        "        " | .. | 10.9        "        "     |
| 30        "        "           | 31        "        " | .. | 11.1        "        "     |
| 31        "        "           | 32        "        " | .. | 11.3        "        "     |
| 32        "        "           | 33        "        " | .. | 11.5        "        "     |
| 33        "        "           | 34        "        " | .. | 11.7        "        "     |
| 34        "        "           | 35        "        " | .. | 11.9        "        "     |
| 35        "        "           | 36        "        " | .. | 12.0        "        "     |
| For each additional month      | ..                   | .. | 0.1        "        "      |

When the waste exceeds the above authorized scale of allowances the matter must be referred to the Collector.

Table B  
repealed by  
1954, No. 108.

Reg. 126.

TABLE C.

## TABLE FOR DETERMINING THE WEIGHT PER GALLON OF SPIRITS BY SIKES' HYDROMETER.

1. Spirits which on Sikes' Hydrometer indicate a number in Column A must be taken to be of the weight per gallon in pounds and decimal parts of a pound of spirits indicated by the corresponding number in Column B.

2. To ascertain the quantity of spirits in cask their net weight must be divided by the number which in Column B indicates their weight per gallon and the product will be the quantity of the spirits in gallons and decimal parts of a gallon.

| Column<br>A.<br>—                      | Column<br>B.<br>—     | Column<br>A.<br>—                      | Column<br>B.<br>—     | Column<br>A.<br>—                      | Column<br>B.<br>—     | Column<br>A.<br>—                      | Column<br>B.<br>—     | Column<br>A.<br>—                      | Column<br>B.<br>—     |
|----------------------------------------|-----------------------|----------------------------------------|-----------------------|----------------------------------------|-----------------------|----------------------------------------|-----------------------|----------------------------------------|-----------------------|
| Indication<br>on Sikes'<br>Hydrometer. | Weight<br>per Gallon. | Indication<br>on Sikes'<br>Hydrometer. | Weight<br>per Gallon. | Indication<br>on Sikes'<br>Hydrometer. | Weight<br>per Gallon. | Indication<br>on Sikes'<br>Hydrometer. | Weight<br>per Gallon. | Indication<br>on Sikes'<br>Hydrometer. | Weight<br>per Gallon. |
| 0.                                     | 8.157                 |                                        |                       |                                        |                       |                                        |                       |                                        |                       |
| .2                                     | 8.160                 |                                        |                       |                                        |                       |                                        |                       |                                        |                       |
| .4                                     | 8.164                 | 9.                                     | 8.310                 | 18.                                    | 8.463                 | 27.                                    | 8.620                 | 36.                                    | 8.780                 |
| .6                                     | 8.167                 | .2                                     | 8.313                 | .2                                     | 8.467                 | .2                                     | 8.624                 | .2                                     | 8.784                 |
| .8                                     | 8.171                 | .4                                     | 8.316                 | .4                                     | 8.470                 | .4                                     | 8.627                 | .4                                     | 8.787                 |
| 1.                                     | 8.174                 | .6                                     | 8.320                 | .6                                     | 8.474                 | .6                                     | 8.631                 | .6                                     | 8.791                 |
| .2                                     | 8.177                 | .8                                     | 8.323                 | .8                                     | 8.477                 | .8                                     | 8.634                 | .8                                     | 8.794                 |
| .4                                     | 8.180                 | 10.                                    | 8.326                 | 19.                                    | 8.481                 | 28.                                    | 8.638                 | 37.                                    | 8.798                 |
| .6                                     | 8.184                 | .2                                     | 8.329                 | .2                                     | 8.484                 | .2                                     | 8.642                 | .2                                     | 8.802                 |
| .8                                     | 8.187                 | .4                                     | 8.332                 | .4                                     | 8.488                 | .4                                     | 8.645                 | .4                                     | 8.805                 |
| 2.                                     | 8.190                 | .6                                     | 8.336                 | .6                                     | 8.491                 | .6                                     | 8.649                 | .6                                     | 8.809                 |
| .2                                     | 8.193                 | .8                                     | 8.339                 | .8                                     | 8.495                 | .8                                     | 8.652                 | .8                                     | 8.812                 |
| .4                                     | 8.197                 | 11.                                    | 8.342                 | 20.                                    | 8.498                 | 29.                                    | 8.656                 | 38.                                    | 8.816                 |
| .6                                     | 8.200                 | .2                                     | 8.345                 | .2                                     | 8.501                 | .2                                     | 8.660                 | .2                                     | 8.820                 |
| .8                                     | 8.204                 | .4                                     | 8.349                 | .4                                     | 8.504                 | .4                                     | 8.663                 | .4                                     | 8.823                 |
| 3.                                     | 8.207                 | .6                                     | 8.352                 | .6                                     | 8.508                 | .6                                     | 8.667                 | .6                                     | 8.827                 |
| .2                                     | 8.210                 | .8                                     | 8.356                 | .8                                     | 8.511                 | .8                                     | 8.670                 | .8                                     | 8.830                 |
| .4                                     | 8.214                 | 12.                                    | 8.359                 | 21.                                    | 8.514                 | 30.                                    | 8.674                 | 39.                                    | 8.834                 |
| .6                                     | 8.217                 | .2                                     | 8.362                 | .2                                     | 8.518                 | .2                                     | 8.677                 | .2                                     | 8.838                 |
| .8                                     | 8.221                 | .4                                     | 8.366                 | .4                                     | 8.521                 | .4                                     | 8.680                 | .4                                     | 8.841                 |
| 4.                                     | 8.224                 | .6                                     | 8.369                 | .6                                     | 8.525                 | .6                                     | 8.684                 | .6                                     | 8.845                 |
| .2                                     | 8.227                 | .8                                     | 8.373                 | .8                                     | 8.528                 | .8                                     | 8.687                 | .8                                     | 8.848                 |
| .4                                     | 8.231                 | 13.                                    | 8.376                 | 22.                                    | 8.532                 | 31.                                    | 8.690                 | 40.                                    | 8.852                 |
| .6                                     | 8.234                 | .2                                     | 8.380                 | .2                                     | 8.535                 | .2                                     | 8.694                 | .2                                     | 8.855                 |
| .8                                     | 8.238                 | .4                                     | 8.383                 | .4                                     | 8.539                 | .4                                     | 8.697                 | .4                                     | 8.859                 |
| 5.                                     | 8.241                 | .6                                     | 8.387                 | .6                                     | 8.542                 | .6                                     | 8.701                 | .6                                     | 8.862                 |
| .2                                     | 8.244                 | .8                                     | 8.390                 | .8                                     | 8.546                 | .8                                     | 8.704                 | .8                                     | 8.866                 |
| .4                                     | 8.248                 | 14.                                    | 8.394                 | 23.                                    | 8.549                 | 32.                                    | 8.708                 | 41.                                    | 8.869                 |
| .6                                     | 8.251                 | .2                                     | 8.397                 | .2                                     | 8.553                 | .2                                     | 8.712                 | .2                                     | 8.873                 |
| .8                                     | 8.255                 | .4                                     | 8.401                 | .4                                     | 8.556                 | .4                                     | 8.715                 | .4                                     | 8.876                 |
| 6.                                     | 8.258                 | .6                                     | 8.404                 | .6                                     | 8.560                 | .6                                     | 8.719                 | .6                                     | 8.880                 |
| .2                                     | 8.261                 | .8                                     | 8.408                 | .8                                     | 8.563                 | .8                                     | 8.722                 | .8                                     | 8.883                 |
| .4                                     | 8.265                 | 15.                                    | 8.411                 | 24.                                    | 8.567                 | 33.                                    | 8.726                 | 42.                                    | 8.887                 |
| .6                                     | 8.268                 | .2                                     | 8.414                 | .2                                     | 8.571                 | .2                                     | 8.730                 | .2                                     | 8.891                 |
| .8                                     | 8.272                 | .4                                     | 8.418                 | .4                                     | 8.574                 | .4                                     | 8.733                 | .4                                     | 8.894                 |
| 7.                                     | 8.275                 | .6                                     | 8.421                 | .6                                     | 8.578                 | .6                                     | 8.737                 | .6                                     | 8.898                 |
| .2                                     | 8.279                 | .8                                     | 8.425                 | .8                                     | 8.581                 | .8                                     | 8.740                 | .8                                     | 8.901                 |
| .4                                     | 8.282                 | 16.                                    | 8.428                 | 25.                                    | 8.585                 | 34.                                    | 8.744                 | 43.                                    | 8.905                 |
| .6                                     | 8.286                 | .2                                     | 8.432                 | .2                                     | 8.588                 | .2                                     | 8.748                 | .2                                     | 8.909                 |
| .8                                     | 8.289                 | .4                                     | 8.435                 | .4                                     | 8.592                 | .4                                     | 8.751                 | .4                                     | 8.913                 |
| 8.                                     | 8.293                 | .6                                     | 8.439                 | .6                                     | 8.595                 | .6                                     | 8.755                 | .6                                     | 8.916                 |
| .2                                     | 8.296                 | .8                                     | 8.442                 | .8                                     | 8.599                 | .8                                     | 8.758                 | .8                                     | 8.920                 |
| .4                                     | 8.300                 | 17.                                    | 8.446                 | 26.                                    | 8.602                 | 35.                                    | 8.762                 | 44.                                    | 8.924                 |
| .6                                     | 8.303                 | .2                                     | 8.449                 | .2                                     | 8.606                 | .2                                     | 8.766                 | .2                                     | 8.928                 |
| .8                                     | 8.307                 | .4                                     | 8.453                 | .4                                     | 8.609                 | .4                                     | 8.769                 | .4                                     | 8.931                 |
|                                        |                       | .6                                     | 8.456                 | .6                                     | 8.613                 | .6                                     | 8.773                 | .6                                     | 8.935                 |
|                                        |                       | .8                                     | 8.460                 | .8                                     | 8.616                 | .8                                     | 8.776                 | .8                                     | 8.938                 |

TABLE C—*continued.*

TABLE FOR DETERMINING THE WEIGHT PER GALLON OF SPIRITS BY SIKES' HYDROMETER—*continued.*

| Column<br>A.                           | Column<br>B.          | Column<br>A.                           | Column<br>B.          | Column<br>A.                           | Column<br>B.          | Column<br>A.                           | Column<br>B.          | Column<br>A.                           | Column<br>B.          |
|----------------------------------------|-----------------------|----------------------------------------|-----------------------|----------------------------------------|-----------------------|----------------------------------------|-----------------------|----------------------------------------|-----------------------|
| Indication<br>on Sikes'<br>Hydrometer. | Weight<br>per Gallon. | Indication<br>on Sikes'<br>Hydrometer. | Weight<br>per Gallon. | Indication<br>on Sikes'<br>Hydrometer. | Weight<br>per Gallon. | Indication<br>on Sikes'<br>Hydrometer. | Weight<br>per Gallon. | Indication<br>on Sikes'<br>Hydrometer. | Weight<br>per Gallon. |
| 45.                                    | 8.942                 | 56.                                    | 9.145                 | 67.                                    | 9.352                 | 78.                                    | 9.565                 | 89.                                    | 9.781                 |
| .2                                     | 8.946                 | .2                                     | 9.149                 | .2                                     | 9.356                 | .2                                     | 9.569                 | .2                                     | 9.785                 |
| .4                                     | 8.949                 | .4                                     | 9.153                 | .4                                     | 9.360                 | .4                                     | 9.573                 | .4                                     | 9.789                 |
| .6                                     | 8.953                 | .6                                     | 9.156                 | .6                                     | 9.363                 | .6                                     | 9.576                 | .6                                     | 9.793                 |
| .8                                     | 8.956                 | .8                                     | 9.160                 | .8                                     | 9.367                 | .8                                     | 9.580                 | .8                                     | 9.797                 |
| 46.                                    | 8.960                 | 57.                                    | 9.164                 | 68.                                    | 9.371                 | 79.                                    | 9.584                 | 90.                                    | 9.801                 |
| .2                                     | 8.964                 | .2                                     | 9.168                 | .2                                     | 9.375                 | .2                                     | 9.588                 | .2                                     | 9.805                 |
| .4                                     | 8.968                 | .4                                     | 9.172                 | .4                                     | 9.379                 | .4                                     | 9.592                 | .4                                     | 9.809                 |
| .6                                     | 8.971                 | .6                                     | 9.175                 | .6                                     | 9.382                 | .6                                     | 9.596                 | .6                                     | 9.813                 |
| .8                                     | 8.975                 | .8                                     | 9.179                 | .8                                     | 9.386                 | .8                                     | 9.600                 | .8                                     | 9.817                 |
| 47.                                    | 8.979                 | 58.                                    | 9.183                 | 69.                                    | 9.390                 | 80.                                    | 9.604                 | 91.                                    | 9.821                 |
| .2                                     | 8.983                 | .2                                     | 9.187                 | .2                                     | 9.394                 | .2                                     | 9.608                 | .2                                     | 9.825                 |
| .4                                     | 8.986                 | .4                                     | 9.191                 | .4                                     | 9.398                 | .4                                     | 9.612                 | .4                                     | 9.829                 |
| .6                                     | 8.990                 | .6                                     | 9.194                 | .6                                     | 9.402                 | .6                                     | 9.616                 | .6                                     | 9.832                 |
| .8                                     | 8.993                 | .8                                     | 9.198                 | .8                                     | 9.406                 | .8                                     | 9.620                 | .8                                     | 9.836                 |
| 48.                                    | 8.997                 | 59.                                    | 9.202                 | 70.                                    | 9.410                 | 81.                                    | 9.624                 | 92.                                    | 9.840                 |
| .2                                     | 9.001                 | .2                                     | 9.206                 | .2                                     | 9.414                 | .2                                     | 9.628                 | .2                                     | 9.844                 |
| .4                                     | 9.005                 | .4                                     | 9.209                 | .4                                     | 9.418                 | .4                                     | 9.632                 | .4                                     | 9.848                 |
| .6                                     | 9.008                 | .6                                     | 9.213                 | .6                                     | 9.422                 | .6                                     | 9.635                 | .6                                     | 9.852                 |
| .8                                     | 9.012                 | .8                                     | 9.216                 | .8                                     | 9.426                 | .8                                     | 9.639                 | .8                                     | 9.856                 |
| 49.                                    | 9.016                 | 60.                                    | 9.220                 | 71.                                    | 9.430                 | 82.                                    | 9.643                 | 93.                                    | 9.860                 |
| .2                                     | 9.020                 | .2                                     | 9.224                 | .2                                     | 9.434                 | .2                                     | 9.647                 | .2                                     | 9.864                 |
| .4                                     | 9.034                 | .4                                     | 9.228                 | .4                                     | 9.438                 | .4                                     | 9.651                 | .4                                     | 9.868                 |
| .6                                     | 9.027                 | .6                                     | 9.231                 | .6                                     | 9.441                 | .6                                     | 9.654                 | .6                                     | 9.872                 |
| .8                                     | 9.031                 | .8                                     | 9.235                 | .8                                     | 9.445                 | .8                                     | 9.658                 | .8                                     | 9.876                 |
| 50.                                    | 9.035                 | 61.                                    | 9.239                 | 72.                                    | 9.449                 | 83.                                    | 9.662                 | 94.                                    | 9.880                 |
| .2                                     | 9.038                 | .2                                     | 9.243                 | .2                                     | 9.453                 | .2                                     | 9.666                 | .2                                     | 9.884                 |
| .4                                     | 9.042                 | .4                                     | 9.246                 | .4                                     | 9.457                 | .4                                     | 9.670                 | .4                                     | 9.888                 |
| .6                                     | 9.045                 | .6                                     | 9.250                 | .6                                     | 9.460                 | .6                                     | 9.674                 | .6                                     | 9.892                 |
| .8                                     | 9.049                 | .8                                     | 9.253                 | .8                                     | 9.464                 | .8                                     | 9.678                 | .8                                     | 9.896                 |
| 51.                                    | 9.052                 | 62.                                    | 9.257                 | 73.                                    | 9.468                 | 84.                                    | 9.682                 | 95.                                    | 9.900                 |
| .2                                     | 9.056                 | .2                                     | 9.261                 | .2                                     | 9.472                 | .2                                     | 9.686                 | .2                                     | 9.904                 |
| .4                                     | 9.060                 | .4                                     | 9.265                 | .4                                     | 9.476                 | .4                                     | 9.690                 | .4                                     | 9.908                 |
| .6                                     | 9.063                 | .6                                     | 9.268                 | .6                                     | 9.479                 | .6                                     | 9.694                 | .6                                     | 9.912                 |
| .8                                     | 9.067                 | .8                                     | 9.272                 | .8                                     | 9.483                 | .8                                     | 9.698                 | .8                                     | 9.916                 |
| 52.                                    | 9.071                 | 63.                                    | 9.276                 | 74.                                    | 9.487                 | 85.                                    | 9.702                 | 96.                                    | 9.920                 |
| .2                                     | 9.075                 | .2                                     | 9.280                 | .2                                     | 9.491                 | .2                                     | 9.706                 | .2                                     | 9.924                 |
| .4                                     | 9.078                 | .4                                     | 9.284                 | .4                                     | 9.495                 | .4                                     | 9.710                 | .4                                     | 9.928                 |
| .6                                     | 9.082                 | .6                                     | 9.287                 | .6                                     | 9.498                 | .6                                     | 9.713                 | .6                                     | 9.932                 |
| .8                                     | 9.085                 | .8                                     | 9.291                 | .8                                     | 9.502                 | .8                                     | 9.717                 | .8                                     | 9.936                 |
| 53.                                    | 9.089                 | 64.                                    | 9.295                 | 75.                                    | 9.506                 | 86.                                    | 9.721                 | 97.                                    | 9.940                 |
| .2                                     | 9.093                 | .2                                     | 9.299                 | .2                                     | 9.510                 | .2                                     | 9.725                 | .2                                     | 9.944                 |
| .4                                     | 9.097                 | .4                                     | 9.303                 | .4                                     | 9.514                 | .4                                     | 9.729                 | .4                                     | 9.948                 |
| .6                                     | 9.100                 | .6                                     | 9.306                 | .6                                     | 9.518                 | .6                                     | 9.733                 | .6                                     | 9.953                 |
| .8                                     | 9.104                 | .8                                     | 9.310                 | .8                                     | 9.522                 | .8                                     | 9.737                 | .8                                     | 9.957                 |
| 54.                                    | 9.108                 | 65.                                    | 9.314                 | 76.                                    | 9.526                 | 87.                                    | 9.741                 | 98.                                    | 9.961                 |
| .2                                     | 9.112                 | .2                                     | 9.318                 | .2                                     | 9.530                 | .2                                     | 9.745                 | .2                                     | 9.965                 |
| .4                                     | 9.115                 | .4                                     | 9.322                 | .4                                     | 9.534                 | .4                                     | 9.749                 | .4                                     | 9.969                 |
| .6                                     | 9.119                 | .6                                     | 9.325                 | .6                                     | 9.537                 | .6                                     | 9.753                 | .6                                     | 9.973                 |
| .8                                     | 9.122                 | .8                                     | 9.329                 | .8                                     | 9.541                 | .8                                     | 9.757                 | .8                                     | 9.977                 |
| 55.                                    | 9.126                 | 66.                                    | 9.333                 | 77.                                    | 9.545                 | 88.                                    | 9.761                 | 99.                                    | 9.981                 |
| .2                                     | 9.130                 | .2                                     | 9.337                 | .2                                     | 9.549                 | .2                                     | 9.765                 | .2                                     | 9.985                 |
| .4                                     | 9.134                 | .4                                     | 9.341                 | .4                                     | 9.553                 | .4                                     | 9.769                 | .4                                     | 9.989                 |
| .6                                     | 9.137                 | .6                                     | 9.344                 | .6                                     | 9.557                 | .6                                     | 9.773                 | .6                                     | 9.993                 |
| .8                                     | 9.141                 | .8                                     | 9.348                 | .8                                     | 9.561                 | .8                                     | 9.777                 | .8                                     | 9.997                 |
|                                        |                       |                                        |                       |                                        |                       |                                        |                       | 100.                                   | 10.001                |



Reg. 126.

TABLE D.

TABLE FOR DETERMINING THE WEIGHT PER GALLON OF SPIRITS BY  
SIKES' NEGATIVE OR EXTENDED HYDROMETER.

| Hydrometer Indication. | Lbs. per Gallon. | Hydrometer Indication. | Lbs. per Gallon. |
|------------------------|------------------|------------------------|------------------|
| ·0                     | 7·991            | 5·2                    | 8·076            |
| ·2                     | 7·994            | 5·4                    | 8·080            |
| ·4                     | 7·997            | 5·6                    | 8·083            |
| ·6                     | 8·001            | 5·8                    | 8·087            |
| ·8                     | 8·004            | 6·0                    | 8·090            |
| 1·0                    | 8·007            | 6·2                    | 8·093            |
| 1·2                    | 8·010            | 6·4                    | 8·097            |
| 1·4                    | 8·014            | 6·6                    | 8·100            |
| 1·6                    | 8·017            | 6·8                    | 8·104            |
| 1·8                    | 8·021            | 7·0                    | 8·107            |
| 2·0                    | 8·024            | 7·2                    | 8·110            |
| 2·2                    | 8·027            | 7·4                    | 8·113            |
| 2·4                    | 8·030            | 7·6                    | 8·117            |
| 2·6                    | 8·034            | 7·8                    | 8·120            |
| 2·8                    | 8·037            | 8·0                    | 8·123            |
| 3·0                    | 8·040            | 8·2                    | 8·126            |
| 3·2                    | 8·043            | 8·4                    | 8·130            |
| 3·4                    | 8·047            | 8·6                    | 8·133            |
| 3·6                    | 8·050            | 8·8                    | 8·137            |
| 3·8                    | 8·054            | 9·0                    | 8·140            |
| 4·0                    | 8·057            | 9·2                    | 8·143            |
| 4·2                    | 8·060            | 9·4                    | 8·147            |
| 4·4                    | 8·063            | 9·6                    | 8·150            |
| 4·6                    | 8·067            | 9·8                    | 8·154            |
| 4·8                    | 8·070            | 10·0                   | 8·157            |
| 5·0                    | 8·073            |                        |                  |

## DRIED FRUITS EXPORT CHARGES ACT 1924-1929

## DRIED FRUITS EXPORT CHARGES REGULATIONS.\*

- Citation.** 1. These Regulations may be cited as the Dried Fruits Export Charges Regulations.\*
- Commencement.** 2. These Regulations shall come into operation on the first day of March, 1957.
- Repeal.** 3. The Dried Fruits Export Charges Regulations (comprising Statutory Rules 1954, No. 127; and Statutory Rules 1955, No. 89) are repealed.
- Definition.** 4. In these Regulations, "the Act" means the *Dried Fruits Export Charges Act 1924-1929*.
- Rate of charge.** 5. For the purposes of sub-section (2.) of section 3 of the Act, on or after the first day of March, 1957, the rate of the charge in respect of dried currants, dried sultanas or dried lexias is Ninepence for each hundredweight of currants, sultanas or lexias, as the case may be, exported.
- Officer to whom moneys to be paid.** 6. For the purposes of sub-section (3.) of section 3 of the Act, the officer holding, occupying or performing the duties of an office designated in the first column of the following table is, in respect of the State the name of which appears opposite to that designation in the second column of that table, a prescribed officer:—

| Designation of Office.                                                        | State.            |
|-------------------------------------------------------------------------------|-------------------|
| Collector of Public Moneys, Department of Primary Industry, Sydney .. .. .    | New South Wales   |
| Collector of Public Moneys, Department of Primary Industry, Melbourne .. .. . | Victoria          |
| Collector of Public Moneys, Department of Primary Industry, Brisbane .. .. .  | Queensland        |
| Collector of Customs, Adelaide .. .. .                                        | South Australia   |
| Collector of Customs, Perth .. .. .                                           | Western Australia |
| Collector of Customs, Hobart .. .. .                                          | Tasmania          |

\* Statutory Rules 1956, No. 85; in force under the *Dried Fruits Export Charges Act 1924-1929*; notified in the *Gazette* on 6th December, 1956; date of commencement—1st March, 1957 (Reg. 2).

The form of introductory words used to make this Statutory Rule was as follows:—

"WHEREAS by section 4 of the *Dried Fruits Export Charges Act 1924-1929* it is provided that the Governor-General may, after report to the Minister by the Dried Fruits Control Board constituted under the *Dried Fruits Export Control Act 1924-1953*, make Regulations prescribing a lower rate of the charge imposed on dried currants, dried sultanas or dried lexias exported from the Commonwealth on or after such date as is specified in the Regulations, not being earlier than the first day of March, One thousand nine hundred and twenty-seven:

And whereas the Dried Fruits Control Board has reported to the Minister that the rate of the charge imposed on dried currants, dried sultanas and dried lexias exported from the Commonwealth on or after the first day of March, One thousand nine hundred and fifty-seven, should be as prescribed by the following Regulations, being a rate lower than the rate imposed by the *Dried Fruits Export Charges Act 1924-1929*:

Now therefore 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 *Dried Fruits Export Charges Act 1924-1929*."

## DRIED FRUITS EXPORT CONTROL ACT 1924-1953

|                                                                     | Page. |
|---------------------------------------------------------------------|-------|
| DRIED FRUITS EXPORT CONTROL (BANKING) REGULATIONS ..                | 2307  |
| DRIED FRUITS EXPORT CONTROL (ELECTION OF BOARD) REGULATIONS .. .. . | 2309  |
| DRIED FRUITS EXPORT CONTROL (LICENCES) REGULATIONS ..               | 2323  |

## DRIED FRUITS EXPORT CONTROL (BANKING) REGULATIONS.\*

1. These Regulations may be cited as the Dried Fruits Export Control (Banking) Regulations.\* Citation.

2. In these Regulations, unless the contrary intention appears— Definitions.

“the Accountant of the Board” means the person employed under section 12 of the Act as the Accountant in the Board’s office;

“the Accountant of the London Agency” means the person employed under section 12 of the Act as the Accountant in the office of the London Agency;

“the Act” means the *Dried Fruits Export Control Act 1924-1953*;

“the Economic Adviser” means the person employed under section 12 of the Act as the Economic Adviser to the Board;

“the Manager” means the person employed under section 12 of the Act as the Manager of the London Agency;

“the Secretary” means the person employed under section 12 of the Act as the Secretary to the Board;

“the Technical Officer” means the person employed under section 12 of the Act as the Technical Officer of the London Agency.

\* Statutory Rules 1955, No. 39; in force under the *Dried Fruits Export Control Act 1924-1953*; notified in the *Gazette* and commenced on 1st June, 1955.

Signing of  
cheques on  
Australian  
Account.

3.—(1.) Cheques drawn on the Dried Fruits Export Fund Account, being an account opened and maintained by the Board with the Commonwealth Trading Bank of Australia under section 22 of the Act, shall be signed in accordance with this regulation.

(2.) If the amount of the cheque exceeds Two hundred pounds in Australian currency, the cheque shall be signed by any two of the following:—

- (a) the Chairman of the Board;
- (b) a member of the Board;
- (c) the Secretary to the Board.

(3.) If the amount of the cheque does not exceed Two hundred pounds in Australian currency, the cheque shall be signed by any two of the following:—

- (a) the Chairman of the Board;
- (b) a member of the Board;
- (c) the Secretary to the Board;
- (d) the Accountant of the Board;
- (e) the Economic Adviser to the Board.

Signing of  
cheques on  
London  
Accounts.

4.—(1.) Cheques drawn on the London Agency Export Fund Account or the London Agency Fumigation Account, each being an account opened and maintained by the Board with the Commonwealth Trading Bank of Australia under section 22 of the Act, shall be signed in accordance with this regulation.

(2.) If the amount of the cheque exceeds Two hundred pounds sterling, the cheque shall be signed by any two of the following:—

- (a) the Chairman of the London Agency;
- (b) a member of the London Agency;
- (c) the Manager of the London Agency;
- (d) the Technical Officer of the London Agency.

(3.) If the amount of the cheque does not exceed Two hundred pounds sterling, the cheque shall be signed by any two of the following:—

- (a) the Chairman of the London Agency;
- (b) a member of the London Agency;
- (c) the Manager of the London Agency;
- (d) the Technical Officer of the London Agency;
- (e) the Accountant of the London Agency.

Prescribed  
Bank.

5. The Commonwealth Trading Bank of Australia is a prescribed bank for the purposes of sections 22 and 24 of the Act.

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## DRIED FRUITS EXPORT CONTROL (ELECTION OF BOARD) REGULATIONS.\*

### PART I.—PRELIMINARY.

1. These Regulations may be cited as the Dried Fruits Export Control (Election of Board) Regulations.\*

2. The Dried Fruits Export Control (Election of Board) Regulations (being Statutory Rules 1924, No. 203, as amended by Statutory Rules 1925, No. 13; 1926 No. 149; 1927 No. 2; 1928 No. 112; 1930 No. 117; and 1932 No. 118) are hereby repealed.

3. These Regulations are divided into Parts, as follows†:—

Parts.

- Part I.—Preliminary.
- Part II.—Enrolment of voters.
- Part III.—Nominations.
- Part IV.—Voting.
- Part V.—Scrutiny.
- Part VI.—Disputed elections.
- Part VII.—Miscellaneous.

4.—(1.) In these Regulations, unless the contrary intention appears—

Interpretation.

- “candidate” means a candidate nominated for election as a member of the Board;
- “Deputy Returning Officer” means a Deputy Returning Officer appointed under regulation 5;
- “election” means an election by growers in accordance with these Regulations of a person to be the member representing growers in a State referred to in paragraphs (b), (c), (d) or (e) of sub-section (2.) of section 4 of the Act;
- “member” means a member of the Board;
- “poll” means a poll taken in pursuance of regulation 16;
- “Returning Officer” means a Returning Officer appointed under these Regulations and includes a Deputy Returning Officer;
- “roll” means a roll prepared in pursuance of these Regulations;
- “the Act” means the *Dried Fruits Export Control Act 1924-1952*;
- “the Chief Electoral Officer” means the Chief Electoral Officer for the Commonwealth;
- “voter” means a person whose name has been placed on a roll.

Sub-reg. (1.)  
amended by  
1952, No. 99.

\* The Dried Fruits Export Control (Election of Board) Regulations, in force under the *Dried Fruits Export Control Act 1924-1953*, comprise the following Statutory Rules:—

| Year and Number.      | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|-----------------------|----------------------------------------------------------------|
| 1936, No. 151 .. .. . | 12th November, 1936                                            |
| 1952, No. 99 .. .. .  | 13th November, 1952                                            |
| 1955, No. 77 .. .. .  | 10th November, 1955                                            |

† The regulations contained in the various Parts of these Regulations are as follows:—

- Part I., rr. 1-6;
- Part II., rr. 7-9;
- Part III., rr. 10-16;
- Part IV., rr. 17-24;
- Part V., rr. 25-38;
- Part VI., rr. 39-54;
- Part VII., rr. 55-62.

(2.) In these Regulations, any reference to a regulation shall be read as a reference to a regulation contained in these Regulations, and any reference to a Form shall be read as a reference to a Form contained in the Schedule to these Regulations.

Returning  
Officer and  
Deputy  
Returning  
Officers.

**5.—**(1.) The Chief Electoral Officer shall be the Returning Officer for the purpose of each election and shall be charged with the duty of giving effect to the provisions of these Regulations in so far as they relate to the election.

(2.) The Returning Officer may appoint Deputy Returning Officers, who may, subject to the control of the Returning Officer, exercise all the powers of the Returning Officer.

Election.

**6.** Elections shall be held whenever the Minister so directs by notice published in the *Gazette*.

#### PART II.—ENROLMENT OF VOTERS.

Preparation of  
rolls.

**7.** The Returning Officer shall prepare or cause to be prepared, in respect of each election, a roll or rolls of growers who are entitled to vote at that election.

Roll to be used  
at election.

**8.** Each roll shall be certified by the Returning Officer, by writing under his hand, to be correct, and shall thereupon be conclusive evidence of the right of the persons named therein to vote at the election.

Persons entitled  
to vote.

**9.** A grower shall not be entitled to vote at an election unless his name appears on the roll prepared in respect of that election.

#### PART III.—NOMINATIONS.

Candidates  
must be  
nominated.

**10.** A person shall not be capable of being elected as a member of the Board unless that person has been duly nominated.

Mode of  
nomination.  
Substituted by  
1952, No. 99.

**11.—**(1.) A nomination for the election of a member may be in accordance with Form A.

(2.) A nomination shall be signed by at least ten persons entitled to vote at the election.

(3.) Each person signing a nomination shall sign in the presence of a witness.

Requisites for  
nomination.  
Sub-reg. (1.)  
amended by  
1952, No. 99.

**12.—**(1.) A nomination shall not be valid unless—

(a) the person nominated consents in writing in the presence of a witness to his nomination as a candidate; and

(b) the nomination is received by the Returning Officer or Deputy Returning Officer on or before the date, or later date (if any), fixed by the Minister in pursuance of this regulation.

(2.) The Minister shall fix a date on or before which nominations shall be lodged, and, if, at any time after fixing that date, the Minister is satisfied that circumstances exist which render it necessary or desirable to alter the date so fixed, the Minister may fix a later date on or before which nominations shall be lodged, and that later date shall be substituted for the date originally fixed.

(3.) The Minister shall notify in the *Gazette* the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation, and the address of the Returning Officer, or Deputy Returning Officer, as the case may be, with whom the nominations are to be lodged.

13. The consent of the person nominated to act, if elected, shall be sufficient if he signs the form of consent at the foot of the nomination paper, but the Returning Officer or Deputy Returning Officer may accept any other form of consent whether accompanying the nomination paper or not, that he deems satisfactory, and that acceptance shall be final.

Form of consent.

14. As soon as practicable after the date fixed by the Minister as the last date for receiving nominations, the Returning Officer shall publish in the *Gazette* the name, place of residence, and occupation of each person nominated.

Declaration of nominations.

15. Any candidate may withdraw his consent to his nomination at any time on or before the date fixed for receiving nominations, by lodging with the Returning Officer or the Deputy Returning Officer with whom his nomination was lodged a notice of withdrawal bearing his personal signature and witnessed by a Justice of the Peace.

Withdrawal of consent to nominate.

16.—(1.) If the number of candidates nominated in respect of any election is not greater than the number of candidates required to be elected, the Returning Officer shall declare the candidate or candidates nominated duly elected and shall publish notice thereof in the *Gazette*.

Proceedings on nomination day.

(2.) If the number of candidates nominated in respect of any election is greater than the number of candidates required to be elected a poll shall be taken to decide the election.

#### PART IV.—VOTING.

17. Voting at a poll shall be carried out by post.

Voting to be by post.

18. Each voter shall be entitled to one vote only in respect of any election.

Number of votes.

19.—(1.) The Minister shall fix a date on which the poll shall close, and if, at any time after fixing that date, the Minister is satisfied that circumstances exist which render it necessary or desirable to alter the date so fixed, the Minister may fix a later date as the date on which the poll shall close, and that later date shall be substituted for the day originally fixed.

Date of close of poll.

(2.) The Minister shall notify in the *Gazette* the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation.

(3.) The poll shall close at four o'clock in the afternoon on the date fixed by the Minister in accordance with this regulation.

20.—(1.) As soon as practicable after the date for the close of the poll has been fixed, the Returning Officer shall transmit by post to each voter a ballot-paper, together with an envelope having printed thereon a form of declaration in accordance with Form B.

Voting papers and form of declaration.

(2.) A ballot-paper may be in accordance with Form C.

(3.) The names of candidates shall be set out on the ballot-papers in such order and with such descriptions or additions (if any) as the Returning Officer thinks fit.

Particulars to be inserted in voting papers and declarations.

21. Before posting the ballot-papers and envelopes bearing the voters' forms of declaration, the Returning Officer shall insert in each ballot-paper in the space provided for the purpose, the date fixed for the close of the poll, and shall initial each ballot-paper in the space provided for the purpose and, in the form of declaration on each envelope he shall insert—

- (a) the Christian names in full (if known), or the initials, and the surname of the voter;
- (b) the place of residence or place of business of the voter; and
- (c) the date fixed for the close of the poll.

Voter to make declaration.

Amended by 1955, No. 77.

22. Each voter shall sign in his own handwriting the declaration on the envelope in the presence of a person enrolled as an elector under the *Commonwealth Electoral Act* 1918-1953, who shall sign his name in his own handwriting in the place provided for the purpose and add his address and the date on which the declaration is witnessed.

Manner of voting.

23. Each voter shall record his vote in accordance with the directions set out on the ballot-paper, and shall send the envelope containing the ballot-paper, by post or otherwise, to the Returning Officer to whom the envelope is addressed.

Ballot-papers not received or lost or destroyed.

24. If a voter makes and transmits to the Returning Officer a statement in writing setting out his full name and address and that he has not received a ballot-paper or envelope, or that any ballot-paper or envelope received by him has been lost or destroyed, and that he has not already voted at the poll, the Returning Officer or Deputy Returning Officer may post to the voter a ballot-paper and envelope, or a further ballot-paper and envelope, as the case may be.

#### PART V.—SCRUTINY.

Ballot-papers to be kept in ballot-box under scrutiny.

25.—(1.) The Returning Officer shall, in respect of each election—

- (a) keep a locked and sealed ballot-box having marked thereon the words "Dried Fruits Control Board Ballot-Box—Ballot-papers received from Voters", and such additional words as are in his opinion necessary to indicate the particular election for which the ballot-box is to be used; and
- (b) place and keep in the ballot-box until the scrutiny all envelopes containing ballot-papers relating to that election which are received by him before the time fixed for the close of the poll.

(2.) Where the envelope containing any ballot-paper is posted to the Returning Officer, but the postage thereon is wholly unpaid or insufficiently prepaid, the Returning Officer shall refuse to accept that envelope and ballot-paper, and that envelope and ballot-paper shall be deemed not to have been received by the Returning Officer within the meaning of this regulation.



**26.**—A ballot-paper received by the Returning Officer after four o'clock in the afternoon of the day fixed for the close of the poll shall not be admitted to the scrutiny.

Ballot-papers  
received after  
close of poll.

**27.** Each candidate may, by notice in writing signed by the candidate or by telegram, addressed to the Returning Officer and setting out the name and address of the scrutineer, appoint one scrutineer to represent him at the scrutiny.

Scrutineers at  
the scrutiny.

**28.** The Returning Officer shall, as soon as practicable after four o'clock in the afternoon of the day fixed for the close of the poll for any election—

Scrutiny of  
votes and  
declarations.

Amended by  
1952, No. 99.

- (a) open the ballot-box and produce unopened all envelopes containing ballot-papers contained therein;
- (b) examine each envelope, and if the declaration is, in the opinion of the Returning Officer, signed by a person whose name is on the roll and who has not previously voted at the poll, and is duly attested, accept the vote for further scrutiny, but if any declaration is not so signed or attested he shall disallow the ballot-paper without opening the envelope;
- (c) place the envelopes containing the disallowed ballot-papers in a parcel, seal the parcel, endorse it "Dried Fruits Control Board Election—Election of (*here insert number of members to be elected*) members representing growers for the State of (*here insert name of State*)—Votes rejected at Preliminary Scrutiny" and add his signature and the date;
- (d) number consecutively (from one onwards on the address side of the envelope) each envelope accepted for further scrutiny, and place them on a table before him with the address side of each envelope uppermost;
- (e) withdraw from each envelope each ballot-paper contained therein and, without unfolding it or inspecting the vote or permitting any other person to do so, place thereon a number corresponding with that placed on the envelope from which it was withdrawn, and forthwith place each ballot-paper in a locked and sealed ballot-box provided for the purpose of holding ballot-papers relating to that election; and
- (f) place the envelopes in a parcel, seal the parcel and endorse it "Dried Fruits Control Board Election—Election of (*here insert number of members to be elected*) members representing growers for the State of (*here insert name of State*)—Envelopes from which ballot-papers have been withdrawn" and add his signature and the date.

**29.** The Returning Officer shall open each ballot-box referred to in paragraph (e) of the last preceding regulation, and a further scrutiny shall be conducted in accordance with regulation 30 or regulation 31, as the case may be.

Further  
scrutiny.

Counting of  
votes for  
members  
representing  
growers in  
Victoria and  
South  
Australia.

Sub-reg. (1.)  
substituted by  
1952, No. 99.

**30.**—(1.) In a poll for the election of members representing growers in the State of Victoria or in the State of South Australia, the scrutiny shall be conducted in accordance with this regulation.

(2.) The Returning Officer shall, in the presence of any persons approved by the Returning Officer and of such scrutineers appointed in pursuance of regulation 27 as attend, count the first preference votes given for each candidate on all ballot-papers not rejected as informal.

(3.) The first vacancy shall be filled in the following manner:—

- (a) The candidate who has received the greatest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected;
- (b) If no candidate has received an absolute majority of first preference votes, the Returning Officer shall proceed with the scrutiny and the counting of the votes as follows:—
  - (i) The candidate who has received the least number of first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in the order of the voter's preference;
  - (ii) If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the least number of votes and counting each of his ballot-papers to the continuing candidate next in the order of the voter's preference, shall be repeated until one candidate has received an absolute majority of votes;
  - (iii) The candidate who has received an absolute majority of votes shall be elected.

(4.) The second vacancy shall be filled in the following manner:—

- (a) The Returning Officer shall re-arrange all the ballot-papers under the names of the respective candidates in accordance with the first preferences indicated thereon, except that each ballot-paper on which a first preference for the elected candidate is indicated shall be placed in the parcel of the candidate next in order of the voter's preference, and shall then count the ballot-papers in each parcel;
- (b) If a candidate then has an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the scrutiny shall proceed as provided in sub-paragraphs (i) and (ii) of paragraph (b) of the last preceding sub-regulation until one candidate has received an absolute majority of votes: Provided that, in the application of sub-paragraph (i) of that paragraph, any reference to first preference votes shall be read as a reference to all the votes counted to a candidate in pursuance of this sub-regulation;
- (c) The candidate who has received an absolute majority of votes shall be elected.

(4A.) The third vacancy in a poll for the election of a member in the State of Victoria shall be filled in the manner provided for the filling of a second vacancy except that each ballot paper on which a first preference for an elected candidate is indicated shall be placed in the parcel of the continuing candidate next in order of the voter's preference.

Inserted by  
1952, No. 99.

(5.) If on any count two or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer shall decide which shall be excluded. If, on the final count for filling any vacancy, two candidates have an equal number of votes, the Returning Officer shall decide which shall be elected.

(6.) In this regulation—

“absolute majority” means a number greater than one-half of the whole number of ballot-papers other than informal ballot-papers;

“continuing candidate” means a candidate not already elected or excluded from the count.

**31.—(1.)** In a poll for the election of a member representing growers in the State of New South Wales or in the State of Western Australia, the scrutiny be conducted in accordance with this regulation.

Counting of  
votes for  
members  
representing  
growers  
in New South  
Wales and  
Western  
Australia.  
Sub-reg. (1.)  
substituted by  
1952, No. 99.

(2.) The Returning Officer shall, in the presence of any persons approved by the Returning Officer and of such scrutineers appointed in pursuance of regulation 27 as attend, count the first preference votes given for each candidate on all ballot-papers not rejected as informal.

(3.) The candidate who has received the greatest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.

(4.) If no candidate has received an absolute majority of first preference votes, the Returning Officer shall proceed with the scrutiny and the counting of the votes as follows:—

(a) The candidate who has received the least number of first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in order of the voter's preference;

(b) If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the least number of votes and counting each of his ballot-papers to the continuing candidate next in order of the voter's preference shall be repeated until one candidate has received an absolute majority of votes.

(c) The candidate who has received an absolute majority of votes shall be elected.

(5.) If on any count two or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer shall decide which shall be excluded. If on the final count two candidates have an equal number of votes, the Returning Officer shall decide which shall be elected.

(6.) In this regulation—

“absolute majority” means a number greater than one-half of the whole number of ballot-papers other than informal ballot-papers;

“continuing candidate” means a candidate not already excluded from the count.

Declaration of election.

**32.**—(1.) The Returning Officer shall make out a statement showing the result of the election and the names of the candidates elected and shall publish notice of the result in the *Gazette*.

(2.) The notice published in the *Gazette* shall, subject to these Regulations, be conclusive evidence of the result of the election.

Recount of votes.

**33.**—(1.) At any time before the publication in the *Gazette* of the result of an election, the Returning Officer may, if he thinks fit, on the written request of any candidate setting forth the reasons for the request, or of his own motion, conduct a recount of the ballot-papers.

(2.) If the Returning Officer refuses, on the request of a candidate, to conduct a recount of any ballot-papers, the candidate may appeal in writing to the Minister to direct a recount of those ballot-papers, and the Minister may, as he thinks fit, either direct a recount of the ballot-papers or refuse to direct a recount.

Powers of Returning Officer conducting recount.

**34.**—(1.) The Returning Officer or Deputy Returning Officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance and admission or disallowance and rejection of any ballot-paper.

(2.) A Deputy Returning Officer conducting a recount may, and at the request of any scrutineer shall, reserve any ballot-paper for the decision of the Returning Officer.

(3.) The Returning Officer shall decide whether any ballot-paper reserved for his decision in pursuance of the last preceding sub-regulation shall be allowed and admitted or disallowed and rejected.

Informal voting papers.

**35.** A ballot-paper shall be informal if—

- (a) it is not initialled by the Returning Officer or Deputy Returning Officer;
- (b) it has no vote marked on it;
- (c) it is so imperfectly marked that the intention of the voter is uncertain; or
- (d) it is not marked in accordance with the directions on the ballot-paper.

Voting papers to be placed in parcels.

**36.** The Returning Officer shall place in separate parcels—

- (a) all the ballot-papers received by the Returning Officer which have been rejected as informal;
- (b) all the unrejected ballot-papers received by the Returning Officer; and

(c) the copy of the roll used for the election;  
and shall endorse on each parcel a description of the contents thereof, add his signature and the date, and retain the parcels until authority is given, in accordance with the provisions of regulation 37, for destruction of the contents thereof.

**37.** At the expiration of six months from the date of publication of the result of the election, the Returning Officer shall cause the ballot-papers and the voters' declarations to be destroyed. Destruction of papers.

**38.** A person, not being authorized in pursuance of these Regulations to be present at the scrutiny, shall not— Intruders.

- (a) wilfully intrude into the room in which the examination of the voting papers is being conducted; or
- (b) refuse or fail to leave the room when so requested by the Returning Officer.

Penalty: Fifty pounds.

#### PART VI.—DISPUTED ELECTIONS.

**39.** The validity of an election or of any statement or notice showing the voting at, or the result of, an election may be disputed by a candidate at the election or by a person who was qualified to vote thereat by petition addressed to the High Court in the prescribed manner and not otherwise. Disputing validity of election statement.

**40.** The petition disputing the election, statement or notice shall— Requisites of petition.

- (a) set out the facts relied on to invalidate the election, statement or notice;
- (b) contain a prayer asking for the relief to which the petitioner claims to be entitled;
- (c) be signed by the petitioner;
- (d) be attested by two witnesses, whose occupations and addresses shall be stated; and
- (e) be filed in the Principal Registry of the High Court, or in the District Registry of that Court in the capital city of the State in which the petitioner resides, within thirty days after the publication in the *Gazette* of the notice of the result of the election.

**41.** The High Court shall have jurisdiction to entertain and hear and determine any petition which complies with the requirements of these Regulations. Jurisdiction High Court.

**42.** At the time of filing the petition, the petitioner shall deposit with the Principal Registrar or District Registrar, as the case may be, of the High Court, the sum of Ten pounds as security for costs. Security for costs.

**43.** The petitioner shall, within seven days after filing the petition, notify the fact in the *Gazette*, and post a copy of the petition to the Secretary of the Department of Commerce. Notice of petition.

Joinder of parties.

**44.** The High Court may, on the application of the Minister or of any voter, order the Minister or that voter, as the case may be, to be joined as a party petitioning or responding, as the case may be.

Powers of Court.

**45.—(1.)** The High Court when hearing a petition shall sit as an open Court, and its powers shall include the following:—

- (a) to adjourn;
- (b) to compel the attendance of witnesses and the production of documents;
- (c) to grant to any party to a petition leave to inspect, in the presence of an officer of the Department of Commerce, the roll or any other document (except ballot-papers) used at or in connexion with the election and to take, in the presence of the officer, extracts from the roll and document;
- (d) to examine witnesses on oath;
- (e) to declare that any person who was returned as elected was not duly elected;
- (f) to declare any candidate duly elected who was not returned as elected;
- (g) to declare any election absolutely void;
- (h) to dismiss or uphold the petition in whole or in part; and
- (i) to award costs against any party to the petition.

(2.) The Court may exercise all or any of its powers under this regulation on such grounds as the Court in its discretion thinks just and sufficient.

(3.) Without limiting the powers conferred by this regulation, the power of the Court to declare that any person who was returned as elected was not duly elected, or to declare an election absolutely void, may be exercised on the ground that illegal practices were committed in connexion with the election.

Inquiries by Court.

**46.** The High Court shall, on the hearing of a petition, inquire whether or not the petition is duly signed, and so far as rolls and voting are concerned, may inquire into the identity of persons, and whether their votes were improperly admitted or rejected, assuming the roll to be correct, but the Court shall not inquire into the correctness of any roll.

Technicalities to be disregarded.

**47.** The High Court shall, on the hearing of a petition, be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities, or whether the evidence before it is in accordance with the law of evidence or not.

Evidence that person not permitted to vote.

**48.** On the hearing of any petition, the High Court shall not admit the evidence of any voter that he was not permitted to vote in any election unless the witness satisfies the Court—

- (a) that he claimed to vote, in the election, pursuant to these Regulations; and
- (b) that he complied with the requirements of these Regulations relating to voting in so far as he was permitted so to do.

**49.** All decisions of the High Court under this Part shall be final and conclusive and without appeal and shall not be questioned in any way. Decisions to be final.

**50.**—(1.) A party to the petition shall not, except by consent of all parties, or by leave of the Court, be represented by counsel or solicitor. Counsel or Solicitor.

(2.) In no case shall more than one counsel or one solicitor appear on behalf of any party.

**51.** If costs are awarded to any party against the petitioner, the deposit referred to in regulation 42 shall be applicable in payment, or part payment, of the sum ordered, but otherwise the deposit shall be repaid to the petitioner. Deposit applicable for costs.

**52.** All costs awarded by the High Court, including any balance above the deposit payable by the petitioner, shall be recoverable as if the order of the Court were a judgment of the Court and payment may be enforced accordingly. Award of costs to have effect of a judgment.

**53.** Effect shall be given to any decision of the Court as follows:— Effect of decision.

- (a) If any person returned as elected is declared not to have been duly elected, he shall cease to be a member of the Board.
- (b) If any person not returned as elected is declared to have been duly elected, he shall become a member of the Board.
- (c) If any election is declared absolutely void, a new election shall be held.

**54.** The procedure in relation to a petition shall, subject to these Regulations, be as prescribed by Rules of Court, or, in default of Rules of Court, as directed by the High Court or a Justice thereof. Procedure on petition.

#### PART VII.—MISCELLANEOUS.

**55.**—(1.) An election, or any statement or notice showing the voting at an election, shall not be avoided on account of any delay in relation to the taking of the votes of the voters, or in relation to the making of any statement or notice, or on account of the absence, error or omission by any officer, if the Court is satisfied that that delay, absence, error or omission did not affect the result of the election. Immaterial errors not to vitiate poll or election.

(2.) An election shall not be disputed by reason of any defect in the title, or any want of title, of any Returning Officer or Deputy Returning Officer, if that person in fact acted as such at the election or by reason of any formal error or defect in any statement, notice, instrument or publication made under or in pursuance of these Regulations, or intended to be so made, or by reason of any act or thing not being done at or within the prescribed time.

**56.**—(1.) Whenever an election wholly or partially fails a new election shall be held. Failure of election.

(2.) An election shall be deemed to have wholly failed if no person is nominated or no candidate is returned as elected.

(3.) An election shall be deemed to have partially failed if one candidate is returned as elected, but not the full number required to be elected.

**Misfeasance.**

**57.** Every person acting as Returning Officer or Deputy Returning Officer at the election, who is guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of these Regulations, shall be guilty of an offence.

Penalty: Fifty pounds.

**Untrue statements in declaration, &c.**

**58.** A person shall not make any untrue statement in any declaration, or in answer to any question under these Regulations, or in any information supplied to the Returning Officer or any Deputy Returning Officer for the purpose of obtaining a ballot-paper or a further ballot-paper.

Penalty: Fifty pounds.

**Duty of witness.**

**59.** A person shall not witness the signature of any person to any declaration under these Regulations unless—

- (a) he has satisfied himself as to the identity of that person;
- (b) he has seen the person sign the declaration in his own handwriting; and
- (c) he knows that the statements contained in the declaration are true, or has satisfied himself by inquiry from the person, or otherwise, that the statements contained in the declaration are true.

Penalty: Fifty pounds.

**Making marks on voting papers.**

**60.** Except where expressly authorized by these Regulations, a person (other than the voter to whom a ballot-paper has been issued) shall not make any mark or writing on that ballot-paper.

Penalty: Twenty pounds.

**Offences in connexion with polling.**

**61.** A person shall not—

- (a) falsely impersonate any person to secure a ballot-paper to which the personator is not entitled;
- (b) personate any other person for the purpose of voting at an election;
- (c) fraudulently destroy or deface any ballot-paper;
- (d) vote more than once at an election.

Penalty: Fifty pounds.

**Forms.**

**62.** Strict compliance with the Forms in the Schedule to these Regulations shall not be necessary, and substantial compliance shall be sufficient.



## THE SCHEDULES.

FORM A.

Regulation 11.

Substituted by  
1952, No. 99;

COMMONWEALTH OF AUSTRALIA.

*Dried Fruits Export Control (Election of Board) Regulations.*NOMINATION FOR ELECTION OF A MEMBER OF THE DRIED FRUITS  
CONTROL BOARD TO REPRESENT GROWERS IN THE STATE OF

To the Returning Officer:

We, the undersigned growers, being growers entitled to vote at the forthcoming election of a member of the Dried Fruits Control Board, hereby nominate the following person as a candidate for the election of a person to be a member of that Board representing growers in the State of .

Surname of candidate—

Christian names of candidate—

Place of residence:

Occupation:

| Signature of Nominator. | Place of Residence. | Date of Signature. | Witness to Signature. |
|-------------------------|---------------------|--------------------|-----------------------|
| 1.                      |                     |                    |                       |
| 2.                      |                     |                    |                       |
| 3.                      |                     |                    |                       |
| 4.                      |                     |                    |                       |
| 5.                      |                     |                    |                       |
| 6.                      |                     |                    |                       |
| 7.                      |                     |                    |                       |
| 8.                      |                     |                    |                       |
| 9.                      |                     |                    |                       |
| 10.                     |                     |                    |                       |

I, \_\_\_\_\_ of \_\_\_\_\_, consent to my nomination as a candidate for the election of a person to be a member representing growers in the State of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signature of candidate:

Signature of witness:

Address of witness:

FORM B.

Regulation 20 (1.)

COMMONWEALTH OF AUSTRALIA.

*Dried Fruits Export Control (Election of Board) Regulations.*

ELECTION OF REPRESENTATIVES OF GROWERS.

## DECLARATION TO BE MADE BY VOTER.

I, \_\_\_\_\_, of \_\_\_\_\_, declare that I am a grower of fruit from which dried currants, dried sultanas or dried leixias are produced and that I am entitled to vote at the election of \_\_\_\_\_ representative(s) of growers for the State of \_\_\_\_\_, the poll for which closes on \_\_\_\_\_, 19\_\_\_\_, under the provisions of the *Dried Fruits Export Control Act 1924-1935* and the Regulations thereunder, and I also declare that I have not previously voted in connexion with the said election.

\_\_\_\_\_  
Personal signature of voter.

Signed before me the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature of witness: \_\_\_\_\_

Address of witness: \_\_\_\_\_

## DRIED FRUITS EXPORT CONTROL ACT

NOTE.—Regulations 58 and 59 of the Dried Fruits Export Control (Election of Board) Regulations read as follows:—

“58. A person shall not make any untrue statement in any declaration, or in answer to any question under these Regulations, or in any information supplied to the Returning Officer or any Deputy Returning Officer for the purpose of obtaining a ballot-paper or a further ballot-paper.

Penalty: Fifty pounds.

“59. A person shall not witness the signature of any person to any declaration under these Regulations unless—

- (a) he has satisfied himself as to the identity of that person;
- (b) he has seen the person sign the declaration in his own handwriting; and
- (c) he knows that the statements contained in the declaration are true, or has satisfied himself by inquiry from the person, or otherwise, that the statements contained in the declaration are true.

Penalty: Fifty pounds.”.

Amended by  
1952, No. 99,  
and  
1955, No. 77.

FORM C.

COMMONWEALTH OF AUSTRALIA.

Regulation 20 (2.)

Initials of

Returning Officer  
or Deputy Re-  
turning Officer.

*Dried Fruits Export Control (Election of Board) Regulations.*

BALLOT-PAPER.

Election of [*here insert the number to be elected*] members in the State of  
on the Dried Fruits Control Board.

DIRECTIONS TO VOTER.—The voter must mark his vote on this ballot-paper by placing the number 1 in the square opposite the name of the candidate for whom he votes as his first preference and must place the numbers 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

CANDIDATES.

- ☐ .....
- ☐ .....
- ☐ .....

FURTHER DIRECTIONS TO VOTER.

After marking his vote, the voter must fold the ballot-paper and place it in the envelope bearing his declaration (duly signed and witnessed), securely fasten the envelope, and forthwith send the envelope, by pre-paid post or otherwise, to the Returning Officer or Deputy Returning Officer (as the case may be) to whom the envelope is addressed.

NOTE.—If this ballot-paper is sent to the Returning Officer or Deputy Returning Officer by post, the postage thereon must be fully pre-paid, otherwise the voting paper will not be accepted by the Returning Officer or Deputy Returning Officer.

Unless the vote is marked on this ballot-paper and is received by the Returning Officer or Deputy Returning Officer at or before four o'clock in the afternoon of the day fixed for the close of the poll (namely, the.....day of....., 19....), it will not be admitted to the scrutiny.

The signature of the voter on the declaration shall be witnessed by a person enrolled as an elector under the *Commonwealth Electoral Act 1918-1953*.

**DRIED FRUITS EXPORT CONTROL (LICENCES) REGULATIONS.\***

1. These Regulations may be cited as the Dried Fruits Export Control (Licences) Regulations.\*

2. The Dried Fruits Export Control (Licences) Regulations (being Statutory Rules 1935, No. 30) are repealed.

3.—(1.) In these Regulations, unless the contrary intention appears— Definitions.

“authorized person”, in relation to the exercise of a power or the performance of a duty or function under these Regulations, means a person authorized for that purpose by the Board;

“authorized price”, in relation to a sale of dried fruits, means the minimum price for that sale calculated in accordance with the determination under regulation 9 of these Regulations that is applicable to the sale, or, where that price is expressed in a currency other than that in which the sale is made, the equivalent price in the currency in which the sale is made according to the rate of exchange applicable at the time of the sale;

“export” means export from the Commonwealth;

“licence” means a licence issued in pursuance of these Regulations;

“licensee” means the holder of a licence;

“overseas” means in a place outside the Commonwealth;

“the Act” means the *Dried Fruits Export Control Act 1924-1953*;

“the London Agency” means the London Agency of the Board constituted under section 11 of the Act;

“the Secretary” means the Secretary to the Board, and includes a person for the time being acting as Secretary to the Board.

(2.) In these Regulations, a reference to a Form shall be read as a reference to a Form in the Schedule to these Regulations.

4. The export of dried fruits is prohibited—

Regulation  
of export.

(a) except by licensees; and

(b) except in accordance with the conditions and restrictions prescribed by these Regulations.

5.—(1.) The Minister or a person authorized in writing by the Minister to grant licences under these Regulations may, in his discretion, grant or refuse to grant a licence to export dried fruits.

Issue of  
licences.

(2.) A licence granted in pursuance of the last preceding sub-regulation shall, subject to this regulation, be in force for the period specified in the licence.

\* Statutory Rules 1954, No. 53; in force under the *Dried Fruits Export Control Act 1924-1953*; notified in the *Gazette* and commenced on 6th May, 1954.

Held by the High Court that the restrictions imposed by Statutory Rules 1935, No. 30, which were replaced by these Regulations, including the restrictions operating after the goods had reached their overseas market, were within the constitutional power of the Commonwealth with respect to trade and commerce with other countries: *Crowe v. Commonwealth* (1935) 54 C.L.R. 69; 9 A.L.J. 278; 41 A.L.R. 445.

(3.) Where the Minister is satisfied, on a report by the Board, that a person to whom a licence has been granted has failed to comply with a provision of these Regulations or with an undertaking given for the purposes of these Regulations, the Minister may cancel the licence or suspend the licence for such period as he thinks fit.

Form of  
licence.

6. A licence to export dried fruits shall be in accordance with Form A.

Conditions and  
restrictions.

7.—(1.) A licensee shall not export dried fruits unless—

- (a) any purchaser, agent or representative to or through whom the dried fruits are shipped is approved by the Board for the purposes of these Regulations;
- (b) the dried fruits are insured with a person approved by the Board;
- (c) the dried fruits have been sold before export, or are consigned, upon terms and conditions approved by the Board;
- (d) the export of the dried fruits is in accordance with any directions of the Board with respect to the quantities of dried fruits which may be exported by the licensee either generally or to particular places;
- (e) he has, if so required by the Board or an authorized person, given an undertaking to the satisfaction of the Board that he will not, without the consent of the Board—
  - (i) sell any of the dried fruits overseas at a price less than the authorized price;
  - (ii) enter into a contract or agreement or a variation of a contract or agreement whereby a person is enabled, authorized, or permitted to sell any of the dried fruits overseas at a price less than the authorized price;
  - (iii) give an authority, licence, consent or approval to a person to sell any of the dried fruits overseas at a price less than the authorized price;
  - (iv) facilitate, counsel, procure, or encourage the sale overseas of any of the dried fruits at a price less than the authorized price;
  - (v) give or allow, or promise or agree to give or allow, in relation to the sale of any of the dried fruits any brokerage, rebate, discount, commission, allowance, option or benefit, whether in money, money's worth, credit, goods or otherwise, that is not provided for in the terms and conditions upon which the dried fruits have been sold before export, or are consigned; or
  - (vi) fail or omit to take all reasonable and proper steps to ensure that any agent, representative or consignee of the licensee does not sell any of the dried fruits overseas at a price less than the authorized price; and

- (f) the licensee has obtained from the Secretary or an authorized person a certificate in accordance with Form C (which certificate has not been revoked) certifying that the export is authorized by the Board, and the export is in accordance with the particulars shown in the certificate.

(2.) A licensee shall not export dried fruits to the United Kingdom on consignment unless he has given an undertaking to the satisfaction of the Board that—

- (a) the sale or other disposal of the dried fruits will not be completed until the terms of sale or other disposal are approved by the London Agency or by a person authorized by the London Agency to give such approvals;
- (b) the licensee will comply, or cause the consignee to comply, with any order of the London Agency in respect of the treatment of the dried fruits by fumigation, re-cleaning or otherwise; and
- (c) the dried fruits will, while they are in the United Kingdom and under the control of the consignee, be stored in such places as the Board or the London Agency approves.

(3.) A licensee shall not export dried fruits to a country other than the United Kingdom, otherwise than in pursuance of a sale made before the export takes place, unless he gives an undertaking to the satisfaction of the Board that every contract by which any of the dried fruits is sold or disposed of by him or on his behalf will contain a provision that the person to whom the dried fruits are sold or disposed of will not tranship or re-export the dried fruits to the United Kingdom, and that the licensee will take all reasonable steps to enforce that provision.

8.—(1.) An application by a licensee for a certificate in accordance with Form C in relation to any dried fruits proposed to be exported shall be in accordance with Form B and shall be lodged, in duplicate, with the Secretary or an authorized person not less than fourteen days before the date of export. Certificate of authority to export.

(2.) Where an application is made in accordance with the last preceding sub-regulation, the Secretary or an authorized person may—

- (a) if he is satisfied that the proposed export will, if the certificate is granted, be in conformity with these Regulations and with any directions or determinations of the Board—grant the certificate; or
- (b) if he is not so satisfied—refuse to grant the certificate.

(3.) A certificate granted under this regulation may be revoked by the Secretary or an authorized person by notice in writing to the licensee at any time before the export of the dried fruits to which it relates.

9.—(1.) For the purposes of these Regulations, the Board or an authorized person may, from time to time, determine, or determine the manner of calculation of, minimum prices for the sale of dried fruits to be exported or for the sale overseas of exported dried fruits. Determination of minimum prices.

(2.) A determination under this regulation may make different provision with respect to dried fruits exported or to be exported to different countries.

Information  
to be  
furnished, &c.

10.—(1.) A licensee shall, upon demand in writing by the Secretary or an authorized person—

- (a) furnish to the Board or to the authorized person, as the case may be, such information as is required in relation to the sale, disposal or export, or the intended sale, disposal or export, by the licensee of dried fruits or in relation to dried fruits at any time owned by, or in the custody, possession or control of, the licensee; and
- (b) produce to the Board or to the authorized person, as the case may be, all or any books, letters, copies of letters, accounts, statements, balance-sheets, vouchers and other documents in his custody, possession or control relating to the sale, disposal or export, or the intended sale, disposal or export, by the licensee of dried fruits, or relating to dried fruits which have been exported and were at any time owned by, or in the custody, possession or control of, the licensee.

(2.) A licensee shall, upon demand by the Secretary or an authorized person, permit an authorized person to take samples of any dried fruits produced in the Commonwealth and owned by, or in the custody, possession, or control of, the licensee, whether the dried fruits are in the Commonwealth or are overseas.

Penalty: Fifty pounds.

Notices.

11. A notice or other document for the purposes of these Regulations may be served on a licensee by post at his address specified in his licence.

False  
information.

12. A person shall not, for the purposes of these Regulations, make a statement or furnish information which is false or misleading.

Penalty: Fifty pounds.

#### THE SCHEDULE.

FORM A.

Reg. 6.  
No. .

COMMONWEALTH OF AUSTRALIA.

*Dried Fruits Export Control (Licences) Regulations.*

#### LICENCE TO EXPORT DRIED FRUITS.

In pursuance of regulation 5 of the Dried Fruits Export Control (Licences) Regulations, I

(a) Strike out  
whichever is  
inapplicable.

(a) the Minister of State for Commerce and Agriculture,

(a) a person authorized by the Minister of State for Commerce and Agriculture to grant licences under those Regulations,

hereby grant to  
of

a licence to export dried fruits from the Commonwealth, subject to those Regulations, during the period commencing on , 19  
and ending on , 19 .

Dated the

day of

, 19 .

(a) Minister of State for Commerce and Agriculture.

(a) An authorized person.

FORM B.

Reg. 8.

COMMONWEALTH OF AUSTRALIA.

*Dried Fruits Export Control (Licences) Regulations.*

## APPLICATION FOR AUTHORITY TO EXPORT DRIED FRUITS.

To—

The Secretary,

Dried Fruits Control Board.

I

We

of

being the holder(s) of Licence No.

to export dried fruits, granted for the period commencing on

19      and ending on      , 19      , hereby apply for

a certificate of authority to export the following dried fruits:—

| Class of Fruit.      | Number of Boxes<br>or other Containers<br>and Net Weight<br>of Each. | Grade. | Shipping Marks. | Total Net<br>Weight. |
|----------------------|----------------------------------------------------------------------|--------|-----------------|----------------------|
| Currants    ..    .. |                                                                      |        |                 |                      |
| Sultanas    ..    .. |                                                                      |        |                 |                      |
| Lexias      ..    .. |                                                                      |        |                 |                      |

The vessel in which it is proposed to ship the dried fruits is  
leaving      on or about      ,  
19      .

The port to which the dried fruits will be shipped is

The fruits are to be shipped <sup>(a)</sup>

(a) State whether "on consignment" or "in pursuance of a sale actually made to an overseas purchaser, namely to" (as the case may be).

to <sup>(b)</sup>

The full name and address of the packer of the dried fruits is

(b) State full name and address of consignee or purchaser.

The owner of the dried fruits at the time of shipment from Australia is

The deduction to be made by way of commission on the dried fruits shipped on consignment to the United Kingdom is

The price paid to the packer of the dried fruits is as follows:—

Gross price

Deductions by way of—

Discount

Commission

Brokerage

Rebate

Any other allowances

Net price

## DRIED FRUITS EXPORT CONTROL ACT

(c) Strike out  
if the fruits  
are to be  
shipped on  
consignment.

(c) The price at which the fruits have been sold to the overseas purchaser is as follows:—

Gross price c.i.f. or f.o.b.

Deductions by way of—

Discount

Commission

Brokerage

Rebate

Any other allowances

Net price c.i.f. or f.o.b.

(c) The f.o.b. price Australian port of shipment which is the equivalent of the gross price specified in the last preceding paragraph is

I

We

declare that the information given in this application is true and correct in every particular.

Dated this

day of

, 19  
(Signature of licensee.)

FORM C.

Regs. 7, 8.  
No.

COMMONWEALTH OF AUSTRALIA.

*Dried Fruits Export Control (Licences) Regulations.*

CERTIFICATE OF AUTHORITY TO EXPORT DRIED FRUITS.

This is to certify that

of

to whom Licence No.

dated

, 19

has been granted to export dried fruits is authorized by the Dried Fruits Control Board to export from the Commonwealth the following dried fruits:—

| Class of Fruit. | Number of Boxes<br>or other Containers<br>and Net Weight<br>of Each. | Grade. | Shipping Marks. | Total Net<br>Weight. |
|-----------------|----------------------------------------------------------------------|--------|-----------------|----------------------|
| Currants .. ..  |                                                                      |        |                 |                      |
| Sultanas .. ..  |                                                                      |        |                 |                      |
| Lexias .. ..    |                                                                      |        |                 |                      |

The dried fruits are to be shipped from

to

by

leaving

on or about

195 .

Dated this

day of

, 19

(a) Strike out  
whichever is  
inapplicable.

(a) Secretary, Dried Fruits Control Board.

(a) An authorized person.



## EDUCATION ACT 1945

## COMMONWEALTH SCHOLARSHIP REGULATIONS.\*

## PART I.—PRELIMINARY.

1. These Regulations may be cited as the Commonwealth Scholarship Regulations.\* Citation.

2. These Regulations shall be deemed to have come into operation on the first day of January, 1951. Commence-  
ment.

3.—(1.) The Universities Commission (Financial Assistance) Regulations (comprising Statutory Rules 1946, No. 187; Statutory Rules 1947, No. 89 and Statutory Rules 1948, No. 159) are repealed. Repeal.

(2.) Every approval and every determination given or made by the Commission under the Regulations repealed by these Regulations and in force or subsisting immediately prior to the commencement of these Regulations shall be in force or subsisting as if given or made under these Regulations and these Regulations shall apply in relation to those approvals and determinations accordingly.

4. These Regulations are divided into Parts, as follows†:— Parts.

Part I.—Preliminary.

Part II.—Commonwealth Scholarships.

Division 1.—General.

Division 2.—Fees and Fares.

Division 3.—Living Allowance: Ordinary Scholarships.

Division 4.—Living Allowance: Mature Age Scholarships.

Part III.—Miscellaneous.

5. In these Regulations, unless the contrary intention appears— Definitions.  
“authorized officer” means a person appointed in writing by the Commission as an authorized officer for the purposes of these Regulations;

\* The Commonwealth Scholarship Regulations in force under the *Education Act* 1945 comprise the following Statutory Rules:—

| Year and Number.   | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|--------------------|------------------------------------------|-----------------------|
| 1951, No. 9 .. ..  | 22nd February, 1951 .. ..                | 1st January, 1951     |
| 1956, No. 26 .. .. | 22nd March, 1956 .. ..                   | 22nd March, 1956      |

† The regulations contained in the various Parts and Divisions of Parts of these Regulations are as follows:—

- Part I., rr. 1-5;
- Part II., Divsn. 1., rr. 6-9;
- Divsn. 2., rr. 10-12;
- Divsn. 3., r. 13;
- Divsn. 4., r. 14;
- Part III., rr. 15-18.

“award” means an educational award and includes a scholarship, bursary or other educational allowance;

“benefits” means benefits under these Regulations;

“full-time student” means a student who undertakes a course approved by the Commission as a full-time course on a basis which, in the opinion of the Commission, is a full-time basis;

“parent”, in relation to a student or an applicant for benefits, includes any person legally responsible for the maintenance of that student or applicant;

“year” means a period beginning on the first day of January and ending on the next succeeding thirty-first day of December.

## PART II.—COMMONWEALTH SCHOLARSHIPS.

### *Division 1.—General.*

Commonwealth  
scholarships.  
Sub-reg. (1.)  
amended by  
1956, No. 26.

6.—(1.) Subject to these Regulations, the Commission or an authorized officer may award Commonwealth scholarships to students of the classes specified in the Schedule to these Regulations and benefits, as determined by the Commission in accordance with these Regulations, shall be payable to students awarded Commonwealth scholarships.

(2.) Commonwealth scholarships shall be of two classes, namely, ordinary scholarships and mature age scholarships.

Substituted by  
1956, No. 26.

(3.) A student whose application for a scholarship is successful shall be awarded—

(a) in the case of a student who attained the age of twenty-five years before the first day of January in the year in which he is first awarded a scholarship—a mature age scholarship; or

(b) in any other case—an ordinary scholarship.

Substituted by  
1956, No. 26.

(4.) The number of scholarships to be awarded, the number to be awarded to students in any of the classes specified in the Schedule to these Regulations, the methods and standards of selection of students to whom scholarships are to be awarded and the conditions subject to which scholarships are to be held shall be as the Commission determines.

Applications.  
Amended by  
1956, No. 26.

7. A person shall not be eligible for benefits unless he makes an application, in a form approved by the Commission or an authorized officer, in respect of each year in which those benefits are desired.

Information to  
be furnished.

8.—(1.) The Commission or an authorized officer may require an applicant for benefits to furnish, or to cause any other person to furnish, any information in relation to any matter arising out of, or relevant to, his application.

(2.) An applicant shall not be entitled to have his application considered unless all information required under this regulation to be furnished has been furnished as so required.

(3.) An applicant for benefits or any other person shall not furnish to the Commission or to an authorized officer, either in an application for benefits or otherwise in connexion with benefits, any information which is false or misleading in any particular.

Penalty: Fifty pounds or imprisonment for three months.

**9.**—(1.) Subject to these Regulations, benefits shall be paid at such <sup>Manner of</sup> times and subject to such conditions as are determined by the Commission. <sup>payment, &c.</sup>

(2.) Benefits shall be paid in such manner as the Treasurer determines.

*Division 2.—Fees and Fares.*

**10.** A student who is awarded a Commonwealth scholarship may be <sup>Fees.</sup> granted, in respect of the year for which the scholarship is awarded, payment of all tuition, examination and other fees payable in connexion with his course of study or attendance at a University or approved institution, including any fee payable in respect of the conferring of a degree or diploma, but not including fees the payment of which is voluntary.

**11.**—(1.) A full-time student who has been awarded a Common- <sup>Fares.</sup> wealth scholarship may be granted, in respect of the year for which the scholarship is awarded—

- (a) reimbursement of the amount by which the cost of a second-class rail fare, for a journey made from the student's home to the training institution to commence training, exceeds Two pounds ten shillings;
- (b) reimbursement of the amount by which the cost of a return second-class rail fare, for a return journey made during the long vacation from the training institution to the student's home, exceeds Five pounds; and
- (c) reimbursement of the amount by which the cost of a second-class rail fare, for a journey made from the training institution to the student's home on completion of training, exceeds Two pounds ten shillings.

(2.) For the purpose of this regulation, "second-class rail fare" means a second-class rail fare at concessional rates, where such rates are available.

**12.** The total amount payable in any one year to a student under <sup>Deductions.</sup> this Division shall be subject to deduction of the amount of any award payable to that student by the Commonwealth or a State, or out of any fund constituted by or administered under the law of the Commonwealth or a State, or from any other source which the Commission thinks it proper to take into account.

*Division 3.—Living Allowance: Ordinary Scholarships.*

**13.**—(1.) A full-time student who has been awarded an ordinary <sup>Amount of</sup> scholarship may be granted, in addition to any payment under Division <sup>allowance.</sup> 2 of this Part, a living allowance calculated in accordance with this regulation.

(2.) The annual amount of the living allowance payable to the <sup>Amended by</sup> holder of an ordinary scholarship shall be— <sup>1956, No. 26.</sup>

- (a) One hundred and sixty-nine pounds, in the case of a student residing with his parents; or

- (b) Two hundred and forty pounds ten shillings, in the case of a student not residing with his parents,

less the total of—

- (c) an amount calculated at the rate of—
- (i) in the case of a student who is the brother or sister of a full-time student of a class specified in the Schedule to these Regulations—Two pounds; or
  - (ii) in any other case—Three pounds
- for every Ten pounds by which the adjusted family income of the holder of the scholarship exceeds Six hundred pounds;
- (d) the greater of the following amounts:—
- (i) the amount by which money earned or received by him in the long vacation, from all sources (including income from investments, property, employment and any other award), calculated at a weekly rate and computed week by week, exceeds Four pounds ten shillings per week; or
  - (ii) the amount by which money received by him in the long vacation, from all sources other than employment, calculated at a weekly rate and computed week by week, exceeds One pound ten shillings per week; and
- (e) the amount by which money earned or received by him in term and in the short vacations, from all sources (including income from investments, property, employment and any other award), calculated at a weekly rate and computed week by week, exceeds One pound ten shillings per week.

(3.) If the amount computed for any week under paragraph (d) or paragraph (e) of the last preceding sub-regulation exceeds the amount of the allowance for that week which the student would receive, but for the deduction of the amount so computed, the amount to be deducted shall be the amount of the allowance for that week.

Substituted by  
1956, No. 26.

(4.) In this regulation, “adjusted family income”, in relation to a student, means the total of the gross incomes received by the parents of the student during the year ended on the thirtieth day of June next preceding the year in respect of which he has applied for benefits less the deductions allowable under the *Income Tax and Social Services Contribution Assessment Act 1936-1955* for losses and outgoings incurred in gaining or producing assessable income within the meaning of that Act and an amount of—

- (a) One hundred pounds for the first child; and
- (b) Fifty pounds for each other child,

other than the student, who is under the age of sixteen years and is wholly or partly dependent upon his parents or either of them.

Substituted by  
1956, No. 26.

(5.) In calculating the adjusted family income of a student the amount of the income, or part of the income, of any parent of the student may, at the discretion of the Commission, be deemed not to be part of the adjusted family income of the student.

(6.) Notwithstanding the preceding provisions of this regulation, a full-time student who has been awarded an ordinary scholarship and has attained the age of twenty-five years may, in respect of each year during which he remains a full-time student after attaining that age, be granted a living allowance calculated in accordance with the next succeeding Division. Substituted by  
1956, No. 26.

*Division 4.—Living Allowance: Mature Age Scholarships.*

**14.**—(1.) A full-time student who has been awarded a mature age scholarship may be granted, in addition to any payment under Division 2 of this Part, a living allowance calculated in accordance with this regulation. Amount of  
allowance.

(2.) The amount of the living allowance payable to the holder of a mature age scholarship shall be— Amended by  
1956, No. 28.

- (a) Two hundred and forty pounds ten shillings per annum; and
- (b) where the student, being a male—

- (i) has a wife dependent on him, One pound eleven shillings per week; and

- (ii) has a child or children dependent on him, Nine shillings per week in respect of the child, or the first child, under the age of sixteen years; or

- (c) where the student, being a female, is a widow, or a married woman who is divorced or who is living apart from her husband under an order for judicial separation or under a duly executed separation agreement, has a child or children dependent on her, Nine shillings per week in respect of the child, or the first child, under the age of sixteen years,

less—

- (d) where the student is unmarried, an amount calculated at the rate of Two shillings per week for every Three shillings by which his income for the week exceeds Two pounds five shillings; or
- (e) where the student is married, an amount calculated at the rate of Two shillings per week for every Three shillings by which the combined income of the student and spouse for the week exceeds Four pounds ten shillings.

**PART III.—MISCELLANEOUS.**

**15.** Every determination of the Commission or an authorized officer as to the amount of the income of any person or of any benefits payable to any person shall, subject to any variation at any time by the Commission or an authorized officer, be final and conclusive for the purposes of these Regulations. Determinations  
to be final.  
Amended by  
1956, No. 28.

**16.**—(1.) The Commission may, in any case in which it thinks it proper, determine that no benefits, or benefits of a specified amount, shall be paid to a student specified by the Commission and thereupon no benefits, or benefits of the amount specified, shall be payable accordingly. Determinations  
by Commission  
as to benefits.

(2.) The Commission may revoke or vary any determination under the last preceding sub-regulation.

Variations in cases of hardship.

Amended by 1956, No. 26.

17. Notwithstanding anything contained in these Regulations, but subject to the next succeeding regulation, where exceptional circumstances exist in the case of any student and a variation of the amount of any benefits appears to the Commission to be necessary in order to avoid undue hardship, the Commission may at any time vary the amount of the benefits.

Maximum amounts of allowances.

Substituted by 1956, No. 26.

18. The maximum amount which may be paid by way of living allowance in any one year shall not exceed—

- (a) in the case of a holder of an ordinary scholarship other than a full-time student to whom sub-regulation (6.) of regulation 13 of these Regulations is applicable—the amount specified in whichever of paragraphs (a) and (b) of sub-regulation (2.) of regulation 13 of these Regulations is applicable to the student; and
- (b) in the case of a holder of a mature age scholarship or a holder of an ordinary scholarship to whom sub-regulation (6.) of regulation 13 is applicable—the amount ascertained in accordance with paragraphs (a), (b) and (c) of sub-regulation (2.) of regulation 14 of these Regulations.

## THE SCHEDULE.

Regulation 6.

Amended by 1956, No. 26.

### CLASSES OF STUDENTS ELIGIBLE FOR BENEFITS.

(a) Students enrolled at a University in undergraduate degree courses in the faculties of—

Agriculture,  
Architecture,  
Arts,  
Commerce,  
Dentistry,  
Economics,  
Education,  
Engineering,  
Law,  
Medicine,  
Music,  
Science,  
Veterinary Science.

(b) Students enrolled at a University in courses for undergraduate Diplomas of—

Architecture,  
Commerce,  
Divinity,  
Dramatic Art,  
Journalism,  
Music,  
Pharmacy,  
Physical Education,  
Physiotherapy,  
Public Administration,  
Social Science,  
Social Studies.

(c) Students enrolled at a University in courses for the Diploma of—

Dietetics,  
Education.

THE SCHEDULE—*continued*.

- (d) Students enrolled at an approved institution in courses of—  
Accountancy,  
Agriculture (at standards approved by the Commission),  
Almonry,  
Architecture,  
Art,  
Building,  
Cartography,  
Chiropody,  
Commerce,  
Commercial Art,  
Dentistry,  
Dietetics,  
Engineering,  
Food Technology,  
Forestry,  
Home Science,  
Legal Training,  
Librarianship (for graduate students only),  
Management,  
Manual Arts,  
Music (at standards approved by the Commission),  
Needlecraft,  
Nursing Training (at standards approved by the Commission),  
Occupational Therapy,  
Optometry,  
Orthoptics,  
Pharmacy,  
Physical Education,  
Physiotherapy,  
Pre-School Teacher Training,  
Psychology,  
Public Administration,  
Science,  
Speech Therapy,  
Teacher Training (at standards approved by the Commission).
-

## EGG EXPORT CHARGES ACT 1947

## EGG EXPORT CHARGES REGULATIONS.\*

Citation.

1. These Regulations may be cited as the Egg Export Charges Regulations.\*

Commence-  
ment.

2. These Regulations shall come into operation on the first day of February, 1948.

Officers to  
whom moneys  
to be paid.Amended by  
1953, No. 12.

3. Every officer holding, or performing the duties of, any of the following offices shall be a prescribed officer for the purposes of sub-section (3.) of section three of the *Egg Export Charges Act 1947*:—

The Collector of Public Moneys, Department of Commerce and Agriculture, Sydney.

The Collector of Public Moneys, Department of Commerce and Agriculture, Melbourne.

The Collector of Public Moneys, Department of Commerce and Agriculture, Brisbane.

The Collector of Customs, Adelaide.

The Collector of Customs, Perth.

The Collector of Customs, Hobart.

Rates of  
charges.

Added by  
1949, No. 26;  
repealed by  
1951, No. 62;  
added by  
1954, No. 85;  
substituted by  
1956, No. 55.

4. The rates of the charges imposed, and to be levied and paid, under section 3 of the *Egg Export Charges Act 1947* are as specified in the following table:—

| Kind of Eggs.     |    |    |    |    |    | Rate of Charge in Pencee. |
|-------------------|----|----|----|----|----|---------------------------|
| Eggs in shell     | .. | .. | .. | .. | .. | 5.0 per 30 dozen eggs     |
| Liquid whole egg  | .. | .. | .. | .. | .. | .2 per pound              |
| Liquid egg white  | .. | .. | .. | .. | .. | .2 per pound              |
| Liquid egg yolk   | .. | .. | .. | .. | .. | .2 per pound              |
| Dried whole egg   | .. | .. | .. | .. | .. | .5 per pound              |
| Sugared dried egg | .. | .. | .. | .. | .. | .4 per pound              |
| Dried egg white   | .. | .. | .. | .. | .. | 1.15 per pound            |

\* The Egg Export Charges Regulations, in force under the *Egg Export Charges Act 1947*, comprise the following Statutory Rules:—

| Year and Number.   | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|--------------------|------------------------------------------|-----------------------|
| 1948, No. 17 .. .. | 30th January, 1948 .. ..                 | 1st February, 1948    |
| 1949, No. 26 .. .. | 19th May, 1949 .. ..                     | 1st June, 1949        |
| 1950, No. 31 .. .. | 29th June, 1950 .. ..                    | 1st June, 1950        |
| 1951, No. 62 .. .. | 22nd June, 1951 .. ..                    | 1st July, 1951        |
| 1953, No. 12 .. .. | 26th February, 1953 .. ..                | 26th February, 1953   |
| 1954, No. 85 .. .. | 15th July, 1954 .. ..                    | 1st July, 1954        |
| 1955, No. 53 .. .. | 18th August, 1955 .. ..                  | 1st July, 1955        |
| 1956, No. 55 .. .. | 26th July, 1956 .. ..                    | 1st July, 1956        |



## EGG EXPORT CONTROL ACT 1947-1954

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## EGG EXPORT CONTROL (ELECTION OF BOARD) REGULATIONS.\*

## PART I.—PRELIMINARY.

1. These Regulations may be cited as the Egg Export Control (Election of Board) Regulations.\* Citation.

2. These Regulations are divided into Parts, as follows:— Parts.

- Part I.—Preliminary. (Regulations 1-5.)
- Part II.—Enrolment of Voters. (Regulations 6-8.)
- Part III.—Nominations. (Regulations 9-15.)
- Part IV.—Voting. (Regulations 16-22.)
- Part V.—Scrutiny. (Regulations 23-34.)
- Part VI.—Disputed Elections. (Regulations 35-40.)
- Part VII.—Miscellaneous. (Regulations 41-46.)

3.—(1.) In these Regulations, unless the contrary intention appears— Interpretation.

“candidate” means a candidate nominated for election as a member of the Board;

“Deputy Returning Officer” means a Deputy Returning Officer for a State appointed under regulation 4 and “the Deputy Returning Officer”, when used in relation to an election, means the Deputy Returning Officer for the State in which the election is being held;

“election” means an election held in pursuance of sub-section (4.) of section 5 of the Act;

“member” means a member of the Board to represent producers in a State;

“poll” means a poll taken in pursuance of regulation 15;

“producer” means a company, association, society, partnership or person who or which owns five hundred or more adult female domestic fowls;

“roll” means a roll of producers prepared and maintained in pursuance of these Regulations;

“the Act” means the *Egg Export Control Act 1947-1951*;

“voter” means a person entitled to vote at an election.

(2.) In these Regulations, a reference to a regulation shall be read as a reference to a regulation contained in these Regulations, and a reference to a Form shall be read as a reference to a Form contained in the Schedule to these Regulations.

\* Statutory Rules 1951, No. 133; in force under the *Egg Export Control Act 1947-1954*; notified in the *Gazette* and commenced on 1st November, 1951.

Returning  
Officer and  
Deputy  
Returning  
Officers.

4.—(1.) The Chief Electoral Officer for the Commonwealth is the Returning Officer for the purpose of an election and he shall give effect to the provisions of these Regulations in so far as they relate to the election.

(2.) The Returning Officer shall appoint a Deputy Returning Officer for each State.

(3.) A Deputy Returning Officer may, subject to any directions he may receive from the Returning Officer, exercise and perform all the powers and functions of the Returning Officer in respect of the State for which he is Deputy Returning Officer.

Election.

5. Subject to section 5 of the Act, an election shall be held whenever the Minister so directs by notice published in the *Gazette*.

## PART II.—ENROLMENT OF VOTERS.

Preparation  
of rolls.

6.—(1.) The Deputy Returning Officer for a State shall prepare and maintain, or cause to be prepared and maintained, a roll of producers in that State.

(2.) The name of a producer shall not be placed on the roll for a State unless—

- (a) the producer, being a person, has completed a claim for enrolment in accordance with Form A; or
- (b) the producer, being a company, association, society or partnership, has authorized a member of that company, association, society or partnership to complete a claim for enrolment on its behalf, and that person has completed a claim for enrolment in accordance with Form A,

and the claim has been received by the Deputy Returning Officer for that State.

(3.) Where a person, in pursuance of paragraph (b) of the last preceding sub-regulation, completes a claim for enrolment on behalf of a company, association, society or partnership, and that claim is allowed, the name of that person shall be placed on the roll opposite the name of that company, association, society or partnership, and that person shall be entitled to vote at an election on behalf of that company, association, society or partnership.

Removal  
from rolls.

7. The Deputy Returning Officer for a State may at any time remove from the roll for that State the name of a producer who has ceased to be a producer in that State.

Persons  
entitled  
to vote.

8.—(1.) A person is not entitled to vote at an election unless his name appears on the roll for the State in which the election is being held on the day seven days before the day fixed for the close of the poll at that election.

(2.) A company, association, society or partnership is not entitled to vote at an election other than by or through the person who is entitled to vote at the election on its behalf.

## PART III.—NOMINATIONS.

9. A person shall not be nominated for election as a member unless— Qualifications of candidates.
- (a) he is entitled to vote at the election for which he is nominated; and
  - (b) he is eligible for nomination for election as a member of the Parliament of the Commonwealth.

10. A nomination for the election of a member may be in accordance with Form B, and shall be signed by at least ten persons entitled to vote at the election. Mode of nomination.

- 11.—(1.) A nomination is not valid unless— Requisites for nomination.
- (a) the person nominated—
    - (i) consents in writing to act, if elected; and
    - (ii) declares in writing that he is qualified under these Regulations to be elected; and
  - (b) the nomination is received by the Deputy Returning Officer for the State in respect of which the person is nominated on or before the date, or later date (if any), fixed by the Minister in pursuance of this regulation.

(2.) The Minister shall fix a date in respect of an election on or before which nominations shall be lodged, and if, at any time after fixing that date, the Minister is satisfied that circumstances exist which render it necessary or desirable to alter the date so fixed, the Minister may fix a later date on or before which nominations shall be lodged, and that later date shall be substituted for the date originally fixed.

(3.) The Minister shall notify in the *Gazette* the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation, and the address of the Deputy Returning Officer with whom nominations are to be lodged.

12. A person may give his consent and make the declaration required by paragraph (a) of sub-regulation (1.) of the last preceding regulation in the form specified at the foot of Form B, but a Deputy Returning Officer may accept any other form of consent and declaration, whether accompanying the nomination paper or not, that he deems satisfactory. Form of consent and declaration.

13. As soon as practicable after the date fixed by the Minister as the last date for receiving nominations, the Returning Officer shall publish in the *Gazette* the name, place of residence and occupation of each person nominated. Declaration of nominations.

14. A candidate may withdraw his consent to his nomination, at any time on or before the date fixed for receiving nominations, by lodging with the Deputy Returning Officer with whom his nomination was lodged a notice of withdrawal signed by the candidate and witnessed by a Justice of the Peace. Withdrawal of consent to nomination.

15.—(1.) If one candidate only is nominated in respect of an election for a State, the Returning Officer shall, by notice in the *Gazette*, declare that candidate duly elected. Proceedings on nomination day.

(2.) If more than one candidate is nominated in respect of an election for a State, a poll shall be taken to decide the election.

#### PART IV.—VOTING.

Voting by post.

**16.** Voting at a poll shall be carried out by post.

Number of votes.

**17.** Each voter is entitled to one vote only at an election.

Date of close of poll.

**18.**—(1.) The Minister shall fix a date on which the poll shall close, and if, at any time after fixing that date, the Minister is satisfied that circumstances exist which render it necessary or desirable to alter the date so fixed, the Minister may fix a later date on which the poll shall close, and that later date shall be substituted for the date originally fixed.

(2.) The Minister shall notify in the *Gazette* the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation.

(3.) A poll closes at four o'clock in the afternoon of the day fixed by the Minister in accordance with this regulation.

Voting papers and form of declaration.

**19.**—(1.) As soon as practicable after the date for the close of the poll has been fixed, the Deputy Returning Officer shall transmit by post to each voter a ballot-paper together with an envelope bearing a form of declaration in accordance with Form C.

(2.) A ballot-paper may be in accordance with Form D.

(3.) The names of candidates shall be set out on each ballot-paper in such order and with such descriptions or additions (if any) as the Deputy Returning Officer thinks fit.

Particulars to be inserted in voting papers and declaration.

**20.** Before posting a ballot-paper and an envelope bearing the voter's form of declaration, the Deputy Returning Officer shall, in the spaces provided for those purposes, initial the ballot-paper and insert the date fixed for the close of the poll, and in the form of declaration on the envelope he shall insert—

- (a) the Christian names in full (if known), or the initials, and the surname of the voter;
- (b) the place of residence or place of business of the voter; and
- (c) the date fixed for the close of the poll.

Manner of voting.

**21.**—(1.) On receipt of a ballot-paper and the envelope bearing the voter's form of declaration, the voter shall—

- (a) sign the declaration on the envelope in the presence of a witness;
- (b) record his vote in accordance with the directions set out on the ballot-paper; and
- (c) send the envelope containing the ballot-paper to the Deputy Returning Officer to whom the envelope is addressed.

(2.) A person who witnesses the signature of a voter on the voter's form of declaration shall sign his name in the place provided for the purpose and add his address and the date on which the declaration is witnessed.

**22.** If a voter makes and transmits to the Deputy Returning Officer a statement in writing setting out his full name and address and stating that he has not received a ballot-paper or envelope, or that any ballot-paper or envelope received by him has been lost or destroyed, and that he has not already voted at the poll, the Deputy Returning Officer may post to the voter a ballot-paper and envelope, or a further ballot-paper and envelope, as the case may be.

Ballot-papers  
not received  
or lost or  
destroyed.

#### PART V.—SCRUTINY.

**23.**—(1.) The Deputy Returning Officer shall, for each election— Ballot-box.

- (a) keep a locked and sealed ballot-box marked with the words “Australian Egg Board Ballot-Box—Ballot-papers received from Voters” and such additional words as are, in his opinion, necessary to indicate the election for which the ballot-box is to be used; and
- (b) place and keep in the ballot-box, until the scrutiny, all envelopes containing ballot-papers relating to the election received by him before four o’clock in the afternoon of the day fixed for the close of the poll.

(2.) Where an envelope containing a ballot-paper is posted to the Deputy Returning Officer, but the postage on the envelope is wholly unpaid or insufficiently prepaid, the Deputy Returning Officer shall refuse to accept that envelope and ballot-paper, and that envelope and ballot-paper shall be deemed not to have been received by him for the purposes of this regulation.

**24.** A ballot-paper received by the Deputy Returning Officer after four o’clock in the afternoon of the day fixed for the close of the poll shall not be admitted to the scrutiny.

Ballot-papers  
received after  
close of poll.

**25.** A candidate may, by notice in writing signed by him, or by telegram, addressed to the Deputy Returning Officer and setting out the name and address of the scrutineer, appoint one scrutineer to represent him at the scrutiny.

Appointment  
of scrutineers.

**26.** The Deputy Returning Officer shall, as soon as practicable after four o’clock in the afternoon of the day fixed for the close of the poll—

Scrutiny of  
votes and  
declarations.

- (a) open the ballot-box and produce unopened all envelopes containing ballot-papers contained in the box;
- (b) examine each envelope, and—
  - (i) if the declaration is, in his opinion, signed by a person who is entitled to vote at the poll (being a person who has not previously voted at the poll) and is duly attested—accept the vote for further scrutiny; or
  - (ii) if the declaration is not so signed or attested—disallow the ballot-paper without opening the envelope;
- (c) place the envelopes containing the disallowed ballot-papers in a parcel, seal the parcel, endorse it “Australian Egg Board Elections—Election of a member to represent producers in the State of (*here insert the name of the State*)—Votes disallowed at the Preliminary Scrutiny” and add his signature and the date;

- (d) number consecutively (from one onwards on the address side of the envelope) the envelopes accepted for further scrutiny, and place them on a table before him with the address side of the envelopes uppermost;
- (e) withdraw from each envelope the ballot-paper contained in the envelope and, without unfolding it or inspecting the vote or permitting any other person to do so, write on the ballot-paper a number corresponding with that written on the envelope from which it was withdrawn, and then place the ballot-paper in a locked and sealed ballot-box provided for the purpose of holding ballot-papers relating to that election; and
- (f) place the envelopes in a parcel, seal the parcel and endorse it "Australian Egg Board Elections—Election of a member to represent producers in the State of (*here insert the name of the State*)—Envelopes from which ballot-papers have been withdrawn" and add his signature and the date.

Counting of  
votes.

27.—(1.) For the purpose of counting the votes, the Deputy Returning Officer shall open the ballot-box referred to in paragraph (e) of the last preceding regulation, and conduct a further scrutiny of the ballot-papers contained in the box in accordance with this regulation.

(2.) The Deputy Returning Officer shall, in the presence of persons approved by him and of such scrutineers (if any) appointed in pursuance of regulation 25 as attend the scrutiny, count the first preference votes given for each candidate on such of the ballot-papers as are not rejected as informal.

(3.) The candidate who receives the greatest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.

(4.) If no candidate receives an absolute majority of first preference votes, the Deputy Returning Officer shall proceed with the scrutiny and the counting of the votes as follows:—

- (a) The candidate who has received the least number of first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in order of the voter's preference.
- (b) If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the least number of votes, and counting each of his ballot-papers to the continuing candidate next in order of the voter's preference, shall be repeated until one candidate has received an absolute majority of votes.
- (c) The candidate who has received an absolute majority of votes shall be elected.

(5.) If, on any count, two or more candidates have an equal number of votes, and one of them has to be excluded, the Deputy Returning Officer shall decide which shall be excluded. If, on the final count, two candidates have an equal number of votes, the Deputy Returning Officer shall have a casting vote.

(6.) In this regulation—

“absolute majority” means a number greater than one-half of the total number of votes counted at the poll;

“continuing candidate” means a candidate not excluded from the count.

**28.—**(1.) The Returning Officer shall publish in the *Gazette* notice of the result of an election and the name of the candidate elected. Declaration of election.

(2.) A notice of the result of an election published in the *Gazette* in pursuance of this regulation shall, subject to these Regulations, be conclusive evidence of the result of the election.

**29.—**(1.) At any time before notice of the result of an election is published in the *Gazette*— Recount of votes.

(a) a candidate may (by notice in writing specifying reasons for the request) request the Deputy Returning Officer to conduct a recount of the ballot-papers; and

(b) the Deputy Returning Officer, whether or not he receives a request in pursuance of the last preceding paragraph, may recount the ballot-papers.

(2.) If the Deputy Returning Officer refuses, at the request of a candidate made in pursuance of the last preceding sub-regulation, to conduct a recount of the ballot-papers, the candidate may appeal in writing to the Minister to direct a recount of the ballot-papers, and the Minister may, as he thinks fit, either direct a recount or refuse to direct a recount.

**30.—**(1.) The Deputy Returning Officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance and admission or disallowance and rejection of a ballot-paper. Powers of Deputy Returning Officer conducting recount.

(2.) The Deputy Returning Officer conducting a recount may, and at the request of any scrutineer shall, reserve any ballot-paper for the decision of the Returning Officer.

(3.) The Returning Officer shall decide whether a ballot-paper reserved for his decision in pursuance of the last preceding sub-regulation, shall be allowed and admitted or disallowed and rejected.

**31.** A ballot-paper is informal if—

Informal ballot-papers.

(a) it is not initialled by the Deputy Returning Officer;

(b) it has no vote marked on it;

(c) it is so imperfectly marked that the intention of the voter is uncertain; or

(d) it is not marked in accordance with the directions on the ballot-paper.

Voting papers  
to be placed  
in parcels.

**32.** The Deputy Returning Officer shall, in respect of an election, place in separate parcels—

- (a) ballot-papers rejected as informal;
- (b) ballot-papers allowed or admitted; and
- (c) the copy of the roll used for the election,

and shall endorse on each parcel a description of the contents thereof, add his signature and the date, and retain the parcels until authority is given, in accordance with the provisions of the next succeeding regulation, for destruction of their contents.

Destruction  
of papers.

**33.** At the expiration of six months from the date of publication of the result of the election, the Returning Officer may authorize the ballot-papers and the voters' declarations relating to the election to be destroyed.

Intruders.

**34.** A person shall not, except in accordance with these Regulations—

- (a) wilfully intrude into a room in which an examination of voting papers is being conducted; or
- (b) refuse or fail to leave the room when requested to do so by the Deputy Returning Officer.

Penalty: Fifty pounds.

#### PART VI.—DISPUTED ELECTIONS.

Right to  
dispute  
election.

**35.** A candidate at an election, or a person entitled to vote at an election, may, by petition addressed to the Minister, dispute the validity of—

- (a) the roll used for the election;
- (b) the election; or
- (c) the result, or the notice of the result, of the election.

Requisites of  
petition.

**36.** A petition made in pursuance of the last preceding regulation shall—

- (a) set out the facts relied on to dispute the roll, election, result or notice;
- (b) contain a prayer asking for the relief to which the petitioner claims to be entitled;
- (c) be signed by the petitioner;
- (d) be attested by two witnesses, whose occupations and addresses shall be stated; and
- (e) be presented to the Minister within thirty days after the publication in the *Gazette* of the notice of the result of the election.

Determination  
of dispute.

**37.** The dispute shall be determined by the Minister in such manner as he deems fit, and the Minister may declare that—

- (a) a candidate who was returned as elected was not duly elected;
- (b) a candidate who was not returned as elected was duly elected; and
- (c) the election was void.



**38.**—(1.) Where a candidate has been returned as elected, and he is declared by the Minister under this Part not to have been duly elected, he shall cease to be a member. Effect of decision.

(2.) Where a candidate has not been returned as elected, and he is declared by the Minister under this Part to have been duly elected, he shall become a member.

(3.) If an election is declared by the Minister under this Part to be void, a new election shall be held.

**39.** Decisions of the Minister under this Part are final and conclusive and cannot be questioned or appealed against. Decisions to be final.

**40.**—(1.) The Minister shall not declare an election, the result of an election, or the notice of the result of an election void because of— Inmaterial errors not to vitiate poll or election.

- (a) delay in taking votes or giving or publishing a notice; or
- (b) the absence, error or omission of an officer,

if the Minister is satisfied that the delay, absence, error or omission did not affect the result of the election.

(2.) A person shall not dispute an election—

- (a) because of a defect in the title, or lack of title, of the person who acted as the Deputy Returning Officer;
- (b) because of an error or defect in form in a statement, notice, instrument or publication made under or in pursuance of these Regulations, or purporting to be so made; or
- (c) because an act or thing was not performed or done at or within a prescribed time.

#### PART VII.—MISCELLANEOUS.

**41.** Where a person acting as Returning Officer or Deputy Returning Officer at an election is guilty of wilful misfeasance or of a wilful or negligent act of commission or omission contrary to these Regulations he is guilty of an offence. Misfeasance.

Penalty: Fifty pounds.

**42.** A person shall not make a false statement in a declaration made, or in answer to a question asked, under these Regulations, or in information supplied to a Deputy Returning Officer for the purpose of obtaining a ballot-paper or a further ballot-paper. Untrue statements in declarations, &c.

Penalty: Fifty pounds.

**43.** A person shall not witness the signature of a person to a declaration made under these Regulations unless the person acting as witness— Duty of witness.

- (a) is at least twenty-one years of age;
- (b) satisfies himself as to the identity of the person making the declaration;
- (c) has seen that person sign the declaration in his own handwriting; and
- (d) knows, or has reasonable grounds for believing, that the statements contained in the declaration are true.

Penalty: Fifty pounds.

**44.** A person (other than the voter to whom a ballot-paper has been issued) shall not mark or write on a ballot-paper otherwise than in accordance with these Regulations.

**Offences in  
connexion  
with polling.**

- (a) impersonate another person for the purpose of securing a ballot-paper or of voting at an election;
- (b) fraudulently destroy or deface a ballot-paper; or
- (c) vote more than once at an election.

### Forms.

**46.** Strict compliance with the Forms in the Schedule to these Regulations is not necessary, and substantial compliance is sufficient.

FORM A.

Regulation 6 (2.).

COMMONWEALTH OF AUSTRALIA.

*Egg Export Control (Election of Board) Regulations.*

### CLAIM FOR ENROLMENT.

Surname—

[In block letters]

Christian names—

[In block letters]

Full postal address—

To the Deputy Returning Officer,

[Here insert address]

I, the abovenamed person, hereby claim to have—

\* (a) my name;

\*(a) the name of [here insert name and address of company, association, society or partnership on behalf of which enrolment is claimed],

placed on the roll of egg producers in the State of

I declare—

\*(b) that I am an egg producer, and that I own not less than five hundred adult female domestic fowls;

\*(b) that the abovenamed \*company/association/society/partnership, of which I am a member, is an egg producer and owns not less than five hundred adult female domestic fowls, and has authorized me to complete this Claim for Enrolment on its behalf; and

(c) that the statements made in this claim are true and correct in every particular.

Signature of applicant.  
(In own handwriting.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Signature of witness:

**Address of witness:**

\*Strike out whichever is not applicable.

THE SCHEDULE—*continued*.

FORM B.

Regulations 10 and 12.

COMMONWEALTH OF AUSTRALIA.

*Egg Export Control (Election of Board) Regulations.*

## NOMINATION FOR ELECTION OF A MEMBER OF THE AUSTRALIAN EGG BOARD TO REPRESENT PRODUCERS IN THE STATE OF

To the Deputy Returning Officer,  
[*Here insert address*].

We, the undersigned persons, being persons entitled to vote at the forthcoming election of a member of the Australian Egg Board, hereby nominate the following person as a candidate for election as a member of that Board to represent egg producers in the State of

Surname of candidate—  
[*In block letters*]Christian names of candidate—  
[*In block letters*]

Place of residence:

Occupation:

| Signature of Nominator. | Place of Residence. | Date of Signature. | Witness to Signature. |
|-------------------------|---------------------|--------------------|-----------------------|
| 1.                      |                     |                    |                       |
| 2.                      |                     |                    |                       |
| 3.                      |                     |                    |                       |
| 4.                      |                     |                    |                       |
| 5.                      |                     |                    |                       |
| 6.                      |                     |                    |                       |
| 7.                      |                     |                    |                       |
| 8.                      |                     |                    |                       |
| 9.                      |                     |                    |                       |
| 10.                     |                     |                    |                       |

I, \_\_\_\_\_ of \_\_\_\_\_, the person nominated for election above, consent to act, if elected, and declare that I am qualified under the Egg Export Control (Election of Board) Regulations, to be elected.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Signature of candidate:

Signature of witness:

Address of witness:

FORM C.

Regulation 19 (1.).

COMMONWEALTH OF AUSTRALIA.

*Egg Export Control (Election of Board) Regulations.*

## DECLARATION BY VOTER.

In accordance with the *Egg Export Control Act* 1947-1951 and the Regulations made under that Act, I, \_\_\_\_\_ of \_\_\_\_\_, declare—

- (a) that I am entitled to vote at the election of a member of the Australian Egg Board to represent producers in the State of \_\_\_\_\_, 19 \_\_\_\_; (the poll for which election closes on \_\_\_\_\_, 19 \_\_\_\_);
- \*(b) that I am an egg producer and that I own not less than five hundred adult female domestic fowls;
- \*(b) that I am a member of [*here insert name of company, association, society or partnership*], which owns not less than five hundred adult female domestic fowls, and on behalf of which I am entitled to vote at the election;
- (c) that I have not previously voted at the election.

Signature of voter.  
19 \_\_\_\_.

Signed before me this \_\_\_\_\_ day of \_\_\_\_\_

Signature of witness:

Address of witness:

\*Strike out whichever is not applicable.

## EGG EXPORT CONTROL ACT

FORM D.

THE SCHEDULE—*continued*.

Regulation 19 (2.).

COMMONWEALTH OF AUSTRALIA.

|                                         |
|-----------------------------------------|
| Deputy Returning<br>Officer's Initials. |
|-----------------------------------------|

*Egg Export Control (Election of Board) Regulations.*

## BALLOT-PAPER.

Election of a member of the Australian Egg Board to represent producers in the  
State of \_\_\_\_\_, the poll for which election closes on  
\_\_\_\_\_, 19 \_\_\_\_.

DIRECTIONS TO VOTER.—Mark your vote on this paper by placing the numbers  
1, 2, 3, 4 (and so on, as the case requires) in the squares respectively opposite the  
names of the candidates so as to indicate the order of your preference for them.

## CANDIDATES.

|                          |       |
|--------------------------|-------|
| <input type="checkbox"/> | ..... |
| <input type="checkbox"/> | ..... |
| <input type="checkbox"/> | ..... |

## FURTHER DIRECTIONS TO VOTER.

After marking your vote, fold the ballot-paper and place it in the envelope  
bearing your declaration (duly signed and witnessed), securely fasten the envelope,  
and forthwith send it, by pre-paid post or otherwise, to the Deputy Returning Officer  
to whom it is addressed.

## EGG EXPORT CONTROL (LICENCES) REGULATIONS.\*

Citation.

1. These Regulations may be cited as the Egg Export Control  
(Licences) Regulations.\*

Repeal.

2. The Egg Export Control (Licences) Regulations (being Statutory  
Rules 1948, No. 18) are repealed.

Interpretation.

3.—(1.) In these Regulations, unless the contrary intention appears—  
“authorized person”, in relation to the exercise of a power or  
the performance of a duty or function under these Regulations,  
means a person authorized for that purpose by the Board;

\* Statutory Rules 1954, No. 72; in force under the *Egg Export Control Act* 1947-1954; notified in  
the *Gazette* and commenced on 10th June, 1954.

The form of introductory words used to make those Statutory Rules was as follows:—

“WHEREAS by section fourteen of the *Egg Export Control Act* 1947-1954 it is enacted that, for the  
purpose of enabling the Australian Egg Board effectively to control the export and distribution after  
export of Australian eggs, the Governor-General may make regulations prohibiting the export from  
the Commonwealth of any eggs except by persons who hold licences issued by the Minister or by a  
person thereto authorized in writing by the Minister, and subject to such conditions and restrictions  
as are prescribed after recommendation to the Minister by the Board:

And whereas the Australian Egg Board has recommended to the Minister that the conditions and  
restrictions applying to the export from the Commonwealth of eggs should be the conditions and  
restrictions set forth in the following Regulations:

Now therefore 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 *Egg  
Export Control Act* 1947-1954.”

“authorized price”, in relation to a sale of eggs, means the minimum price for that sale calculated in accordance with the determination under regulation 9 of these Regulations that is applicable to the sale, or, where that price is expressed in a currency other than that in which the sale is made, the equivalent price in the currency in which the sale is made according to the rate of exchange applicable at the time of the sale;

“export” means export from the Commonwealth;

“licence” means a licence to export eggs issued in pursuance of these Regulations;

“licensee” means the holder of a licence;

“overseas” means in a place outside the Commonwealth;

“the Act” means the *Egg Export Control Act 1947-1954*;

“the Board” means the Australian Egg Board constituted by the Act and, in relation to a power or function of the Board which the Executive Committee of the Board is authorized to exercise or perform, includes the Executive Committee;

“the Secretary” means the Secretary to the Board, and includes a person for the time being acting as Secretary to the Board.

(2.) In these Regulations, a reference to a Form shall be read as a reference to a Form in the Schedule to these Regulations.

(3.) Strict compliance with a Form in the Schedule to these Regulations is not necessary and substantial compliance is sufficient.

**4. The export of eggs is prohibited—**

Regulation of export.

(a) except by licensees; and

(b) except in accordance with the conditions and restrictions prescribed by these Regulations.

**5.—(1.)** The Minister or a person authorized in writing by the Minister to grant licences under these Regulations may, in his discretion, issue or refuse to issue a licence to export eggs.

Issue of licences.

(2.) A licence granted in pursuance of the last preceding sub-regulation shall, subject to sub-section (3.) of section 14 of the Act, be in force for the period specified in the licence.

**6. A licence to export eggs shall be in accordance with Form A.**

Form of licence.

**7.—(1.) A licensee shall not export eggs unless—**

Conditions and restrictions.

(a) any purchaser, agent or representative to or through whom the eggs are shipped is approved by the Board for the purposes of these Regulations;

(b) the eggs are insured with a person approved by the Board;

(c) the eggs have been sold before export, or are consigned, upon terms and conditions approved by the Board;

(d) the export of the eggs is in accordance with any directions of the Board with respect to the quantities of eggs which may be exported by the licensee either generally or to particular places;

## EGG EXPORT CONTROL ACT

- (e) he has, if so required by the Board, given an undertaking to the satisfaction of the Board that he will not, without the consent of the Board—
  - (i) sell any of the eggs overseas at a price less than the authorized price;
  - (ii) enter into a contract or agreement or a variation of a contract or agreement whereby a person is enabled, authorized or permitted to sell any of the eggs overseas at a price less than the authorized price;
  - (iii) give an authority, licence, consent or approval to a person to sell any of the eggs overseas at a price less than the authorized price;
  - (iv) facilitate, counsel, procure or encourage the sale overseas of any of the eggs at a price less than the authorized price;
  - (v) give or allow, or promise or agree to give or allow, in relation to the sale of any of the eggs, any brokerage, rebate, discount, commission, allowance, option or benefit, whether in money, money's worth, credit, goods or otherwise, that is not provided for in the terms and conditions upon which the eggs have been sold before export, or are consigned, and would have the effect, directly or indirectly, of reducing the price of the eggs to less than the authorized price; or
  - (vi) fail or omit to take all reasonable and proper steps to ensure that any agent, representative or consignee of the licensee does not sell any of the eggs overseas at a price less than the authorized price; and
- (f) the licensee has obtained from the Secretary a certificate in accordance with Form C (which certificate has not been revoked) certifying that the export is authorized by the Board, and the export is in accordance with the particulars shown in the certificate.

(2.) Paragraph (f) of the last preceding sub-regulation does not apply in the case of—

- (a) the export (other than export to the United Kingdom), on the one ship, of a quantity of eggs in shell not exceeding six hundred dozen in number; or
- (b) the export, on the one ship, for use on the ship as ship's stores, of a quantity of eggs in shell not exceeding three thousand nine hundred dozen in number.

(3.) A licensee shall not export eggs to the United Kingdom on consignment unless he has given an undertaking to the satisfaction of the Board that—

- (a) the sale or other disposal of the eggs will not be completed until the terms of sale or other disposal are approved by the Board; and
- (b) the licensee will comply, or cause the consignee to comply, with any order of the Board in respect of the storage, care and protection of the eggs.

(4.) A licensee shall not ship eggs for export to the United Kingdom except in accordance with such shipping arrangements and allocations as are determined by the Board.

(5.) A licensee shall not export eggs to a country other than the United Kingdom, otherwise than in pursuance of a sale made before the export takes place, unless he has given an undertaking to the satisfaction of the Board that every contract by which any of the eggs are sold or disposed of by him or on his behalf will contain a provision that the person to whom the eggs are sold or disposed of will not tranship or re-export the eggs to the United Kingdom, and that the licensee will take all reasonable steps to enforce that provision.

8.—(1.) An application by a licensee for a certificate in accordance with Form C in relation to any eggs proposed to be exported shall be in accordance with Form B and shall be lodged with the Secretary not less than fourteen days before the date of export. Certificate of authority to export.

(2.) Where an application is made in accordance with the last preceding sub-regulation, the Secretary may—

(a) if he is satisfied that the proposed export will, if the certificate is granted, be in conformity with these Regulations and with any directions or determinations of the Board—grant the certificate; or

(b) if he is not so satisfied—refuse to grant the certificate.

(3.) If the Secretary refuses to grant a certificate for which application has been made in accordance with sub-regulation (1.) of this regulation, he shall notify the applicant, in writing, of his reason for so refusing.

(4.) A certificate granted under this regulation may be revoked by the Secretary by notice in writing to the licensee at any time before the export of the eggs to which it relates.

9.—(1.) For the purposes of these Regulations, the Board may, from time to time, determine, or determine the manner of calculation of, minimum prices for the sale of eggs to be exported or for the sale overseas of exported eggs. Determination of minimum prices.

(2.) A determination under this regulation may make different provision with respect to eggs exported or to be exported to different countries.

10.—(1.) A licensee shall, within seven days after the export of any eggs by him, furnish to the Secretary, in duplicate, a return signed by or on behalf of the licensee in accordance with Form D, Form E or Form F, as the case requires. Returns and information to be furnished, &c.

(2.) A licensee shall, upon demand in writing by the Secretary or an authorized person, furnish to the Secretary or to the authorized person, as the case may be, such information as is required in relation to the sale, disposal or export, or the intended sale, disposal or export, by the licensee of eggs or in relation to eggs at any time owned by, or in the custody, possession or control of, the licensee.

Penalty: Fifty pounds.

## Notices.

11. A notice or other document may, for the purposes of these Regulations, be served on a licensee by post at his address specified in his licence.

## False information.

12. A person shall not, for the purposes of these Regulations, make a statement or furnish information which is false or misleading.

Penalty: Fifty pounds.

## THE SCHEDULE.

FORM A.

Reg. 6.  
No.

COMMONWEALTH OF AUSTRALIA.

*Egg Export Control (Licences) Regulations.*

## LICENCE TO EXPORT EGGS.

In pursuance of regulation 5 of the Egg Export Control (Licences) Regulations,

I,  
(a) the Minister of State for Commerce and Agriculture,  
(a) a person authorized by the Minister of State for Commerce and Agriculture  
to grant licences under these Regulations,  
hereby grant to \_\_\_\_\_ of  
a licence to export eggs from the Commonwealth, subject to those Regulations,  
during the period commencing on \_\_\_\_\_ 19 \_\_\_\_\_ and ending  
on \_\_\_\_\_ 19 \_\_\_\_\_  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

(a) Strike out  
whichever is  
inapplicable.

FORM B.

Reg. 8.

COMMONWEALTH OF AUSTRALIA.

*Egg Export Control (Licences) Regulations.*

## APPLICATION FOR AUTHORITY TO EXPORT EGGS.

To—

The Secretary,  
Australian Egg Board.

I/We \_\_\_\_\_ of \_\_\_\_\_  
hereby apply for a Certificate of Authority to export the following eggs:—

| Description.        | Quantity.    | Price (including Charge under Egg Export Charges Act). | Commission (Percentage or Amount). | Whether f.o.b., c.i.f. or on consignment. |
|---------------------|--------------|--------------------------------------------------------|------------------------------------|-------------------------------------------|
| Eggs in Shell—      |              |                                                        |                                    |                                           |
| 12-lb. pack ..      | c/s ea. doz. | per doz.                                               |                                    |                                           |
| 14-lb. pack ..      | c/s ea. doz. | per doz.                                               |                                    |                                           |
| 15-lb. pack ..      | c/s ea. doz. | per doz.                                               |                                    |                                           |
| 16-lb. pack ..      | c/s ea. doz. | per doz.                                               |                                    |                                           |
| Liquid Whole Egg .. | tins ea. lb. | per lb.                                                |                                    |                                           |
| Other Egg Products  |              |                                                        |                                    |                                           |

The following additional particulars are furnished in respect of this application:—

Name of vessel—

Approximate date of sailing—

Port of discharge—

Name and address of consignee or purchaser—

Any further circumstances connected with this application—

I/We declare that the information given in this application is true and correct in every particular.

Dated this \_\_\_\_\_

day of \_\_\_\_\_

, 19 \_\_\_\_\_  
(Signature of Licensee.)



No. .

CERTIFICATE OF AUTHORITY TO EXPORT EGGS.

| Description.             | Quantity.    |
|--------------------------|--------------|
| Eggs in Shell—           |              |
| 12-lb. pack .. ..        | c/s ea. doz. |
| 14-lb. pack .. ..        | c/s ea. doz. |
| 15-lb. pack .. ..        | c/s ea. doz. |
| 16-lb. pack .. ..        | c/s ea. doz. |
| Liquid Whole Egg .. ..   | tins ea. lb. |
| Other Egg Products .. .. |              |

Australian Egg Board.

### RETURN OF EGGS IN SHELL.

(a) The following eggs in shell have been shipped on the abovenamed vessel pursuant to the licence:—

[illegible]

(c) Particulars of withdrawals from cold store for shipment are as follows:—

| Date. | Name of cold store. |                      | Name of cold store. |                      | Name of cold store. |                      | Total number of cases. |
|-------|---------------------|----------------------|---------------------|----------------------|---------------------|----------------------|------------------------|
|       | Number of cases.    | Certificate numbers. | Number of cases.    | Certificate numbers. | Number of cases.    | Certificate numbers. |                        |
|       |                     |                      |                     |                      |                     |                      |                        |

(Signature of Licensee.)

\* This information is not required in the case of eggs shipped on behalf of the Australian Egg Board.

Reg. 10.

*Egg Export Control (Licences) Regulations.*

RETURN OF LIQUID WHOLE EGG, LIQUID EGG WHITE OR LIQUID EGG YOLK.

**Australian Egg Board.**

Shipment on the " " from the port of  
Date shipped .

I, \_\_\_\_\_ of \_\_\_\_\_ the holder of licence No. \_\_\_\_\_ granted for the period from 19 \_\_\_\_\_ to 19 \_\_\_\_\_ to export eggs hereby furnish the following particulars with respect to liquid whole egg, liquid egg white or liquid egg yolk exported pursuant to the licence:—

(a) The following \* has been shipped on  
the abovementioned vessel pursuant to the licence:—

| Name and address of owner. | Name and address of manufacturer. | Quantity shipped.   |                     | Name of person to whom shipped. | Port and country to which shipped. |
|----------------------------|-----------------------------------|---------------------|---------------------|---------------------------------|------------------------------------|
|                            |                                   | No. of 28 lb. tins. | No. of 40 lb. tins. |                                 |                                    |
|                            |                                   |                     |                     |                                 |                                    |

(b) All tins shipped were packed in

†(c) The price at which the \* was sold is per lb.  $\left\{ \begin{array}{l} \text{f.o.b.} \\ \text{c.i.f.} \\ \text{ex store} \\ \text{into store} \end{array} \right.$

(d) Particulars of withdrawals from cold store for shipment are as follows:—

| Date. | Name of cold store. |                      | Name of cold store. |                      | Name of cold store. |                      | Total number of tins. |
|-------|---------------------|----------------------|---------------------|----------------------|---------------------|----------------------|-----------------------|
|       | Number of tins.     | Certificate numbers. | Number of tins.     | Certificate numbers. | Number of tins.     | Certificate numbers. |                       |
|       |                     |                      |                     |                      |                     |                      |                       |

I declare that the particulars shown in this return are true and correct in every detail.

Dated this                                      day of                                      , 19                                      .

(Signature of Licensee.)

\* Here insert "liquid whole egg", "liquid egg white" or "liquid egg yolk".

† This information is not required in the case of eggs shipped on behalf of the Australian Egg Board.

FORM F.

Reg. 10.

COMMONWEALTH OF AUSTRALIA.

*Egg Export Control (Licences) Regulations.*

RETURN OF DRIED EGG PRODUCTS.

The Secretary,  
Australian Egg Board.

Shipment on the "                                      " from the port of                                      .  
Date of shipment                                      .

I                                      of  
the holder of licence No.                                      granted for the period from  
19                                      to                                      19                                      to export eggs hereby furnish the following  
return with respect to egg products exported pursuant to the licence:—

(a) The following \*                                      has been shipped on  
the abovenamed vessel pursuant to the licence:—

| Name and address of owner. | Name and address of manufacturer. | Quantity shipped.      |                        | Name of person to whom shipped. | Port and country to which shipped. |
|----------------------------|-----------------------------------|------------------------|------------------------|---------------------------------|------------------------------------|
|                            |                                   | No. of lb. containers. | No. of lb. containers. |                                 |                                    |
|                            |                                   |                        |                        |                                 |                                    |

†(b) The price at which the egg product was sold is                                      per lb.  $\left\{ \begin{array}{l} \text{f.o.b.} \\ \text{c.i.f.} \\ \text{ex store} \\ \text{into store} \end{array} \right.$

## EGG EXPORT CONTROL ACT

(c) Particulars of withdrawals from cold store for shipment are as follows:—

| Date. | Name of cold store.   |                      | Name of cold store.   |                      | Name of cold store.   |                      | Total number of containers. |
|-------|-----------------------|----------------------|-----------------------|----------------------|-----------------------|----------------------|-----------------------------|
|       | Number of containers. | Certificate numbers. | Number of containers. | Certificate numbers. | Number of containers. | Certificate numbers. |                             |
|       |                       |                      |                       |                      |                       |                      |                             |

I declare that the particulars shown in this return are true and correct in every detail.

Dated this                                      day of                                      , 19                      .  
(Signature of Licensee.)

\* Here insert "dried whole egg", "sugared dried egg" or "dried egg white".

† This information is not required in the case of eggs shipped on behalf of the Australian Egg Board.

## ESTATE DUTY ASSESSMENT ACT 1914-1956

## ESTATE DUTY REGULATIONS.\*

## PART I.—PRELIMINARY.

1. These Regulations may be cited as the Estate Duty Regulations.\* Citation.

2. These Regulations are divided in Parts, as follows:—

Parts.  
Substituted by  
1956, No. 51.

Part I.—Preliminary (Regulations 1-4).

Part II.—Returns (Regulations 5-17).

Part III.—Collection and Recovery of Estate Duty (Regulations 18-26).

Part IV.—Objections and Appeals (Regulations 27-28G).

Part V.—Miscellaneous (Regulations 29-37).

3. Statutory Rules 1917, No. 267 and Statutory Rules 1929, No. 32 Repeal.  
are repealed.

4.—(1.) In these Regulations, unless the contrary intention appears—

Definition.  
Sub-reg. (1.)  
amended by  
1942, No. 292.

“Board” means a Valuation Board or a Board of Review as the case may be;

“the Act” means the *Estate Duty Assessment Act* 1914-1940, and, when considered in relation to any time, means that Act, or, if it has been amended, that Act as amended as in force at that time.

(2.) For all the purposes of these Regulations—

(a) the Australian Capital Territory shall be deemed to be part of the State of New South Wales; and

(b) the Northern Territory shall be deemed to be a separate State.

\* The Estate Duty Regulations, in force under the *Estate Duty Assessment Act* 1914-1956, comprise the following Statutory Rules:—

| Year and Number. |    |    |    |    | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|------------------|----|----|----|----|----------------------------------------------------------------|
| 1941, No. 78     | .. | .. | .. | .. | 3rd April, 1941                                                |
| 1942, No. 292    | .. | .. | .. | .. | 26th June, 1942                                                |
| 1956, No. 51     | .. | .. | .. | .. | 21st June, 1956                                                |

## PART II.—RETURNS.

Exemption  
from furnishing  
returns.

Amended by  
1956, No. 51.

5.\* Unless required in writing by the Commissioner, the Second Commissioner or a Deputy Commissioner so to do, it shall not be necessary for the administrator to furnish a return in accordance with section 10 of the Act in respect of an estate where the value of the estate (as defined in section 18A of the Act) does not exceed—

- (a) in the case of an estate the whole of which passes to the widow, widower, children or grandchildren of the deceased person—Five thousand pounds; or
- (b) in any other case—Two thousand five hundred pounds.

Where whole  
estate  
distributed  
prior to death.  
Amended by  
1951, No. 51.

6. Where in any estate there is no administrator liable to furnish a return and the property of the deceased person liable to estate duty has been distributed at, or within three years prior to, the decease of the deceased person, each of the persons to whom the property has been distributed shall, within three months after the date of the death of the deceased person, furnish a full and complete return of all the property received by him from the deceased person and shall be liable for the payment of any estate duty assessable in respect of that property.

Prescribed  
matters for  
purposes of  
s. 10 of Act.  
Substituted by  
1956, No. 51.

7. For the purposes of section 10 of the Act, but subject to these Regulations—

- (a) the prescribed period is—
  - (i) the period of three months after the death of the person whose estate is being administered; or
  - (ii) where probate of the will or letters of administration are not granted within the period specified in the last preceding sub-paragraph, the period of one month after the date on which probate of the will or letters of administration are granted;
- (b) the prescribed form is the form contained in the Schedule to these Regulations together with the schedules referred to in that form; and
- (c) the prescribed place is—
  - (i) if the estate of the deceased person is wholly situated within any one State—at the office of the Deputy Commissioner of Taxation in that State;
  - (ii) if the estate of the deceased is wholly situated within the Australian Capital Territory or partly within that Territory and partly within the State of New South Wales—at the office of the Deputy Commissioner of Taxation, Sydney;
  - (iii) if the estate of the deceased is wholly situated in the Northern Territory of Australia—at the office of the Deputy Commissioner of Taxation for the Northern Territory; or
  - (iv) subject to paragraph (ii) of this paragraph, if the estate of the deceased person is situated within more than one State or Territory—at the office of the Deputy Commissioner of Taxation, Central Office, Melbourne.

\* This regulation was amended by regulation 2 (1.) of Statutory Rules 1956, No. 51. Regulation 2 (2.) of those Statutory Rules reads as follows:—

“(2.) The amendment effected by the last preceding sub-regulation applies in relation to the estates of deceased persons dying on or after the twenty-eighth day of October, 1953.”

8. Every return required by the Commissioner shall be prepared and furnished in accordance with such form, and lodged at such office, within such time, as the Commissioner specifies in the requirement. Furnishing of returns required by Commissioner.

9. The Commissioner, Second Commissioner or a Deputy Commissioner may at any time accept a return in a form substantially similar to a prescribed form. Substantial compliance with form.

10. The Commissioner, Second Commissioner or a Deputy Commissioner may at any time, by notice in writing, grant an extension of the time for furnishing a return. Extension of time.

11. The administrator shall furnish with the return—

- (a) a certified copy of the will (if any) of the deceased and all codicils to the will, or a photographic copy of those documents furnished by the Registrar of Probates or other appropriate officer of the Supreme Court of a State or Territory; and Copy of will and settlement to be furnished with return. Substituted by 1956, No. 51.
- (b) a certified copy of every settlement made by the deceased, either before or after the commencement of the Act.

11A. The administrator shall furnish with the return of the estate of a deceased person— Particulars to be furnished with returns. Inserted by 1956, No. 51.

- (a) a statement setting out the basis on which each asset included in the return has been valued;
- (b) where the deceased person held a beneficial interest in a joint tenancy or joint ownership of the real or personal property, a statement setting out—
  - (i) the date of creation of the joint tenancy or joint ownership; and
  - (ii) the amounts contributed by each joint tenant or joint owner;
- (c) where the deceased person held leasehold estate, a statement setting out—
  - (i) the term of the lease;
  - (ii) the rental payable under the lease;
  - (iii) the buildings erected on the leased land; and
  - (iv) the covenants contained in the lease;
- (d) where the deceased person had, at the time of his death, money placed on fixed deposit, a statement setting out—
  - (i) the dates and periods of deposit; and
  - (ii) the rates of interest; and
- (e) where, under the will of the deceased person, a person receives a life tenancy or an annuity, a statement setting out the age of the life tenant or annuitant, as the case may be.

12.—(1.) Subject to sub-regulation (2.) of this regulation, every return shall be signed by the administrator. Signature to returns.

(2.) Where the administrator is unable to write, the Commissioner, Second Commissioner or a Deputy Commissioner may accept a return, if otherwise in order, if—

- (a) the administrator affixes his mark thereto as a signature;
- (b) the mark is attested by a witness; and

- (c) the witness certifies on the return that the return was read over to the administrator and that the administrator fully understood and approved the contents thereof and freely and voluntarily affixed his mark thereto as a signature.

(3.) If there are more administrators than one in respect of an estate, the signature of one administrator to the return shall be sufficient.

When return  
deemed to be  
furnished.

**13.** A return shall not be deemed to have been duly furnished to the Commissioner unless and until—

- (a) the proper form in accordance with these Regulations, signed by the administrator, and containing a full, true and complete statement of all matters and things required to be stated therein by the Act, these Regulations, the Commissioner and the form itself; and
- (b) all documents and copies which, by the Act, these Regulations or the Commissioner, are required to be furnished with the return,

have, at the place where under these Regulations the return is to be furnished, been received by an officer authorized by the Commissioner to receive returns.

Notice of  
address.

**14.** The administrator shall, in the return, give an address in Australia for service.

Notice of  
change of  
address.

**15.** An administrator who changes his address shall, within one month after the change, give to the Commissioner, at the place where the return was furnished, notice in writing of his new address in Australia for service.

Failure to  
notify change  
of address.

**16.** Any administrator who changes his address and fails to give to the Commissioner notice in writing of his new address in Australia for service shall not be permitted to plead that change of address as a defence in any proceedings (whether civil or criminal) instituted against him under the Act or these Regulations.

Annotations  
on returns.

**17.—(1.)** The Commissioner may cause or permit his officers to make on any return such marks, figures and annotations as the Commissioner thinks fit.

(2.) The marks, figures and annotations shall be made in ink of a colour different from that of the ink used in the return.

### PART III.—COLLECTION AND RECOVERY OF ESTATE DUTY.

How duty may  
be paid.  
Amended by  
1942, No. 292.

**18.** Estate duty may be paid—

- (a) by delivery of cash, bank notes or cheques at the office of the Commissioner or of any Deputy Commissioner;
- (b) by remitting the duty to the Commissioner or any Deputy Commissioner by bank draft, cheque, postal money order, or postal note payable in the city to which the remittance is sent; or
- (c) by depositing the net amount of the duty to the credit of the Commissioner or a Deputy Commissioner at any branch of the Commonwealth Bank of Australia.



19. Where a remittance is posted by an administrator addressed to the Commissioner or a Deputy Commissioner, the Post Office shall be deemed to be the agent of the remitter, and payments shall not be deemed to have been made public until the remittance has been received by the addressee.

Post office to be agent of remitter.

20. Where a cheque has been delivered or remitted to the Commissioner or a Deputy Commissioner in payment of estate duty, the duty shall, notwithstanding any receipt given therefore, not be deemed to have been paid until the amount for which the cheque is drawn has been collected.

Payment by cheque.

21. Receipts for estate duty shall be issued by such persons as the Commissioner, Second Commissioner or a Deputy Commissioner authorizes.

Receipts to be issued.

22. Except with the express consent of the Commissioner, Second Commissioner or a Deputy Commissioner, no money shall be accepted on account or in part payment of estate duty.

Part payment of estate duty.

23. The postage on every return, statement, communication, remittance, or other matter sent by post, addressed to the Commissioner, Second Commissioner or a Deputy Commissioner, shall be fully prepaid by the sender.

Postage to be prepaid.

24. When any sum is received as payment of estate duty, the Commissioner or Deputy Commissioner, as the case may be, shall first deduct therefrom the amount of postage and surcharge (if any) paid upon any unstamped or insufficiently stamped matter received through the post from the administrator and shall credit in payment of duty only the net amount then remaining.

Deficient postage.

25. In any action against a person for the recovery of estate duty, a certificate in writing, signed by the Commissioner, the Second Commissioner or a Deputy Commissioner, certifying that—

Certificate as to service of notice of assessment, &c.

- (a) the person named in the certificate is the administrator or other person liable under the Act to pay estate duty;
- (b) an assessment of estate duty was duly made against him in respect of the estate mentioned in the certificate;
- (c) the particulars of the assessment are as stated in the certificate;
- (d) notice of the assessment was duly served upon him;
- (e) the sum named in the certificate was, at the date of the certificate, due by him to the King on behalf of the Commonwealth in respect of estate duty,

shall be *prima facie* evidence of the facts stated in the certificate.

26. In any action for the recovery of estate duty, evidence may be given by affidavit, but the Court may require the deponent to attend for the purpose of being cross-examined.

Evidence by affidavit.

#### PART IV.—OBJECTIONS AND APPEALS.

Part IV. substituted by 1942, No. 292.

27. An objection under the provisions of sub-section (1.) of section 24 of the Act against an assessment shall be posted to or lodged with the Commissioner at the address from which the notice of assessment objected to was issued.

Objections. Substituted by 1942, No. 292.

Particulars to  
be supplied  
by  
Commissioner.  
Substituted by  
1942, No. 292.

**28.**—(1.) The Commissioner, in referring a decision to a Valuation Board in accordance with sub-section (1.) of section 25 or to a Board of Review in accordance with sub-section (1.) of section 26 of the Act shall furnish the Chairman of the Valuation Board or Board of Review, as the case may be, with printed or typewritten statements in quadruplicate containing—

- (a) the name and address of the objector;
- (b) full details of the objector's claims as made to the Commissioner;
- (c) the Commissioner's reasons for disallowing the objector's claims.

(2.) The Commissioner shall at the same time furnish the objector with a copy of the statements referred to in paragraphs (b) and (c) of the last preceding sub-regulation.

Notice of  
review.

Inserted by  
1942, No. 292.

**28A.**—(1.) The Chairman of a Valuation Board or Board of Review shall cause notice to be served upon the Commissioner and the objector of the date on which the review is to take place.

(2.) Notice of a review shall be given not less than fourteen days prior to the date on which the review is to take place.

(3.) A notice under this regulation may be served either personally or by post, and, if served by post, service shall be effected by properly addressing, prepaying and posting the notice as a letter, and, unless the contrary is proved, service shall be deemed to have been effected at the time when the letter would have been delivered in the ordinary course of post.

Order, place  
and time of  
review.

Inserted by  
1942, No. 292.

**28B.**—(1.) All references for the purpose of review by a Valuation Board and all references for the purpose of review by a Board of Review shall respectively be numbered consecutively and, unless the Chairman of the Board otherwise directs, the review shall take place in the order in which the references are received in respect of each State by that Board.

(2.) The sittings of a Board for purposes of reviews shall be held in such place or places and at such time or times as are fixed by the Chairman of the Board.

Amended by  
1956, No. 51.

(3.) A Board shall not be required to sit on public holidays or during a yearly vacation commencing on the twenty-fifth day of December and ending on the twenty-first day of January.

Conduct of  
reviews.

Inserted by  
1942, No. 292.

**28c.**—(1.) Subject to this Part, reviews by a Board shall be conducted as the Chairman from time to time directs.

(2.) All reviews shall take place *in camera* unless the objector otherwise elects.

(3.) Where a review takes place in public the decision shall be given at a public meeting of the Board.

(4.) Either party to a review may nominate a person to represent him at the review.

(5.) The Chairman of a Board may adjourn any review from time to time as he thinks fit.

Evidence.  
Inserted by  
1942, No. 292.

**28D.**—(1.) A board shall take all oral evidence on oath or affirmation, and for that purpose the Chairman of the Board or, in the absence of the Chairman, the Acting Chairman, shall have power to administer oaths and affirmations.

(2.) The Chairman of the Board may, and, at the request of the Commissioner or by the person representing the Commissioner at the review, shall, by notice in writing, require any person—

- (a) to furnish the Board with such information as, in opinion of the Commissioner or the person representing the Commissioner at the review, is necessary for the purpose of the review; and
- (b) to attend and give evidence before the Board concerning any matter relevant to the review and may require him to produce all books, documents and other papers whatever in his custody or under his control relating thereto.

(3.) The expenses to be allowed to any person required to attend and give evidence under the last preceding sub-regulation shall be as prescribed by regulation 36 of these Regulations.

**28E.** A Board shall give a written decision on each review and shall forward copies of the decision to the Commissioner and to the objector, and the Commissioner shall, unless the decision has been appealed from, or the objection is the subject of an undecided reference on other grounds, give effect to the decision within sixty days after receipt thereof.

Decision of a Board.  
Inserted by  
1942, No. 292.

**28F.**—(1.) The time within which a Board may re-open a review in accordance with the proviso to sub-section (5.) of section 25 or sub-section (5.) of section 26 of the Act shall be thirty days.

Re-opening of reviews.  
Inserted by  
1942, No. 292.

(2.) Notice of such re-opening shall be served upon the Commissioner and the objector as prescribed by regulation 28A of these Regulations.

**28G.** A communication to a Board may be addressed to the Chairman of the Board in the care of the Deputy Commissioner of Taxation in the State in which the person making the communication resides.

Communication to Board.  
Inserted by  
1942, No. 292;  
substituted by  
1956, No. 51.

#### PART V.—MISCELLANEOUS.

**29.** Any notice or other communication by or on behalf of the Commissioner may be served upon any administrator or other person—

Service of notices, &c.

- (a) by causing it to be served personally on him; or
- (b) by leaving it at his address for service; or
- (c) by posting it by prepaid letter post, addressed to him at his address for service,

and, in any case to which paragraph (c) of this regulation applies, unless the contrary is proved, service thereof shall be deemed to have been effected at the time when it would, in the ordinary course of post, have arrived at the place to which it was addressed.

**30.** Any notice to be given by the Commissioner may be given by any officer of the Commissioner duly authorized in that behalf, and any notice purporting to be signed by the authority of the Commissioner shall be as valid and effectual for all purposes as if signed by the Commissioner in person.

Signatures.

**31.**—(1.) Any certificate, notice or other document bearing the written, stamped or printed signature of the Commissioner, the Second Commissioner or a Deputy Commissioner shall, until the contrary is proved, be deemed to have been duly signed by the person by whom it purports to have been signed.

Signature deemed to be duly signed.

(2.) Judicial notice shall be taken of every such signature and of the fact that the person whose signature it purports to be holds, or has held, the office of Commissioner, Second Commissioner or Deputy Commissioner, as the case may be.

Onus of proof.

**32.** In any proceedings against a person for failing or neglecting duly to furnish a return, a certificate in writing signed by the Commissioner, Second Commissioner or the Deputy Commissioner at whose office the return should have been furnished, certifying that no return has been received from that person by any officer authorized by the Commissioner to receive returns at the place where, under these Regulations, the return should have been furnished, shall be *prima facie* evidence that the defendant has failed or neglected duly to furnish a return.

Copies or extracts certified by the Commissioner to be received in evidence.

**33.** A writing certified by the Commissioner, the Second Commissioner or a Deputy Commissioner to be a true copy of, or a true extract from, any assessment, return, list, declaration, statement, book, document, or writing of any nature whatsoever in the custody of the Commissioner or of any officer of the Commissioner shall, for all purposes, be *prima facie* evidence of the original of which it purports to be a copy or extract, and shall be receivable in evidence to the same extent as the original.

Commissioner may specify time in which acts to be done.

**34.** Wherever the Commissioner, in the exercise of any power conferred upon him by the Act or these Regulations, requires any person to do any act, the requirement may specify the period (not being in any case less than seven days) within which the act shall be done.

Where prosecution may be instituted.

**35.** A prosecution under section 47 of the Act for failing or neglecting duly to furnish a return, or for knowingly and wilfully making or delivering a false return, may, at the option of the prosecutor, be instituted in a court of summary jurisdiction having jurisdiction either at the place where under these Regulations the return is to be furnished or at the usual or last known place of business or abode of the defendant.

Expenses of witnesses.

**36.** Any person required under section 45 of the Act to attend and give evidence shall be entitled to be reimbursed the sum (not exceeding in any case One pound per diem) actually and necessarily lost by him by reason of his attendance, and, in addition, if the person resides more than four miles from the place of hearing, such sum for travelling expenses (not exceeding the sum actually paid) as the person conducting the inquiry thinks reasonable.

Value of life interest.

**37.—(1.)** Wherever it is necessary for the purposes of the Act to calculate the value of a life interest or an interest for a period certain in an estate, the value shall be calculated in accordance with the appropriate value of One pound per annum shown in any standard set of tables for calculation of values on a four and one-half per centum basis.

(2.) The appropriate value based upon the same periods of rest between the payments as are specified in the instrument creating the interest in the estate shall be employed.

(3.) Where the instrument creating the interest does not specify any period of rest between payments, the appropriate value based upon annual payments shall be employed.

## THE SCHEDULE.

Regulation 7.

Substituted by  
1956, No. 51.

COMMONWEALTH OF AUSTRALIA.

*Estate Duty Assessment Act 1914-1953.*

Return of the Estate of \_\_\_\_\_ late of \_\_\_\_\_  
 \_\_\_\_\_ deceased, testate  
 \_\_\_\_\_ intestate

Address for Service of Notices, &amp;c.

I, \_\_\_\_\_ of \_\_\_\_\_

in the State of \_\_\_\_\_

do solemnly and sincerely declare:—

1. That I am the person liable under the *Estate Duty Assessment Act 1914-1953* to make a return of the Estate of the above-mentioned deceased and to pay the duty thereon under that Act.

2. That the deceased died on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ and was aged \_\_\_\_\_ years months. He was at the time of death \_\_\_\_\_ (here insert marital status) and had during life followed the occupation of \_\_\_\_\_.

3. That the statement of assets and liabilities set out in this return and the accompanying Schedules Nos. \_\_\_\_\_ to \_\_\_\_\_ (inclusive) contain a true statement of all the items comprising the estate, both real and personal, of or to which the above-mentioned deceased was at the time of death possessed or entitled, or which is deemed to be part of his estate in accordance with the provisions of the Act.

4. That the value of each item set out in the return and schedules is the true and full value of the item in respect of which the value is specified.

5. That the liabilities stated in the return and schedules are justly due by the estate.

6. That the deceased did not within three years immediately preceding death make any gift *inter vivos* (not including any gift of property the value of which together with the value of the property comprised in any other gifts made to the same person within three years before his decease did not exceed Fifty pounds), sales to relatives by blood, marriage or adoption, or settlement of any estate, real or personal, save and except <sup>that</sup> those described and valued in Schedule No. \_\_\_\_\_.

7. That the deceased had not an interest of any kind for his life in property comprised in a settlement (not being a settlement made by the deceased) being an interest he surrendered to any other person within three years before his decease, save and except <sup>that</sup> those described and valued in Schedule No. \_\_\_\_\_.

8. That the deceased had not during his lifetime made any settlement under which he had any interest of any kind for his life whether or not that interest had been surrendered by him before his decease unless it was surrendered more than three years before his death, save and except <sup>that</sup> those described and valued in Schedule No. \_\_\_\_\_.

9. That the deceased had not immediately prior to his death any beneficial interest either as joint tenant or joint owner with other persons in any real or personal property save and except <sup>that</sup> those described and valued in Schedule No. \_\_\_\_\_.

10. That the deceased had not at the time of his death a beneficial interest in property, being a beneficial interest which, by virtue of a settlement or agreement made by him passed or accrued on or after his death, to or devolved on or after his death upon, any other person, save and except <sup>that</sup> those described and valued in Schedule No. \_\_\_\_\_.

## ESTATE DUTY ASSESSMENT ACT

11. That, save and except in respect of the policy described and valued in Schedule No. those policies premiums have not been paid wholly or in part by or on behalf of the deceased in respect of any policy of insurance on the life of the deceased in favour of deceased's widow, widower, children, grand-children, parents, brothers, sisters, nephews or nieces.

12. That the deceased was at the time of his death domiciled in

13. That the estate of the deceased is situated in

14. That the persons and institutions whose names are specified in this return under the heading "Beneficiaries in the Estate" are the persons and institutions beneficially entitled.

I undertake, in the event of any additional assets, or any excess in any amount claimed as an allowable deduction, being discovered which would render further duty payable, to advise the Commissioner of Taxation, and to pay any further duty found to be payable by me.

And I make this solemn declaration by virtue of the *Statutory Declarations Act* 1911-1950, conscientiously believing the statements therein to be true in every particular.

Declared at  
in the State of  
this

day of , 19 .

(Signature).

Before me—

(Title of person before  
whom declaration is made).

## STATEMENT OF ASSETS.

| Item. | Particulars of Assets.                                                                                                                                    | Value.  |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|       |                                                                                                                                                           | £ s. d. |
| 1     | (1) REAL ESTATE as per Schedule No. . . . .                                                                                                               |         |
|       | (2) Beneficial interest in a joint tenancy or joint ownership of real estate held by the deceased immediately prior to death, as per Schedule No. . . . . |         |
|       | Total . . . . .                                                                                                                                           |         |
| 2     | PERSONAL ESTATE comprising—                                                                                                                               |         |
|       | (1) Leasehold estate as per Schedule No. . . . .                                                                                                          |         |
|       | (2) Rents due or accrued at date of death, as per Schedule No. . . . .                                                                                    |         |
|       | (3) Life Insurance Policies and Bonuses, as per Schedule No. . . . .                                                                                      |         |
|       | (4) Money in hand or house . . . . .                                                                                                                      |         |
|       | (5) Money in Bank—Savings Account including accrued interest . . . . .                                                                                    |         |
|       | —Current account including accrued interest . . . . .                                                                                                     |         |
|       | —Fixed deposit including accrued interest . . . . .                                                                                                       |         |
|       | (6) Mortgages—Principal . . . . . } as per Schedule No.                                                                                                   |         |
|       | Accrued interest . . . . . }                                                                                                                              |         |
|       | (7) Debentures of all kinds, Treasury Bills, and other similar securities, and accrued interest, as per Schedule No. . . . .                              |         |
|       | (8) Debts due to the estate, as per Schedule No. . . . .                                                                                                  |         |
|       | (9) Shares in Companies . . . . . } as per Schedule No. . . . .                                                                                           |         |
|       | Dividends uncollected at date of death }                                                                                                                  |         |
|       | (10) Furniture and household effects, as per Schedule No. . . . .                                                                                         |         |

STATEMENT OF ASSETS—*continued.*

| Item. | Particulars of Assets.                                                                                                                                      | Value.  |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|       |                                                                                                                                                             | £ s. d. |
|       | (11) Watches, Trinkets, Jewellery, Clothing, and similar items, as per Schedule No. .. .. .                                                                 |         |
|       | (12) Motor Cars, Carriages, Harness and Saddlery, as per Schedule No. .. .. .                                                                               |         |
|       | (13) Crops, as per Schedule No. .. .. .                                                                                                                     |         |
|       | (14) Number and Value of Bushels in Wheat Certificates held by deceased for each Pool, as per Schedule No. .. .. .                                          |         |
|       | (15) Live Stock, as per Schedule No. .. .. .                                                                                                                |         |
|       | (16) Farming implements, as per Schedule No. .. .. .                                                                                                        |         |
|       | (17) Plant, and similar items, as per Schedule No. .. .. .                                                                                                  |         |
|       | (18) Tools, as per Schedule No. .. .. .                                                                                                                     |         |
|       | (19) Stock in shop or business, as per Schedule No. .. .. .                                                                                                 |         |
|       | (20) Goodwill of trade or business, as per Schedule No. .. .. .                                                                                             |         |
|       | (21) Interest in a deceased person's estate, as per Schedule No. .. .. .                                                                                    |         |
|       | (22) Interest in a partnership, as per Schedule No. .. .. .                                                                                                 |         |
|       | (23) Beneficial interest in a joint tenancy or joint ownership of personal estate held by deceased immediately prior to death, as per Schedule No. .. .. .  |         |
|       | (24) Property over which deceased had a general power of appointment which was exercised by his Will, as per Schedule No. .. .. .                           |         |
|       | (25) Personal property outside Australia, as per Schedule No. .. .. .                                                                                       |         |
|       | (26) Total value of interests set out in Schedules Nos. to (inclusive) being the Schedules referred to in paragraphs 6, 7, 8, 10 and 11 of this declaration |         |
|       | (27) Other personal property not coming under any of the above items, as per Schedule No. .. .. .                                                           |         |
|       | Total .. .. .                                                                                                                                               |         |

## STATEMENT OF LIABILITIES.

| Item. | Particulars of Liabilities.                                                                                        | Value.  |
|-------|--------------------------------------------------------------------------------------------------------------------|---------|
|       |                                                                                                                    | £ s. d. |
| 1     | Secured Debts—<br>(1) Mortgages as per Schedule No. .. .. .<br>(2) Other secured debts as per Schedule No. .. .. . |         |
| 2     | Unsecured Debts as per Schedule No. .. .. .                                                                        |         |
| 3     | Probate and Succession Duties payable on the estate .. .. .                                                        |         |
| 4     | Other Lawful Deductions or Charges as per Schedule No. .. .. .                                                     |         |
|       | Total .. .. .                                                                                                      |         |

## BENEFICIARIES IN THE ESTATE.

| Name. | Address. | Relation to Deceased. | Nature of Interest. | Manner in which Interest is Derived. | Value of Interest. |
|-------|----------|-----------------------|---------------------|--------------------------------------|--------------------|
|       |          |                       |                     |                                      |                    |
|       |          |                       |                     |                                      |                    |
|       |          |                       |                     |                                      |                    |
|       |          |                       |                     |                                      |                    |
|       |          |                       |                     |                                      |                    |

## EXCISE ACT 1901-1952

## EXCISE REGULATIONS.\*

## INTRODUCTORY.

Amended by  
1951, No. 123.

1. These Regulations may be cited as the Excise Regulations.\*

2.—(1.) In these Regulations, unless the contrary intention appears, “The Act” means the *Excise Act* 1901-1923.

Added by  
1953, No. 86.

(2.) In these Regulations, a reference to a Form shall be read as a reference to a Form in the Schedule to these Regulations.

\* The Excise Regulations in force under the *Excise Act* 1901-1952 comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in Gazette. | Date of Commencement. |
|---------------------|----------------------------------|-----------------------|
| 1925, No. 181 .. .. | 31st October, 1925 .. ..         | 31st October, 1925    |
| 1926, No. 70 .. ..  | 3rd June, 1926 .. ..             | 9th March, 1926       |
| 1928, No. 131 .. .. | 13th December, 1928 .. ..        | 22nd August, 1928     |
| 1929, No. 74 .. ..  | 11th July, 1929 .. ..            | 11th July, 1929       |
| 92 .. ..            | 23rd August, 1929 .. ..          | 23rd August, 1929     |
| 97 .. ..            | 12th September, 1929 .. ..       | 12th September, 1929  |
| 1930, No. 71 .. ..  | 27th June, 1930 .. ..            | 27th June, 1930       |
| 1931, No. 25 .. ..  | 5th March, 1931 .. ..            | 5th March, 1931       |
| 43 .. ..            | 30th April, 1931 .. ..           | 30th April, 1931      |
| 1932, No. 13 .. ..  | 11th February, 1932 .. ..        | 11th February, 1932   |
| 51 .. ..            | 26th May, 1932 .. ..             | 26th May, 1932        |
| 105 .. ..           | 29th September, 1932 .. ..       | 29th September, 1932  |
| 129 .. ..           | 17th November, 1932 .. ..        | 17th November, 1932   |
| 1933, No. 37 .. ..  | 10th March, 1933 .. ..           | 10th March, 1933      |
| 103 .. ..           | 14th September, 1933 .. ..       | 14th September, 1933  |
| 1934, No. 9 .. ..   | 18th January, 1934 .. ..         | 18th January, 1934    |
| 65 .. ..            | 24th May, 1934 .. ..             | 24th May, 1934        |
| 76 .. ..            | 5th July, 1934 .. ..             | 5th July, 1934        |
| 1936, No. 26 .. ..  | 5th March, 1936 .. ..            | 5th March, 1936       |
| 56 .. ..            | 30th April, 1936 .. ..           | 30th April, 1936      |
| 99 .. ..            | 30th July, 1936 .. ..            | 30th July, 1936       |
| 1939, No. 5 .. ..   | 19th January, 1939 .. ..         | 19th January, 1939    |
| 39 .. ..            | 18th May, 1939 .. ..             | 18th May, 1939        |
| 60 .. ..            | 3rd August, 1939 .. ..           | 3rd August, 1939      |
| 121 .. ..           | 19th October, 1939 .. ..         | 19th October, 1939    |
| 169 .. ..           | 14th October, 1939 .. ..         | 14th October, 1939    |
| 1940, No. 17 .. ..  | 25th January, 1940 .. ..         | 25th January, 1940    |
| 48 .. ..            | 1st March, 1940 .. ..            | 1st March, 1940       |
| 1941, No. 313 .. .. | 18th December, 1941 .. ..        | 18th December, 1941   |
| 1942, No. 291 .. .. | 26th June, 1942 .. ..            | 26th June, 1942       |
| 335 .. ..           | 30th July, 1942 .. ..            | 30th July, 1942       |
| 387 .. ..           | 9th September, 1942 .. ..        | 9th September, 1942   |
| 1943, No. 22 .. ..  | 28th January, 1943 .. ..         | 28th January, 1943    |
| 140 .. ..           | 27th May, 1943 .. ..             | 27th May, 1943        |
| 1944, No. 173 .. .. | 30th November, 1944 .. ..        | 30th November, 1944   |
| 1945, No. 103 .. .. | 5th July, 1945 .. ..             | 5th July, 1945        |
| 1946, No. 89 .. ..  | 23rd May, 1946 .. ..             | 23rd May, 1946        |
| 1947, No. 28 .. ..  | 28th February, 1947 .. ..        | 28th February, 1947   |
| 85 .. ..            | 26th June, 1947 .. ..            | 1st July, 1947        |
| 1948, No. 36 .. ..  | 15th March, 1948 .. ..           | 15th March, 1948      |
| 95 .. ..            | 29th July, 1948 .. ..            | 29th July, 1948       |
| 1949, No. 96 .. ..  | 25th November, 1949 .. ..        | 25th November, 1949   |
| 1950, No. 16 .. ..  | 30th March, 1950 .. ..           | 1st April, 1950       |
| 1951, No. 81 .. ..  | 23rd July, 1951 .. ..            | 23rd July, 1951       |
| 123 .. ..           | 18th October, 1951 .. ..         | 18th October, 1951    |
| 1952, No. 97 .. ..  | 6th November, 1952 .. ..         | 6th November, 1952    |
| 1953, No. 86 .. ..  | 1st October, 1953 .. ..          | 1st October, 1953     |
| 1954, No. 22 .. ..  | 18th March, 1954 .. ..           | 18th March, 1954      |
| 109 .. ..           | 28th October, 1954 .. ..         | 28th October, 1954    |
| 1955, No. 54 .. ..  | 18th August, 1955 .. ..          | 18th August, 1955     |
| 65 .. ..            | 29th September, 1955 .. ..       | 29th September, 1955  |
| 1956, No. 128 .. .. | 24th December, 1956 .. ..        | 24th December, 1956   |



## TOBACCO REGULATIONS.

## LEAF TOBACCO.

*Book to be Kept by Producer.*

3. Every producer of tobacco shall keep an account of the number of Sec. 33. acres on which he grows tobacco, the quantity of tobacco leaf harvested, the quantity of tobacco leaf cured, and all sales of tobacco leaf.

4. The book to be kept by producers of leaf tobacco shall be according to Form 1.

*Entries to be Totalled Yearly.*

5. On or immediately after the 31st December of each year the producer shall total up the entries in his book, and show the balance of leaf tobacco, if any, on hand, which he shall carry forward to the next year.

*Producer's Return.*

6.\* Every producer shall, not later than the fifteenth day of January Sec. 33. in each year, furnish to the Collector a return and declaration in accordance with Form 2, with respect to his operations during the twelve months ended on the thirty-first day of December immediately preceding. Substituted by 1939, No. 169.

*Book to be Kept by Dealer.*

7. Every dealer in leaf tobacco shall keep an account of all tobacco Sec. 33. leaf purchased and sold by him, distinguishing between Australian-grown tobacco leaf and imported tobacco leaf.

8. The book to be kept by dealers in leaf tobacco shall be according to Form 3.

*Entries to be Totalled Quarterly.*

9. At the end of each quarter the dealer shall total up the entries in his book, and show the balances of leaf tobacco, if any, on hand, which he shall carry forward to the next quarter.

*Dealer's Return.*

10. Every dealer shall not later than the fifteenth day of January, Sec. 33. April, July, and October in each year furnish to the Collector a return verified by declaration, in accordance with Form 4, with respect to his operations during the immediately preceding quarter of the year.

## MANUFACTURERS.

*Plan and Particulars to accompany Application for Licence.*

11. The drawings and particulars to accompany applications for Sec. 37 and licences to manufacture tobacco, cigars, cigarettes, and snuff shall be Schedule VI. as follows:—

- (1) A plan and sectional elevation of the factory buildings;
- (2) The name and situation of the factory;
- (3) The material of which the factory is constructed;
- (4) The number of flats or stories in the building or buildings;
- (5) The number of rooms in each story, and for what purpose each room or story is intended to be used;

\* This regulation was substituted by regulation 2 of Statutory Rules 1939, No. 169. Sub-regulation (3.) of regulation 1 of those Statutory Rules reads as follows:—  
"Regulations 2 and 5 of these Regulations shall come into operation on the first day of January, 1940."

- (6) The number and position, with relation to the principal building of the factory, of any detached buildings used, or proposed to be used, as part of the factory, together with number of rooms in each such detached building; and
- (7) Such other particulars as the Collector may require.

Licence fees.  
Inserted by  
1943, No. 140.

**11A.**—(1.) The annual fees for licences shall, except where a lesser licence is surrendered for a larger licence, be as follows:—

For every factory wherein the weight of tobacco, cigars, cigarettes, and snuff or any of them proposed to be manufactured in one year, shall in the aggregate—

|                                                                                                                              | £   |
|------------------------------------------------------------------------------------------------------------------------------|-----|
| (a) Not exceed 5,000 lb. . . . .                                                                                             | 5   |
| (b) Exceed 5,000 lb. but not 10,000 lb. . . . .                                                                              | 10  |
| (c) Exceed 10,000 lb. but not 20,000 lb. . . . .                                                                             | 20  |
| (d) Exceed 20,000 lb. but not 50,000 lb. . . . .                                                                             | 50  |
| (e) Exceed 50,000 lb. but not 100,000 lb. . . . .                                                                            | 100 |
| (f) Exceed 100,000 lb. but not 200,000 lb. . . . .                                                                           | 150 |
| (g) Exceed 200,000 lb. but not 350,000 lb. . . . .                                                                           | 250 |
| (h) Exceed 350,000 lb. but not 500,000 lb. . . . .                                                                           | 350 |
| (i) Exceed 500,000 lb. but not 1,000,000 lb. . . . .                                                                         | 500 |
| (j) Exceed 1,000,000 lb.—for the first 1,000,000 lb. £500,<br>and for each additional 1,000,000 lb. or part thereof<br>£100. |     |

(2.) The fee shall be computed as from the first day of January to the thirty-first day of December and when, by reason of the time of the granting of the licence, it will not continue for a full year, the amount of the fee shall be reduced proportionately.

(3.) Where a lesser licence is surrendered for a larger licence, the amount to be paid for the larger licence shall be an amount ascertained by deducting, from the fee which would have been payable if the licence were a licence to which sub-regulation (1.) of this regulation applies, the amount actually paid in cash for the lesser licence and for any previous lesser licence surrendered during the same year, and adding thereto an amount equal to the amount of the credit referred to in section 23 of the Act.

#### *Security.*

Heading and  
reg. 11AB  
inserted by  
1954, No. 109.

**11AB.** The sum in which security is to be given by an applicant for a licence to manufacture tobacco, cigars, cigarettes and snuff in respect of which a licence fee specified in the following scale is payable is the sum specified in that scale opposite that licence fee:—

| Licence fee payable.              | Amount of security to be given. |
|-----------------------------------|---------------------------------|
| £5 per annum . . . . .            | £200                            |
| £10 per annum . . . . .           | £300                            |
| £20 per annum . . . . .           | £500                            |
| £50 per annum . . . . .           | £800                            |
| £100 per annum . . . . .          | £1,200                          |
| £150 per annum . . . . .          | £1,800                          |
| £250 per annum . . . . .          | £2,500                          |
| £350 per annum . . . . .          | £3,500                          |
| £500 per annum . . . . .          | £5,000                          |
| £600 per annum and over . . . . . | £7,500.                         |

*Factory Fastenings, &c.*

12. Every factory shall be secured in such a manner and by such fastenings as shall be approved by the Collector, and shall be opened and visited at such times and in the presence of such officers as the Collector shall direct.

*Manufacturer to Provide a Special Store-room.*

13.—(1.) Every manufacturer shall provide, when directed by the Collector so to do, a secure store-room in his factory, in which all tobacco, cigars, cigarettes, or snuff manufactured in his factory shall be stored immediately after they are manufactured, and every door of such store shall be provided by the manufacturer with an approved lock the key of which shall be kept by him, and with a lock supplied by the Collector at the expense of the manufacturer the key of which shall be kept by an officer, so that both the keys will be required to open the door.

Sec. 49.  
Sub-reg. (1.)  
amended by  
1951, No. 123.

(2.) For the purposes of this regulation, tobacco, cigars, cigarettes and snuff shall be deemed to be manufactured when plugged, cut or packed in the manner in which they are normally sold by the manufacturer for home consumption or export.

Added by  
1951, No. 123.

*Manufacturers' Books.*

14. Every manufacturer shall keep a book in a form approved by the Collector, in which he shall enter daily—

Sec. 50.  
Amended by  
1951, No. 123.

- (a) The weight of all tobacco leaf received into the factory, distinguishing Australian-grown leaf from imported leaf.
- (b) The weight in pounds of all tobacco, cigars, cigarettes, or snuff made in the factory.
- (c) The weight in pounds of all tobacco, cigars, cigarettes, or snuff removed from his factory.
- (d) The amount of refuse, waste, and clippings arising from the operations in the factory.
- (e) The amount of duty paid.

*Delivery Book.*

15. Every manufacturer shall keep in his factory in a form approved by the Collector a delivery book in which he shall enter daily the following particulars in relation to all tobacco, cigars, cigarettes, and snuff removed from his factory:—

Sec. 50.

- (a) The date of removal.
- (b) The weight of tobacco or snuff removed.
- (c) The number of cigars or cigarettes removed.
- (d) The names and addresses of the persons to whom the tobacco, cigars, cigarettes, or snuff are delivered.

*Manufacturers' Returns.*

16. Every manufacturer shall furnish to the Collector a return, verified by declaration in accordance with Form 22, showing—

Sec. 50.

- (a) The weight in pounds of all leaf tobacco received into his factory, distinguishing Australian-grown leaf from imported leaf.
- (b) The weight of all leaf tobacco used in manufacturing tobacco, cigars, cigarettes, or snuff.
- (c) The weight of all tobacco, cigars, cigarettes, or snuff manufactured in the factory.

- (d) The weight of all tobacco, cigars, cigarettes, and snuff removed from the factory.
- (e) The weight of tobacco, cigars, cigarettes, and snuff in the factory at the close of the day on which the return is made up to.
- (f) The weight of tobacco, cigars, cigarettes, and snuff in course of manufacture at the close of the day on which the return is made up to.

*When Returns to be Made up to.*

17. In the case of factories at which a supervising officer is stationed the above return shall be made up to the close of the last days of the months of March, June, September, and December in each year. In the case of other factories, a return containing particulars under the same headings shall be made up to the close of the last day of each month.

*When Returns to be Sent in.*

18. Manufacturers' returns shall be made up and sent to the Collector forthwith after the close of the day up to which they are made.

*Stocks to be Checked.*

19. At every factory where a supervising officer is not permanently stationed, the Collector shall cause the stocks to be checked periodically.

Reg. 20  
repealed by  
1953, No. 86.

\* \* \* \* \*

Reg. 20A  
inserted by  
1932, No. 13;  
repealed by  
1941, No. 313.

\* \* \* \* \*

GOODS LIABLE TO CUSTOMS OR EXCISE DUTY WHICH MAY BE DELIVERED  
FREE FOR USE IN THE MANUFACTURE OF TOBACCO, CIGARS, CIGARETTES, OR SNUFF.

Sec. 24.

Amended by  
1929, No. 74;  
1936, No. 56;  
1939, Nos. 5  
and 169;  
1944, No. 173;  
and  
1955, No. 54.

21. The Collector may, on the application of a manufacturer, deliver free of duty for use in the manufacture of tobacco, cigars, cigarettes, or snuff, the following articles liable to duties of Excise, viz.:—

Spirits;

Saccharin;

and the following articles liable to duties of Customs, viz.:—

Cigarette Paper;

Glycols;

Lico;

Liquorice;

Material for tipping cigarettes, which is of a class or kind not commercially produced or manufactured in the Commonwealth;

Petroleum Jelly;

Refined Petroleum Oil;

Saccharin; and

Spice.

*Conveyance.*

22. All goods so delivered shall remain subject to the control of the Customs, and shall forthwith be conveyed to a factory either in a carriage licensed under the *Customs Act* 1901-1925, or under the immediate supervision or control of an officer.

*Store-room.*

**23.** The Collector may require that all or any of the goods so conveyed to a factory shall be kept in a secure and safe store-room to be approved by him.

*Fastenings.*

**24.** The door of the store-room shall be provided with fastenings to the satisfaction of the Collector, who shall, at the expense of the manufacturer, provide a lock, the key of which shall be kept by an officer.

*Authority to Remove.*

**25.** No goods shall be removed from the store-room except by the authority and in the presence of an officer.

*Use of Goods.*

**26.** Goods delivered under Regulation No. 21—

- (a) shall be used only in the factory and in the manufacture of tobacco, cigars, cigarettes, or snuff; and
- (b) shall, if they are capable of being used as a food or beverage be treated in the presence of an officer in such a way as to be rendered unfit for any purpose other than the manufacture of tobacco, cigars, cigarettes, or snuff;
- (c) may, by permission of the Collector, be removed from one factory to another.

*Books to be Kept.*

**27.** The manufacturer shall keep a book showing the quantities of goods received into his store-room, and the quantities taken out for use in his factory.

**STALKS, REFUSE, CLIPPINGS, AND WASTE IN TOBACCO, CIGAR, AND  
CIGARETTE FACTORIES.**

\*       \*       \*       \*       \*       \*       \*

Reg. 28  
repealed by  
1951, No. 123.

*Method of Destruction.*

**29.—(1.)** A manufacturer who intends to destroy any stalks, refuse, clippings or waste arising from the manufacture of tobacco, cigarettes and cigars in a factory shall give to the Collector notice in writing of his intention and shall not begin the destruction of the stalks, refuse, clippings or waste until the expiration of forty-eight hours after the giving of that notice.

**(2.)** Stalks, refuse, clippings or waste arising from the manufacture of tobacco, cigarettes and cigars in a factory may be destroyed—

- (a) by burning in the presence of an officer; or
- (b) where the product is to be used for agricultural or horticultural purposes or for any other purpose approved by the Comptroller, by—
  - (i) reduction to a fine powder so that not more than five per centum is retained on a number 18 mesh, British Standard Sieve, and the whole will pass through a number 10 mesh, British Standard Sieve;

Substituted by  
1950, No. 16.

- (ii) spraying and mixing effectively with phenyle emulsion prepared by dissolving three pounds of commercial phenyle and one ounce of a red coal tar dye approved by the Comptroller in two gallons of water in the proportion of two gallons of dyed emulsion for each one hundred pounds of stalks, refuse, clippings and waste;
- (iii) spraying with any other denaturant approved by the Comptroller; or
- (iv) chemical treatment necessary for the complete extraction of nicotine,

under the supervision of an officer.

(3.) All stalks, refuse, clippings or waste intended to be destroyed in accordance with this regulation shall be weighed in the presence of an officer.

*Removal of Stalks, Refuse, Clippings and Waste from the Factory for Destruction.*

Substituted by  
1950, No. 16.

**30.**—(1.) Subject to this regulation, stalks, refuse, clippings and waste may be removed from a factory to a place approved by the Collector for destruction.

(2.) The Collector may, before approving of a place under sub-regulation (1.) of this regulation, require the owner of that place to give security that all stalks, refuse, clippings and waste intended for destruction will be received, stored and destroyed in that place in accordance with these Regulations.

(3.) The Collector may require the owner of a place so approved to keep records showing the quantities of all stalks, refuse, clippings and waste received and destroyed.

(4.) The records shall be kept up to date and shall be available at all times for inspection by an officer.

*Payment for Officer's Services.*

Substituted by  
1950, No. 16;  
amended by  
1951, No. 123;  
and  
1954, No. 109.

**31.** Where, in the opinion of the Collector, it is necessary for an officer to attend specially for the purpose of supervising the destruction of stalks, refuse, clippings or waste, the manufacturer shall pay for the officer's services at the rate prescribed by Regulation 209A of these Regulations.

*Destruction of Stalks, Refuse, Clippings or Waste arising from the Manufacture of Australian-grown Leaf Tobacco.*

Substituted by  
1950, No. 16.

**32.** Stalks, refuse, clippings or waste arising from the manufacture of Australian-grown leaf tobacco in any factory shall, when directed by the Collector, be destroyed in accordance with sub-regulations (2.) and (3.) of regulation 29 and regulations 30 and 31 of these Regulations.

\* \* \* \* \*

Reg. 32A  
inserted by  
1941, No. 313;  
repealed by  
1950, No. 16

**DELIVERY OF AUSTRALIAN LEAF OR OF AUSTRALIAN MANUFACTURED TOBACCO, FOR HORTICULTURAL, AGRICULTURAL, OR SHEEP-WASH PURPOSES.**

*May be Delivered when Treated.*

**33.** Australian leaf or Australian manufactured tobacco may on application be delivered for making sheep-wash, or for any agricultural or horticultural purpose, when treated in the manner hereinafter provided.

*Form of Application.*

34. Applications for delivery of Australian leaf or manufactured tobacco, in accordance with the preceding regulation, shall be made according to Form 6.

*Approval or Disapproval.*

35. The application may be approved or disapproved by the Collector.

*Method of Treatment.*

36. If the application is approved the leaf or tobacco shall be destroyed under supervision by one of the methods prescribed in sub-regulation (2.) of regulation 29 above.

Substituted by  
1936, No. 26;  
amended by  
1941, No. 313.

*Payment for Officer's Services.*

37. The operations must be conducted in the presence and to the satisfaction of an officer, and where it is necessary for an officer to attend specially for the purpose the applicant shall pay for the officer's services at the rate prescribed by Regulation 209A of these Regulations.

Amended by  
1951, No. 123;  
and  
1954, No. 109.

*Certificate of Officer.*

38. When the operations are complete, the officer shall certify accordingly on the application.

\* \* \* \* \*

Reg. 39  
repealed by  
1947, No. 28.

*Destruction of Leaf by Producers and Dealers.*

39A.—(1.) Producers and dealers may apply for permission to destroy Australian leaf stored on their premises. If the application is approved the leaf shall be destroyed by one of the methods prescribed in regulation 29. Provided that approval may be given to producers and dealers in remote districts to destroy leaf by using it to make an aqueous spraying extract and by subsequently disposing of any residue by burning or by such other means as the Collector approves.

Inserted by  
1936, No. 26.  
Sub-reg. (1.)  
amended by  
1944, No. 173.

(2.) The Collector may authorize the destruction of leaf under this regulation without the supervision of an officer subject to the furnishing of a statutory declaration by the producer or dealer, or such other evidence as may be acceptable to the Collector, that the leaf has been destroyed in the manner prescribed.

## PACKAGES OF TOBACCO AND SNUFF.

*Uncut Tobacco.*

40.—(1.) Tobacco, other than cut tobacco, shall not be put up in packages containing less than 1 lb. net weight each and the manufacturer shall mark each such package with—

Substituted by  
1948, No. 95.

- (a) (i) the name of the manufacturer and the address of the manufacturer which shall include the word "Australia";  
or
- (ii) the factory number and State number and the words "Made in Australia" or words, approved by the Collector, indicating that the goods have been made in Australia;

- (b) the net weight of the contents when packed;
- (c) any additional markings approved by the Collector; and
- (d) when required by the Collector, a consecutive number.

(2.) The manufacturer shall mark each plug or piece of manufactured tobacco contained in the package with—

- (a) the name of the manufacturer and the address of the manufacturer which shall include the word “Australia”; or
- (b) the factory number and State number and the words “Made in Australia” or words, approved by the Collector, indicating that the goods have been made in Australia.

(3.) In marking the factory number and State number the factory number shall be placed directly above the State number, and within

a circle, thus  $\left(\frac{10}{3}\right)$ , or in a diamond or triangle, and each figure shall

be not less than half an inch in height in the case of packages and not less than one-sixteenth of an inch in height in the case of plugs and pieces.

*Cut Tobacco or Snuff.*

Sec. 69.

Substituted by  
1936, No. 26.

**41.** Cut Tobacco or Snuff manufactured in a factory may be packed in small tins or packets each containing not less than  $\frac{7}{8}$  oz. net weight and such small tins or packets may be put up in outer containers each containing not less than 1 lb. net weight.

Substituted by  
1948, No. 95.

**42.**—(1.) The manufacturer shall mark small tins or packets containing cut tobacco or snuff, and the immediate outer packages containing small tins or packets with—

- (a) (i) the name of the manufacturer and the address of the manufacturer which shall include the word “Australia”;  
or
- (ii) the factory number and State number and the words “Made in Australia” or words, approved by the Collector, indicating that the goods have been made in Australia;
- (b) the net weight of the contents when packed; and
- (c) any additional markings approved by the Collector.

(2.) The marking of the net weight shall be applied in a prominent position and must appear in conjunction with other markings.

(3.) Packages containing cut tobacco in bulk shall be marked as prescribed in sub-regulation (1.) of this regulation and in addition shall be marked with the gross weight and, when required by the Collector, a consecutive number.

(4.) In marking the factory number and State number the factory number shall be placed directly above the State number and within a

circle, thus  $\left(\frac{10}{3}\right)$ , or in a diamond or triangle, and each figure shall

be not less than half an inch in height in the case of packages and not less than one-sixteenth of an inch in height in the case of small tins and packets.



42A.—(1.) Except as provided by this regulation, cut tobacco shall not be put up in packages containing more than one pound net weight. Inserted by  
1951, No. 123.

(2.) Where—

- (a) cut tobacco is to be delivered to an institution; and
- (b) a written application is made by the chief executive officer of the institution certifying that the tobacco is to be distributed to inmates of the institution,

the Collector may authorize the putting up of cut tobacco in packages containing more than one pound net weight but not more than twenty-five pounds net weight for delivery to the institution.

(3.) Where cut tobacco is to be removed under the control of the Customs from one factory to another further manufacture or packing in accordance with these Regulations, the Collector may authorize the putting up of cut tobacco in packages containing more than one pound net weight but not more than seventy-five pounds net weight.

(4.) A blender may make written application to the Collector for authority to receive cut tobacco in packages exceeding one pound net weight for the purposes of blending tobacco at premises specified in the application.

(5.) Where—

- (a) the Collector grants an application made under the last preceding sub-regulation; and
- (b) the blender gives security in an amount approved by the Collector that the tobacco will be used for blending purposes only and that the blended tobacco will be sold by him by retail only,

the Collector may authorize the putting up of cut tobacco in packages containing more than one pound net weight but not more than twenty-five pounds net weight for delivery to the blender.

(6.) A person other than—

- (a) a manufacturer;
- (b) a chief executive officer of an institution to which the Collector has authorized the delivery of cut tobacco in accordance with sub-regulation (2.) of this regulation;
- (c) a blender to whom the Collector has authorized the delivery of cut tobacco in accordance with sub-regulation (5.) of this regulation; or
- (d) the licensee of a warehouse licensed under the *Customs Act* 1901-1950,

shall not have in his possession, custody or control more than twenty pounds net weight of cut tobacco not put up in packages in accordance with sub-regulation (1.) of this regulation.

(7.) For the purposes of this regulation,

“blender” means a person who blends or packs different kinds of tobacco and sells, or disposes of, the tobacco so blended or packed by retail;

“institution” means an institution or establishment conducted by a State or an institution or establishment approved by the Collector.

## PACKAGES CONTAINING CIGARS.

*Quantities.*

**43.** Cigars may be put up in packages containing such number as the Collector may approve, and may be removed from the factory in parcels of not less than twenty-five.

*Marking.*

Substituted by  
1948, No. 95.

**44.**—(1.) The manufacturer shall mark small packets and boxes containing cigars with—

- (a) (i) the name of the manufacturer and the address of the manufacturer which shall include the word "Australia";  
or
- (ii) the factory number and State number and the words "Made in Australia" or words, approved by the Collector, indicating that the goods have been made in Australia;
- (b) the number of cigars contained in the packet or box;
- (c) the brand or make of cigar; and
- (d) any additional markings approved by the Collector.

(2.) The immediate outer packages containing small packets or boxes shall be marked as prescribed in the last preceding sub-regulation and in addition shall be marked with the number of cigars contained in the packages.

(3.) In marking the factory number and State number the factory number shall be placed directly above the State number and within a

circle, thus  $\left(\frac{10}{3}\right)$ , or in a diamond or triangle, and each figure shall

be not less than half an inch in height in the case of immediate outer packages and not less than one-eighth of an inch in height in the case of small packets and boxes.

## MARKING CIGAR WRAPPERS.

Sec. 71.

**45.** If cigars before being packed in packages of the prescribed size be put up in small quantities in paper, cardboard, or other wrapper, the factory number and the State number must be marked on each wrapper, and the factory number placed directly above the State number, and

within a circle, thus  $\left(\frac{10}{3}\right)$ , or in a diamond, and each figure must be

not less than a quarter of an inch in height.

## PACKAGES CONTAINING CIGARETTES.

*Quantities.*

**46.** Cigarettes may be put up in packages containing such number as the Collector may approve, and may be removed from the factory in parcels of not less than 250 cigarettes.

*Marking.*

47.—(1.) The manufacturer shall mark small tins, packets or boxes containing cigarettes with— Substituted by  
1948, No. 95.

- (a) (i) the name of the manufacturer and the address of the manufacturer which shall include the word "Australia";  
or
- (ii) the factory number and State number and the words "Made in Australia" or words, approved by the Collector, indicating that the goods have been made in Australia;
- (b) the brand or make of cigarette; and
- (c) any additional markings approved by the Collector.

(2.) The immediate outer packages containing small tins, packets or boxes shall be marked as prescribed in the last preceding sub-regulation and in addition shall be marked with the number of cigarettes contained in the packages.

(3.) In marking the factory number and State number the factory number shall be placed directly above the State number, and within a

circle, thus  $\left(\frac{10}{3}\right)$ , or in a diamond or triangle, and each figure shall

be not less than half an inch in height in the case of immediate outer packages and not less than one-sixteenth of an inch in height in the case of small tins, packets or boxes.

48.—(1.) The manufacturer shall mark every outside package which contains small packages of manufactured tobacco, cut tobacco, cigars, cigarettes or snuff with— Substituted by  
1948, No. 95.

- (a) (i) the name of the manufacturer and the address of the manufacturer which shall include the word "Australia";  
or
- (ii) the factory number and State number and the words "Made in Australia" or words, approved by the Collector, indicating that the goods have been made in Australia;
- (b) the gross weight of the package;
- (c) any additional markings approved by the Collector; and
- (d) when required by the Collector a consecutive number.

(2.) In marking the factory number and State number on outside packages the factory number shall be placed directly above the State

number and within a circle, thus  $\left(\frac{10}{3}\right)$ , or in a diamond or triangle,

and each figure shall not be less than half an inch in height.

\* \* \* \* \*

Reg. 49  
repealed by  
1948, No. 95.

#### TRANSFER OF LEAF TOBACCO FROM ONE FACTORY TO ANOTHER FACTORY.

##### *Transfer Allowed.*

50. Leaf tobacco may be transferred from the factory of any manufacturer of tobacco, cigars, or cigarettes to the factory of another such manufacturer. Sec. 55.

*Entry in Book.*

51. The manufacturer transferring the leaf tobacco shall enter in his book the quantity transferred.

52. The manufacturer receiving the transferred leaf tobacco shall enter in his book the quantity received.

*Issue of Cart Note or Account.*

53. The manufacturer transferring the leaf tobacco shall issue to the manufacturer receiving it a cart note or account showing the quantity transferred, and such cart note or account shall be produced at any time on request of an officer.

*Return by Manufacturer Transferring.*

54. The manufacturer transferring leaf tobacco shall indorse on his monthly or quarterly return a statement showing the dates of transfer the quantity of leaf tobacco transferred, and the name of the manufacturer receiving it. The statement shall be made according to Form 7.

*Return by Manufacturer Receiving.*

55. The manufacturer receiving leaf tobacco transferred from another manufacturer shall indorse on his monthly or quarterly return a statement showing the dates of receipt, the quantity of leaf tobacco received, and the name of the manufacturer by whom it was transferred. The statement shall be according to Form 8.

## RENOVATION, CUTTING, OR REPACKING OF MANUFACTURED TOBACCO.

*Application.*

Secs. 73 and 74.

56. Any person desirous of having manufactured tobacco removed to a factory for the purpose of renovating, cutting (other than for cutting fine suitable for the manufacture of cigarettes) or repacking, shall lodge with the Collector an application according to Form 9.

*Collector to Give Orders for Delivery.*

57. The Collector may authorize the delivery of the tobacco, which may then be removed direct to the factory under the supervision of an officer.

*Authority to Remove.*

58. The approval of the Collector shall be the authority for the manufactured tobacco being received into the factory.

*Duty-paid Tobacco.*

59. Where duty-paid manufactured tobacco is received into a factory where no officer is permanently stationed, the Collector may, in his discretion, permit any operations except the weighing into and delivery from the factory, to be conducted without the supervision of an officer.

*Tobacco in Bond.*

60. Manufactured tobacco removed from a Customs warehouse and received into a factory must be under the control of an officer and under Crown lock whilst it is being renovated, cut, or repacked, and until removed from the factory.

*Weighing.*

61. All duty-paid manufactured tobacco and all manufactured tobacco removed from a warehouse shall be weighed into a factory in the presence of an officer, who shall mark the weights on the application.

*Approval of Collector to Marking, &c.***62.** Without the approval of the Collector—

- (a) no fresh labels or tags may be affixed to any manufactured tobacco renovated, cut, or repacked; and
- (b) no tins or packages bearing any description shall be used for the repacking of such tobacco.

*Delivery from Factory.*

**63.** The delivery from the factory shall be made immediately after the completion of the renovating, cutting or repacking, and shall take place in the presence of an officer.

*Packages, &c.—Removed.*

**64.** All tins, boxes, packages, labels, or tags brought into a factory in connexion with the renovating, cutting, or repacking of manufactured tobacco, and remaining unused, must be removed from the factory at the same time as the tobacco which has been renovated, cut, or repacked.

*Services of Officer.*

**65.** If duty-paid manufactured tobacco, or tobacco removed from a Customs warehouse, be received into a factory where an officer is permanently stationed, and the quantity is such as to require, in the opinion of the Collector, the services of an extra officer, the applicant shall pay for the services of the extra officer at the rate prescribed by Regulation 209A of these Regulations. Amended by  
1954, No. 109.

*Removal of Refuse, Clippings, &c.*

**66.** Refuse, clippings, or waste arising in connexion with the renovating, cutting, or repacking of duty-paid manufactured tobacco must be removed from the factory at the same time as the manufactured tobacco which has been renovated, cut, or repacked.

*Waste, &c., from Tobacco, not Duty-paid, to be Destroyed.*

**67.** Refuse, clippings, or waste arising in connexion with the renovating, cutting, or repacking of manufactured tobacco removed from a Customs warehouse, shall be destroyed in the same manner as other refuse, clippings, or waste is destroyed in a factory.

*Book to be Kept.*

**68.** The manufacturer into whose factory manufactured tobacco is received for the purpose of renovating, cutting, or repacking shall keep a book according to Form 10, and shall enter therein the prescribed particulars.

*Charge for Services of Officer.*

**69.** The charge, when the services of an officer are required, shall be calculated at the rate prescribed by Regulation 209A of these Regulations. Amended by  
1951, No. 123;  
and  
1954, No. 109.

RECEIPT OF IMPORTED DUTY-PAID MANUFACTURED TOBACCO IN FACTORIES  
FOR MAKING CIGARETTES.

*Authority to Receive Tobacco in Factory.*

**70.** Imported manufactured tobacco on which Customs duty has been paid may, subject to these Regulations, be received into a factory for the purpose of being manufactured into cigarettes. Secs. 73 and 74.

*Collector's Permit for Receipt of Tobacco.*

71. The Collector may, on application by any manufacturer in writing, grant a permit authorizing the receipt of imported duty paid manufactured tobacco in a factory for the manufacture of cigarettes, and a permit so granted shall be an authority for the receipt of tobacco in the factory, in accordance with its terms. The permit may be in accordance with Form No. 11.

SCALE FOR CALCULATING QUANTITY OF TOBACCO, ETC., MADE IN A  
FACTORY.

72.—(1.) The following scale is prescribed for the purpose of calculating the full quantity of plug tobacco, cut tobacco, cigars, or cigarettes produced in a factory:—

*Scale.*

For every 100 lb. of leaf tobacco, made into plug tobacco, 110 lb. of plug tobacco shall be deemed to have been produced.

For every 100 lb. of leaf tobacco, made into cut tobacco, for pipe smoking without being first made into plug tobacco, 106 lb. of cut tobacco shall be deemed to have been produced.

Sec. 63.

For every 100 lb. of leaf tobacco, made into tobacco cut fine for cigarettes, 103 lb. of tobacco cut fine for cigarettes shall be deemed to have been produced.

For every 100 lb. of leaf tobacco, made into cigars, 90 lb. of cigars shall be deemed to have been produced.

For every 100 lb. of leaf tobacco, made into cigarettes, 104 lb. of cigarettes shall be deemed to have been produced.

For every 100 lb. of tobacco, cut fine for cigarettes, or cut plug tobacco, received into a factory and made into cigarettes, 101 lb. of cigarettes shall be deemed to have been produced.

(2.) The term "100 lb. of leaf tobacco" means 100 lb. net weight, exclusive of stems and refuse.

73. The scale prescribed by regulation 72 shall apply in proportion to greater or lesser quantities.

74. In a factory where plug tobacco, cut tobacco, cigars and cigarettes or any two or more of those articles are made, all leaf tobacco received into the factory shall, unless the contrary is shown by the manufacturer, be deemed to have been made into the article made in the factory which is, at the time, subject to the highest rate of duty.

Sec. 54.

75. Nothing in these Regulations shall relieve any manufacturer from the liability to pay the Excise duty on the full quantity of excisable goods produced by him.

REFUND AND REMISSION OF EXCISE DUTIES.

Inserted by  
1947, No. 28.

75A.—(1.) Where Australian wine or lees containing added fortifying spirit on which Excise duty has been paid is distilled in a licensed distillery or by a vigneron a refund of excise duty may be allowed on the spirit produced from such wine or lees insofar as it is in excess of twenty-six per centum of proof spirit.

(2.) A remission of the full amount of Excise duty due on fortifying spirit contained in Australian wine or lees stored in a licensed Customs Warehouse may be allowed where, under the control of the Customs—

Amended by  
1953, No. 86.

- (a) the wine or lees is removed from the Warehouse to a distillery or a vigneron's premises and is distilled at those premises; or
- (b) sufficient water is added to the lees to reduce the alcoholic strength to not more than fifteen per centum proof spirit.

(3.) A refund or remission of duty in accordance with this regulation shall be at the rate of duty on spirit for fortifying Australian wine for the time being in force.

Amended by  
1953, No. 86.

**75B.**—(1.) Where excisable goods have, whilst under the control of the Customs, been damaged, pillaged, lost, or destroyed, or have become unfit for human consumption, or are, for some other reason, not worth the amount of duty payable thereon, and have been destroyed under supervision as prescribed, or in such manner as the Comptroller directs, a refund or remission, as the case may be, of the Excise duty payable on those goods may be made subject to the provisions of these Regulations.

Inserted by  
1947, No. 28.

(2.) Where Excise duty has been paid through manifest error of fact or patent misconception of the law a refund of the duty may be made subject to the provisions of these Regulations.

**75c.** An application for refund or remission of Excise duty shall—

Inserted by  
1947, No. 28;  
amended by  
1948, No. 95.

- (a) be in accordance with Form 45;
- (b) state clearly and as far as practicable full particulars of the claim; and
- (c) in the case of an application for remission of Excise duty, be made while the goods are under the control of the Customs; or
- (d) in the case of an application under regulation 75B for refund of Excise duty, be made not later than fourteen days after the date on which duty was paid.

**75D.** Notwithstanding the provisions of paragraph (d) of the last preceding regulation, any application may—

Inserted by  
1947, No. 28;  
amended by  
1954, No. 109.

- (a) where the Collector is satisfied that the information necessary to verify the application was ascertained by the Customs whilst the goods or the packages in which the goods were originally packed or were assumed to have been packed were under the control of the Customs—be made not later than twenty-eight days after the date on which the duty was paid; and
- (b) where the circumstances are such that, in the opinion of the Collector, it is equitable that the time prescribed in that paragraph should be extended—be made not later than twelve months after the date on which duty was paid.

**75E.** Where any Excise duty has been erroneously remitted or refunded the person to whom the refund or remission has been granted shall, on demand being made by the Collector, pay to the Collector the amount erroneously remitted or refunded.

Inserted by  
1947, No. 28.

## DRAWBACK REGULATIONS.

## GOODS FOR AND AMOUNT OF DRAWBACK.

Sec. 79.

Amended by  
1929, Nos. 74  
and 92;  
1930, No. 71;  
1931, No. 25;  
1932, No. 51;  
1936, No. 99;  
1942, Nos. 335  
and 387;  
1943, No. 22;  
1947, No. 28;  
1951, No. 123;  
and  
1953, No. 86.

**76.** Drawback of the full amount of the Excise duty paid may be allowed upon the exportation of the following exciseable goods, namely:—

|            |                              |                  |
|------------|------------------------------|------------------|
| Tobacco    | Beer                         | Cigarette Tubes  |
| Cigars     | Petrol                       | Paper and Papers |
| Cigarettes | Playing Cards                | Wireless Valves  |
| Spirits    | Distilled Spirituous Liquors | Saccharin        |
| Snuff      | Matches                      | Liqueurs         |

Sec. 81.

**77.** Several items of drawback, though each less than £1, may, if they total £1, be included and allowed in one claim or debenture.

## CUSTOMS REGULATIONS APPLY.

**78.** The provisions of the Regulations under the *Customs Act* 1901-1925 relating to drawbacks shall, with necessary alterations, be applicable to goods exported under drawback, pursuant to these Regulations.

Inserted by  
1926, No. 70.

**78A.** The provisions of the Regulations under the *Customs Act* 1901-1925 relating to coasting trade and to the transfer of dutiable goods by inland carriage shall with necessary alterations be applicable to excisable goods subject to the control of the Customs transferred within the limits of the Commonwealth.

## AUSTRALIAN SPIRITS.

*Delivery of Samples Free.*

Sec. 106.

Substituted by  
1931, No. 43.

**79.** The following samples may be delivered free of duty:—

- (a) Spirits contained in vats in the spirit store of a Distillery— $\frac{1}{4}$  gill for every 100 gallons of spirits.
- (b) Spirits in bulk— $\frac{1}{4}$  gill from each cask containing not more than 20 gallons;  $\frac{1}{2}$  gill from every cask containing more than 20 gallons.

Provided that not more than  $\frac{1}{4}$  gallon shall be allowed free of duty from each line, and provided further that if the sample allowed under (a) has already been taken, no further sample free of duty shall be allowed.

- (c) Spirits in bottle— $\frac{1}{4}$  gill for every 20 gallons in any one line:

Provided that not more than  $\frac{1}{4}$  gallon shall be allowed free of duty from any one line and provided further that if the sample allowed under (a) has already been taken, no further sample free of duty shall be allowed.

- (d) For exhibition at Wine, Agricultural, or other similar Shows, samples may be allowed free to the extent of  $\frac{1}{2}$  gill per 100 gallons, but not to exceed  $\frac{1}{4}$  gallon on the aggregate for each Show.

*Samples in Excess of Prescribed Quantity.*

**80.** Samples may be delivered in excess of the prescribed quantities or at times subsequent to the delivery of free samples, on payment of the proper duty.



*Labelling, &c., Free Samples.*

**81.** Samples of spirit delivered free in a distillery must be put in bottles with labels showing:—

- (a) the date of delivery;
- (b) number of casks to which they relate or of vat from which taken.

*Transfer to Another State—Giving of Samples.*

**82.** If spirits are transferred from one State to another the Collector, if satisfied that free samples have not previously been given, may deliver free samples up to the prescribed quantities, provided that not more than 4 gallons shall be allowed free on account of any one consignment.

## SAMPLES.

*How to be Dealt With.*

**83.—(1.)** A sample taken or obtained by an officer under the provisions of section 106 or section 107 of the Act shall be dealt with in the following manner:—

Secs. 106 and 107.

- (a) The officer taking or obtaining the sample shall, in the presence of the person or the agent or servant of the person, from whom the sample is taken or obtained, divide the sample into three equal parts and label or mark and securely seal each part; and
- (b) the officer shall hand one part to the owner or his agent or servant, deliver for report another part to an analyst approved by the Collector, and retain the third part for further examination, if necessary.

(2.) Delivery of the part to the analyst may be effected personally or by sending the part by registered post addressed to the analyst at his usual address, or in such other manner as the Collector approves.

(3.) In the event of any dispute as to the identity of the part received by the analyst the burden of proof shall lie upon the person complaining.

(4.) The production of a certificate of analysis of the part purporting to be signed by the analyst shall be sufficient evidence of the identity of the part and of the result of the analysis, without proof of the signature of the person purporting to have signed the certificate.

FORTIFICATION OF AUSTRALIAN WINE AND  
AUSTRALIAN GRAPE MUST.

Heading amended by 1953, No. 86.

## DELIVERY OF SPIRITS.

*Definition.*

**83A.** For the purposes of regulations 84 to 93A (inclusive)—

“Fresh grapes” means grapes cut from the vines and forthwith removed to a winery and crushed without being subjected to any drying process whether natural or artificial.

Inserted by 1933, No. 37; amended by 1953, No. 86.

*Spirits may be Delivered.*

**84.** Australian spirits may be delivered from a Customs warehouse, distillery or vigneron's spirit store for fortifying Australian wine or Australian grape must if the wine or grape must is manufactured wholly from fresh grapes.

Substituted by 1953, No. 86.

Substituted by  
1940, No. 17;  
amended by  
1945, No. 103;  
and  
1953, No. 86.

**85.** The spirit shall be—

- (a) a pure wine spirit produced from wine made from fresh grapes:

Provided that the spirit may be spirit produced from wine made from dried grapes if the Minister is satisfied that sufficient spirit produced from wine made from fresh grapes of wine varieties is not available to meet the requirements of the wine industry;

- (b) of a strength of not less than thirty degrees above proof:

Provided that Australian wine or Australian grape must may be fortified with pure wine spirit of a strength less than thirty degrees, but not less than ten degrees, above proof, subject to the condition that no such wine or grape must so fortified shall be removed from the control of the Customs within a period of two years after the date of its last fortification with such spirit; and

- (c) approved by an analyst appointed for the purposes of the *Customs Act 1901-1936*.

*Application.*

Amended by  
1953, No. 86.

**86.** Any person desiring to use spirits for fortifying wine or grape must may make application to the Collector according to Form 12.

*Entry.*

Amended by  
1951, No. 123;  
and  
1953, No. 86.

**87.** After approval of the application, an entry of the spirits, specifying that they are for use for fortifying Australian wines or Australian grape must, shall be made, and upon the passing of the entry the spirits may be delivered to the applicant.

Reg. 88  
repealed by  
1955, No. 54.

\* \* \* \* \*

*Security.*

Sec. 16.

**89.** Before the entry is passed the applicant shall give security, to the satisfaction of the Collector, for compliance with these Regulations, unless security has already been given by the distiller. The security may cover transactions for twelve months, and shall be in an amount not less than the highest duty which would be chargeable if the spirits were entered for home consumption.

*Removal.*

Amended by  
1953, No. 86.

**90.** The spirits shall, forthwith, after the passing of the entry, be removed to the premises where the wine or grape must requiring fortification is stored, in such manner as the Collector directs.

*Deficiency in Transit.*

Amended by  
1953, No. 86.

**91.** The vessel or vessels containing the spirits shall not be opened or spirits withdrawn therefrom except in the presence and by the authority of an officer, and if any deficiency in the spirits be found to have arisen in transit, or before the spirits are used for fortifying wine or grape must, and the deficiency is not accounted for to the satisfaction of the Collector, the person who has given security in connexion with the transaction shall pay duty on the quantity of spirits so found to be deficient at the highest rate which would be chargeable if the spirits were entered for home consumption.

*Manner of Fortifying.*

**92.**—(1.) The spirits shall not be used otherwise than for fortifying Australian wine or Australian grape must and shall not be mixed with the wine or grape must except in the presence, and by the authority, of an officer. Substituted by 1953, No. 86.

(2.) The officer may take samples and test the alcoholic strength of the wine or grape must before and after mixing.

(3.) When the mixing is complete, the wine or grape must shall not contain more than forty per centum proof spirit.

*Certificate of Officer.*

**93.** After the mixing is complete, the officer shall certify on the application for the spirits that the spirits have been used for fortifying wine or grape must, and that the mixing has been completed to his satisfaction, and shall forward the certificate to the Collector. Amended by 1953, No. 86.

*Allowance for Waste on Spirit added to Wine or Grape Must in a Manufacturing Warehouse.* Heading amended by 1953, No. 86.

**93A.** At the time of clearance for home consumption, the Collector may make an allowance of 2.5 per cent. of the Excise duty payable on such quantity of spirit as is used to fortify wine or grape must in a manufacturing warehouse licensed under the *Customs Act* 1901-1936: Substituted by 1946, No. 89.

Provided that the wine or grape must (other than concentrated grape must) has been racked on not less than one occasion while stored in the warehouse.

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\*       \*       \*       \*       \*       \*       \*

Heading and  
Reg. 94  
repealed by  
1953, No. 86.

Heading and  
Regs. 95  
and 95A  
repealed by  
1947, No. 28.

## SPIRITS FOR VINEGAR MAKING.

## APPLICATION FOR PERMISSION.

**96.**—(1.) Every person who desires to use spirits for making vinegar must make an application in writing to the Collector for permission to do so and furnish the following particulars:—

- (a) Name, in full, of applicant.
- (b) Occupation.
- (c) Place where vinegar factory is situated.
- (d) Description of plant.

(2.) The Collector may approve of the application, or may refuse it.

*Security.*

**97.** If the application be approved by the Collector, the applicant shall give security, to the satisfaction of the Collector, for compliance with these Regulations. Sec. 16.

*Issue of Permission.*

**98.** When security has been given, the Collector may grant to the applicant his written permission to obtain spirits for use in making vinegar in his factory, and the applicant shall then be deemed a vinegar manufacturer.

*Notice to Obtain Spirits.*

**99.** Every vinegar manufacturer shall give at least forty-eight hours' notice, in writing, that he desires to remove and use spirits for making vinegar, and shall specify the hour and date when the spirits are to be removed from the distillery or warehouse to his vinegar factory. Such notice shall be in accordance with Form 13.

*Spirits to be Dealt With.*

**100.** No greater quantity of spirits shall be removed to a vinegar factory than is required for one day's operation, and such quantity of spirits shall be treated as hereinafter directed on the same day as it is received into the vinegar factory. Provided that, at his discretion, the Collector may, subject to conditions to be specified, permit the removal of greater quantities.

*Entry of Spirits.*

**101.** Before the spirits are removed from the distillery or warehouse, an entry, specifying that the spirits are for use in the manufacture of vinegar, must be made by the vinegar manufacturer and passed by an officer, and the duty paid.

*Removal of Spirits.*

**102.** After the entry has been passed, the spirits specified therein shall forthwith be conveyed by licensed carrier from the distillery or warehouse direct to the vinegar factory.

*Deficiency in Transit.*

**103.** The vessel or vessels containing the spirits shall not be opened or spirits withdrawn therefrom, after leaving the distillery or warehouse, except in the presence and by the authority of an officer. If any deficiency in the spirits, either in strength or quantity, be found to have arisen in transit or before the spirits are used for vinegar making, and the deficiency is not accounted for to the satisfaction of the Collector, the person who has given security in connexion with the transaction shall pay duty on the quantity of spirits so found to be deficient at the highest rate which would be chargeable if the spirits were entered for home consumption.

*Mixing of Spirits.*

**104.** The spirits, after being received into the factory, shall be denatured by being mixed as follows:—

- (a) One volume of proof spirit shall be mixed with not less than one volume of beer, three volumes of water, and one volume of vinegar containing not less than 5 per cent. of absolute acetic acid; or
- (b) One volume of proof spirit shall be mixed with not less than four volumes of wine containing not more than 28 per cent. of proof spirit, and one volume of vinegar containing not less than  $2\frac{1}{2}$  per cent. of absolute acetic acid; or
- (c) One volume of proof spirit shall be mixed with 1 per cent. of glacial acetic acid and then diluted so that the mixture shall not contain more than 20 per cent. of proof spirit.

**105.** Beer or yeast water may be substituted for water, and the proportion of any substance other than spirits may be increased to any extent, and weaker vinegar may be used if the volume is proportionately increased.

**106.** The Comptroller may grant permission for the use of any mixture, other than those above-mentioned, which will secure the proper denaturing of the spirit.

*Liquor to be Put into Generators.*

**107.** After dilution, the liquor shall be put into the generators as soon as practicable. Amended by  
1951, No. 123.

*Use of Spirits.*

**108.** Spirits entered for use in the manufacture of vinegar shall be used for that purpose and for no other purpose.

*Oxidation Not to be Stopped.*

**109.** No matter which will hinder or stop the spirits from becoming oxidized shall at any time be put into any liquid used in the making of vinegar.

*No Still Allowed Except by Permission.*

**110.** No still shall be allowed upon the premises of any vinegar manufacturer unless by the permission of the Collector.

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Reg. 111  
repealed by  
1941, No. 313.

*Access to Vinegar Factory.*

**112.** Officers shall at any time have complete access to every part of the vinegar factory.

*Book to be Kept by Vinegar Manufacturer.*

**113.** Every vinegar manufacturer shall keep a book according to Form 14, and enter the prescribed particulars therein, and, on the first day of every quarter, shall forward to the Collector a copy of the entries for the preceding quarter, verified by a declaration according to Form 22.

*Inspection of Books.*

**114.** Officers may at any time inspect, examine, and take extracts from the book kept by the vinegar manufacturer, in accordance with these Regulations.

*Samples.*

**115.** An officer may, for the purpose of testing, take samples of the spirits, acetic acid, wine, or vinegar, or any other diluent, or of the liquid during the process of making the vinegar.

*Withdrawal of Permission.*

**116.** The Collector may at any time withdraw his written permission to obtain spirits for the making of vinegar, and shall notify in writing its withdrawal to the person to whom the written permission was granted.

## SPIRIT FOR USE IN PUBLIC HOSPITALS.

*Application of Excise Tariff Item.*

**117.** The application of Excise Tariff Item 2 (Q) to spirit for use in public hospitals is subject to the provisions of regulations 117A to 125 (inclusive) of these Regulations. Substituted by  
1955, No. 54.

*Spirit to be of certain Strength.*

**117A.** The spirit must be of a strength not less than 65 degrees over-proof as determined by Sikes' hydrometer. Inserted by  
1955, No. 54.

*Spirit to be Delivered to State Drug Depot or Principal Public Hospital.*

118. The spirit may be delivered either to a State drug depot or to the principal public hospital in each State for distribution to public hospitals provided the chief executive official of such depot or principal public hospital undertakes in writing the responsibility for the safe custody and distribution of the spirit in accordance with the prescribed conditions and also furnishes security, to the satisfaction of the Collector, in accordance with Form 40 for compliance with these Regulations.

*Application and Security.*

Amended by  
1955, No. 54.

119. Before spirit may be delivered under these Regulations to any public hospital the chief executive official must first make application in writing to the Collector, and, if the Collector so requires, furnish security to the satisfaction of the Collector, in accordance with Form 40 for compliance with these Regulations.

*Spirit to be Delivered in same Condition as Received.*

Substituted by  
1933, No. 37.

120. Spirit received under these Regulations by any State drug depot or principal public hospital for purposes of distribution must be delivered to public hospitals either in the same condition as received or in the form of medicines, medicinal extracts, infusions, tinctures or the like.

*Use of Spirit.*

Substituted by  
1955, No. 54.

121. Spirit delivered under these Regulations for use in a public hospital (except spirit delivered to a principal public hospital for distribution to other public hospitals) shall be used only in the hospital in the preparation of medicines, medicinal extracts, infusions, tinctures or the like, or for scientific purposes.

*Spirit to be Stored in Secure Room.*

122. Spirit delivered under these Regulations to any State drug depot, principal public hospital or other public hospital must be stored in a secure room provided with suitable locks and be placed in charge of a responsible employee of such depot or hospital.

*Book to be Kept.*

123. A book shall be kept by a responsible official of each institution which receives spirit under these Regulations showing particulars of all spirit received and how such spirit has been used.

*Returns to be Furnished.*

124. Immediately after the 30th June and 31st December of each year a return must be furnished in accordance with Form 41 by each institution which has received spirit under these Regulations showing particulars of all spirit received during the previous half-year, how such spirit has been disposed of and the balance remaining on hand.

*Quantity of Spirit that may be Delivered.*

Substituted by  
1955, No. 54.

125. Unless otherwise permitted by the Collector, the maximum quantity of spirit that may be delivered under these Regulations in a month to a public hospital, other than a principal public hospital, is a quantity sufficient for the normal monthly requirements of the hospital.

SPIRIT FOR USE IN THE MANUFACTURE OF MEDICINAL PREPARATIONS FOR USE IN PUBLIC HOSPITALS. Heading inserted by 1948, No. 36.

*Application of Excise Tariff Item.*

**125A.** The application of Excise Tariff Item 2 (Q) to spirit for use in the manufacture of medicinal preparations for use in public hospitals is subject to the provisions of regulations 125B to 126 of these Regulations. Inserted by 1948, No. 36; substituted by 1955, No. 54.

*Record to be Kept.*

**125B.** A person who uses spirit in the manufacture of medicinal preparations for use in public hospitals shall keep a record in accordance with Form 46. Inserted by 1948, No. 36; amended by 1955, No. 54.

*Medicinal Preparations may be Delivered to a Public Hospital, State Drug Depot or Similar Institution or Principal Public Hospital.*

**125C.** The medicinal preparations referred to in regulation 125A of these Regulations may be delivered to a public hospital for use in that hospital or to a State drug depot or similar institution or the principal public hospital in each State for distribution to public hospitals provided that the chief executive official of that depot, institution or principal public hospital furnishes security, to the satisfaction of the Collector, in accordance with Form 47. Inserted by 1948, No. 36.

*Application.*

**125D.** Before medicinal preparations may be delivered to a public hospital, principal public hospital or State drug depot or similar institution, the chief executive official of the hospital, depot or institution shall make application in writing to the Collector for the delivery of the preparations. Inserted by 1948, No. 36.

**125E.** The chief executive official of any public hospital, principal public hospital or State drug depot or similar institution shall forward a receipt to the manufacturer or distributor for the full quantities of medicinal preparations received in pursuance of regulation 125C of these Regulations. Inserted by 1948, No. 36.

**125F.** All receipts issued in accordance with the last preceding regulations shall be kept by the manufacturer or distributor for a period of not less than twelve months and be made available for inspection by an officer. Inserted by 1948, No. 36.

*Book to be Kept.*

**125G.** A book shall be kept by a responsible official of each State drug depot or similar institution or principal public hospital showing particulars of all medicinal preparations received in pursuance of regulation 125C of these Regulations and the manner of disposal of those medicinal preparations. Inserted by 1948, No. 36.

*Access to Premises where Spirit Stored.*

**126.** An officer of Customs shall at all times have access to the premises where spirit received in pursuance of these Regulations is stored and may at any time examine or take extracts from any books or documents kept in relation thereto.

## EXCISABLE WINE REGULATIONS.

Inserted by  
1933, No. 103.

**126A.** In these Regulations “Excisable wine” means wine—

- (a) wholly or partly made from dried grapes or extracts therefrom;
- (b) containing added sugar in any form other than concentrated grape must produced from fresh grapes; or
- (c) containing honey, glucose or any other sweetening matter prescribed by Departmental By-laws; not being—
  - (i) natural or artificial sparkling wine;
  - (ii) Vermouth;
  - (iii) wine contained in liqueurs, cocktails, or wine cordials;
  - (iv) wine produced from fruit other than grapes; or
  - (v) Medicated wine as prescribed by Departmental By-laws;
- (d) containing added glycerine.

“Dried grapes” means grapes which, after being cut from the vines, have been subjected to any drying process whether natural or artificial.

## APPLICATION FOR LICENCES.

Inserted by  
1933, No. 103.

**126B.** An application for a licence to manufacture excisable wine shall be in the form prescribed in Schedule VI. of the Act.

Inserted by  
1933, No. 103.

**126C.** No premises licensed for any other purpose under the *Excise Act* 1901-1923 or for any purpose under the *Customs Act* 1901-1930 or the *Distillation Act* 1901-1931 shall be licensed under these Regulations.

Inserted by  
1933, No. 103.

**126D.** Every application for a licence shall be accompanied by the following particulars and drawings:—

- (a) the name and situation of the factory;
- (b) a plan of the buildings, a description of the plant, and sectional elevation drawings showing every apparatus and vessel and the position and capacity in gallons of every vessel used in the factory; and
- (c) The estimated quantity of excisable wine which the plant is capable of producing per month.

## SCALE OF FEES.

Inserted by  
1933, No. 103.

**126E.** The fee payable by a manufacturer for a licence shall be Twenty pounds per annum.

Reg. 126F  
inserted by  
1933, No. 103;  
repealed by  
1941, No. 313.

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## SECURITY.

Inserted by  
1933, No. 103.

**126G.** Before the issue of a licence to manufacture excisable wine, security in the sum of Five hundred pounds for compliance with the Act and these Regulations shall be furnished by the applicant.



## REQUIREMENTS AS TO PREMISES AND PLANT.

**126H.**—(1.) The following requirements shall be complied with to the satisfaction of the Collector in relation to every factory licensed to manufacture excisable wine:—

Inserted by  
1933, No. 103.

*Premises.*

- (a) The premises shall admit of the proper supervision of operations by officers.

*Plant.*

- (b) There shall be erected in the factory one or more vats or tanks sufficient for the reception of the excisable wine when manufactured.
- (c) A statement showing, in respect of each vat or tank referred to in this regulation, the capacity in imperial gallons at every inch and tenth of an inch of the height thereof shall be furnished by the manufacturer.
- (d) Each vat or tank used in the factory shall be close covered and fitted with fastenings so that it can be securely locked.
- (e) On the top of every vat or tank there shall be a dipping hole at which the officer can conveniently take a dip or gauge the contents. The dipping hole shall have a cover and be fitted with a fastening to secure it with a lock.
- (f) The name of each vat or tank shall be painted thereon in oil colours and in conspicuous letters. Where more than one vessel is used for the same purpose distinctive numbers in arithmetical progression commencing with 1 shall also be similarly painted thereon.

(2.) All locks required in pursuance of this regulation shall be supplied by the Collector at the expense of the manufacturer.

## MATERIAL STORE.

**126I.** All materials in the factory which are capable of being used in the manufacture of excisable wine shall, unless when being so used, be kept in a material store.

Inserted by  
1933, No. 103.

**126J.** The manufacturer shall keep in a book a complete and correct account showing under separate headings the quantities of each kind of material placed in the material store and the quantities of each kind of material taken therefrom and the purpose for which it has been applied.

Inserted by  
1933, No. 103.

**126K.** The manufacturer shall—

Inserted by  
1933, No. 103.

- (a) keep his material store account book written up daily and balanced monthly;
- (b) produce the book when required by an officer;
- (c) check the balance of any stock of material on hand when required by an officer; and
- (d) pay duty as required by section sixty-two of the Act.

## NOTICE BOOK.

Inserted by  
1933, No. 103.

**126L.** A notice book, in accordance with Form 44, shall—

- (a) be supplied by the Collector to the manufacturer;
- (b) be kept by the manufacturer at the factory; and
- (c) be delivered to the officer when a notice is entered therein.

Inserted by  
1933, No. 103.

**126M.** All notices (other than the advice required under regulation 126O) to be given by the manufacturer shall be given by entry in the notice book and the delivery of the book to the officer.

Inserted by  
1933, No. 103.

**126N.** Every notice in the notice book shall be valid, notwithstanding any defect in the form.

## NOTICE OF INTENTION TO MANUFACTURE.

Inserted by  
1933, No. 103.

**126O.** When a manufacturer intends to commence manufacturing operations, he shall give to the Collector, six days before he begins to manufacture, a written advice specifying the date and hour when he intends to commence manufacture; provided that a commencement earlier than the time specified may be sanctioned by authority.

## MANUFACTURERS' RETURNS.

Inserted by  
1933, No. 103.

**126P.**—(1.) Every manufacturer shall furnish to the Collector in a form approved by the Comptroller a monthly return showing in regard to the month covered by the return—

- (i) the quantity of all excisable wine in the factory at the commencement of the month;
- (ii) the quantity of each kind of material used in the manufacture of excisable wine during the month;
- (iii) the quantity of all excisable wine manufactured during the month;
- (iv) the quantity of all excisable wine sold, and the names and addresses of all persons to whom it was sold, during the month; and
- (v) the quantity of excisable wine on hand at the close of the last day of the month.

(2.) The return shall be made up to the close of the last day of each month, and shall be verified by the manufacturer according to Form 22A, and shall be lodged with the Collector within seven days after the end of each month.

## LABELLING OF EXCISABLE WINE.

Inserted by  
1933, No. 103.

**126Q.** Every container in which excisable wine is removed from a factory shall bear a label setting out the capacity of the container, the name and address of the manufacturer, a description of the excisable wine, and the nature and percentage of each sweetening substance (other than grape sugar derived from fresh grapes) contained in the excisable wine. The labels shall, before being used, be submitted for the approval of the Collector.

## CALCULATION OF QUANTITY.

**126R.** The quantity of excisable wine in any vat, vessel or container may be calculated by weight, measure or gauge, as the Collector directs. Inserted by  
1933, No. 103.

## CHECKING OF STOCKS.

**126s.** At any factory where excisable wine is manufactured or stored the Collector shall cause the stocks to be checked periodically. Inserted by  
1933, No. 103.

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Regs. 127-141  
and heading  
repealed by  
1939, No. 189.

## SPIRITS FOR INDUSTRIAL OR SCIENTIFIC PURPOSES.

## PURPOSES FOR WHICH SPIRITS MAY BE DELIVERED.

**142.** Approval may be granted by the Collector for the delivery of spirits from a Customs or a distillery warehouse for industrial or manufacturing purposes approved by the Comptroller.

## APPLICATION FOR SPIRITS.

**143.** Subject to Regulation 146 any person desiring to obtain delivery of spirits for industrial or manufacturing purposes may make application to the Collector in accordance with Form 19.

## ENTRY TO BE MADE BY APPLICANT.

**144.** Upon approval of the application, an entry specifying thereon the purpose for which the spirits are to be used, shall be made by the applicant and shall be passed by an officer, and on payment of the duty, and the giving of the security required by the next succeeding regulation, the spirits shall be delivered to the applicant.

## SECURITY.

**145.** Any person desiring to obtain delivery of spirits for industrial or manufacturing purposes, shall give security, in accordance with Form 20—

- (a) in the sum of £100, if the quantity to be used does not exceed 10 liquid gallons per month; and
- (b) in the sum of £250, if the quantity to be used exceeds 10 liquid gallons per month.

## SALE OF SPIRITS TO CHEMISTS OR MANUFACTURERS.

**146.** Spirits delivered in pursuance of Regulation 144 may, with the permission of the Collector, be sold, in quantities not exceeding, in respect of any one purchaser, 5 liquid gallons in any one month, to chemists or manufacturers for use in the manufacture of articles approved by the Comptroller.

## CHEMISTS OR MANUFACTURERS NOT TO GIVE SECURITY.

**147.** Chemists and manufacturers obtaining spirits in pursuance of the last preceding regulation shall not be required to give security in accordance with Regulation 145, provided the vendor has given the required security.

## RECORDS TO BE KEPT.

Sub-reg. (1.)  
amended by  
1940, No. 48.

**148.**—(1.) Every person receiving spirits in pursuance of regulations 142, 143, and 144, in quantities exceeding 5 liquid gallons per month, shall keep records, in accordance with Form 21 of the receipt and disposal of the spirits.

(2.) Each transaction shall be recorded immediately on completion and the account shall be balanced monthly.

## SPIRITS TO BE SUBJECT TO CONTROL OF CUSTOMS.

**149.** All spirits delivered in pursuance of Regulations 142, 143, and 144 shall remain subject to the control of the Customs, and until used shall be kept separate and apart from other goods on the premises, or, if so required by the Collector, they shall be kept in a secure and safe room approved by him.

## POWERS OF OFFICERS.

**150.** An officer shall at all times have full access to the premises where spirits received in pursuance of Regulations 142, 143, 144, and 146 are stored or used, and may at all times inspect, examine, and take extracts from the records kept by the person receiving spirits in pursuance of Regulations 142, 143, and 144.

## WITHDRAWAL OF PERMISSION.

**151.** The Collector may, at any time, withdraw his approval granted under Regulation 142, and shall notify the withdrawal, in writing, to the person to whom the approval was granted.

Heading  
substituted by  
1955, No. 54.

SPIRIT FOR USE IN UNIVERSITIES, TECHNICAL COLLEGES  
AND OTHER EDUCATIONAL INSTITUTIONS.

Substituted by  
1955, No. 54.

**152.** The application of Excise Tariff Item 2 (P) to spirit for use in universities for scientific or educational purposes is subject to the provisions of regulations 153 to 160A of these Regulations.

Substituted by  
1955, No. 54.

**153.** The spirit must be of a strength not less than 65 degrees over-proof as determined by Sikes' hydrometer.

Reg. 154  
repealed by  
1955, No. 54.

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Amended by  
1934, No. 76;  
and  
1955, No. 54.

**155.** Before delivery of spirit is permitted, the Registrar or other Principal Officer of the University shall make application in writing to the Collector and furnish a personal bond, with one surety, to the satisfaction of the Collector, for compliance with these Regulations.

Amended by  
1934, No. 76;  
and  
1955, No. 54.

**156.** Upon approval of the application an entry shall be made, and upon the passing of the entry the spirit shall forthwith be delivered to the University.

Amended by  
1934, No. 76;  
and  
1955, No. 54.

**157.** Upon receipt of the spirit the Registrar or other Principal Officer of the University shall forward to the Collector a receipt stating the quantity received.

**158.** The spirit shall be in charge of a responsible officer of the University, who shall keep a book, in which shall be entered particulars of all spirit received in pursuance of these Regulations and the manner in which the spirit has been dealt with. Amended by 1934, No. 76; and 1955, No. 54.

**159.** The responsible officer shall furnish a return immediately after the 30th June, and 31st December, in each year, setting forth the quantities of spirit received during the preceding six months, the quantity used, the purposes for which it has been used, and the stock on hand. Amended by 1934, No. 76; and 1955, No. 54.

**160.** An officer shall at all times have access to the premises where spirit received in pursuance of these Regulations is stored or used, and may at any time inspect, examine, or take extracts from any books or documents kept in relation thereto. Amended by 1934, No. 76; and 1955, No. 54.

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Headings to  
Regs. 160A  
to 160O  
(inclusive)  
inserted by  
1931, No. 25;  
repealed by  
1953, No. 86.

**160A.** For the purposes of regulations 152 to 160 (inclusive) of these Regulations, a reference to a university shall be deemed to include a reference to a technical college or other educational institution prescribed by Departmental By-laws for the purposes of Excise Tariff Item 2 (p). Inserted by 1931, No. 25; repealed by 1953, No. 86; inserted by 1955, No. 54.

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Regs. 160B to  
160D inserted by  
1931, No. 25;  
repealed by  
1953, No. 86.

Reg. 160E  
inserted by  
1931, No. 25;  
repealed by  
1941, No. 313.

Regs. 160F to  
160X inserted by  
1931, No. 25;  
repealed by  
1953, No. 86.

## PETROL REGULATIONS.

**161.** In these Regulations, "petrol" includes benzine, benzol, gasoline, naphtha, pentane and any petroleum, shale or coal tar distillate dutiable under the Excise Tariff. Repealed by 1929, No. 74; re-inserted by 1929, No. 92; substituted by 1944, No. 173.

### *Applications for Licences.*

**162.** Applications for licences to manufacture petrol shall be in the form prescribed in Schedule VI. of the Act. Repealed by 1929, No. 74; re-inserted by 1929, No. 92.

**163.** The drawings and particulars to accompany applications for licences shall be as follows:— Repealed by 1929, No. 74; inserted by 1929, No. 92.

- (a) The name and situation of the factory;
- (b) A ground plan of the buildings and premises and a description of the plant; and
- (c) The estimated quantity of petrol to be manufactured in the factory during the next succeeding twelve months.

*Scale of Fees.*

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92.

**164.** The fee payable by a manufacturer for a licence shall be One pound per annum.

Reg. 165  
repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92;  
repealed by  
1941, No. 313.

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*Security to be Given.*

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92;  
substituted by  
1941, No. 313.

**166.** Before a licence to manufacture petrol is issued, security to the satisfaction of the Collector, for compliance with the Act and the Regulations, shall be furnished by the applicant.

*Manufacturer to provide Storage Accommodation.*

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92.

**167.** Every manufacturer shall provide on the premises secure storage accommodation (by tank or as otherwise approved by the Collector) in which shall be stored immediately after production all petrol manufactured in the factory. Every outlet or exit for petrol from such storage accommodation shall be fitted with approved fastenings and shall be secured by an approved lock provided by the manufacturer the key of which shall be kept by him and by a lock supplied by the Collector at the expense of the manufacturer the key of which shall be kept by an officer so that both keys will be required to open the outlet or exit. The manufacturer shall provide such fastenings and locks as are required by the Collector at any other point on the premises.

*Manufacturer's Books.*

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92.

**168.** Every manufacturer shall keep a book in a form approved by the Comptroller-General in which he shall enter daily—

- (a) the quantity and place whence received of each kind of material received into the factory from which petrol can be made or produced;
- (b) the quantity in gallons of all petrol made or produced in the factory;
- (c) the quantity in gallons or in any other unit of quantity approved by the Collector of any products other than petrol which result from the operations of the manufacturer;
- (d) the total quantity in gallons of all petrol removed from the factory and the description and contents in gallons of each individual container; and
- (e) the amount of duty paid.

*Manufacturer's Return.*

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92.

**169.—(1.)** Every manufacturer shall furnish to the Collector in a form approved by the Comptroller-General a monthly return showing in regard to the month covered by the return—

- (a) the quantity in the factory at the commencement of the month of each kind of material from which petrol can be made or produced;
- (b) the quantity of each kind of material received into the factory from which petrol can be made or produced;
- (c) the quantity of each kind of material used in the manufacture of petrol;
- (d) the quantity in the factory at the close of the day ending the month for which the return is made of material from which petrol can be made or produced;

- (e) the quantity in gallons of petrol in the factory at the commencement of the month;
- (f) the quantity in gallons of all petrol manufactured in the factory;
- (g) the quantity in gallons of all petrol removed from the factory;
- (h) the quantity of petrol lost by evaporation or from other causes (as approved by the Collector) during the month;
- (i) the quantity in gallons of petrol in the factory at the close of the day ending the month for which the return is made; and
- (j) the quantity of petrol upon which duty was paid during the month and the amount of such duty.

(2.) Such return shall be made up to the close of the last day of each month and shall be verified by a declaration made by the manufacturer according to Form 22A and shall be lodged with the Collector within seven days after the end of each month.

*Size and Description of Containers.*

170. Petrol may be removed from the factory in containers or portable tanks of such description, size or weight as is approved by the Collector.

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92.

*Marking of Packages.*

171. Except when by authority petrol is removed from the factory in portable tanks, the manufacturer shall before petrol is removed from the factory, mark upon any outside package containing such petrol manufactured or produced by him, his name and the place of manufacture or the distinctive brand of the article.

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92.

*Manufacturer to give Notice of Removal of Petrol.*

172. Every manufacturer at whose factory a supervising officer is not permanently stationed shall, before removing petrol from his factory, give at least twenty-four hours notice in writing to the Collector of the time when he intends to remove the petrol, but a standing notice may be given that removals will take place at certain specified times.

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92.

*Taking of Samples.*

173. An officer may take samples of any material in the factory and if in any factory a deficiency of petrol appears on the production being checked by an officer as against the petrol content as ascertained by analysis of the material, the manufacturer shall pay the duty on the deficiency unless it is accounted for to the satisfaction of the Collector.

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92.

*Marking of Containers.*

174. Every container of petrol in the factory shall be marked with the capacity and/or actual content thereof as approved by the Collector.

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92.

*Checking of Stocks.*

175. At any factory where a supervising officer is not permanently stationed the Collector shall cause the stocks to be checked periodically.

Repealed by  
1929, No. 74;  
re-inserted by  
1929, No. 92.

*Delivery of Petrol from Customs Warehouses for Blending with Excisable Petrol.*

Inserted by  
1934, No. 9.

**175A.**—(1.) Where the Collector is satisfied that petrol which is liable to duties of Customs is to be blended with petrol manufactured in Australia and exported he may, upon the application of the manufacturer, and upon compliance with the conditions prescribed in this regulation, permit the petrol to be removed from a Customs warehouse to a factory without the payment of Customs duty.

(2.) Before removing petrol from a Customs warehouse in pursuance of this regulation, the manufacturer shall lodge with the Collector a security in accordance with Form 22B for such amount as the Collector approves.

Inserted by  
1934, No. 9.

**175B.**—(1.) Where the Collector is satisfied that petrol which is liable to duties of Customs is to be blended with excisable petrol and entered for home consumption he may, upon the application of the manufacturer, permit the petrol to be removed from a Customs warehouse to a factory in accordance with the conditions prescribed in this regulation.

(2.) Before removing petrol from a Customs warehouse in pursuance of this regulation, the manufacturer shall lodge with the Collector a security in accordance with Form 22c for such amount as the Collector approves.

(3.) If the rate of Customs duty exceeds the rate of Excise duty the manufacturer shall, immediately upon the ascertainment of the quantity of petrol which reaches the factory, pay a Customs duty on that quantity equal to the difference between the two rates.

(4.) Upon entry for home consumption of a blended mixture containing petrol removed from a Customs warehouse in pursuance of this regulation, the manufacturer shall pay Excise duty on the whole mixture.

Inserted by  
1934, No. 9.

**175c.** In all cases where petrol is removed from a Customs warehouse in pursuance of regulations 175A and 175B of these Regulations, the quantity of petrol so removed shall be measured immediately prior to removal from the Customs warehouse and again immediately after its arrival at the factory and Customs duty shall forthwith be paid upon any deficiency that may have occurred during the course of such removal unless the deficiency is accounted for to the satisfaction of the Collector.

## PLAYING CARDS REGULATIONS.

### *Applications for Licences.*

Repealed by  
1929, No. 74;  
re-inserted by  
1930, No. 71.

**176.** Applications to manufacture playing cards shall be in the form prescribed in Schedule VI. of the Act.

Repealed by  
1929, No. 74;  
re-inserted by  
1930, No. 71.

**177.** The drawings and particulars to accompany applications for licences shall be as follows:—

- (a) The name and situation of the factory.
- (b) A plan of the buildings and premises, or a plan of such part of the buildings or premises as the Collector shall require to be furnished.



*Scale of Fees.*

177A. The fee payable by a manufacturer for a licence shall be One pound per annum. Inserted by  
1930, No. 71.

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Reg. 177B  
inserted by  
1930, No. 71;  
repealed by  
1941, No. 313.

*Security to be Given.*

177C. Before a licence to manufacture playing cards is issued approved security in the sum of Two hundred pounds for compliance with the Act and these Regulations shall be furnished by the applicant. Inserted by  
1930, No. 71.

*Safe Custody of Goods.*

177D. Every manufacturer shall provide, in such manner as the Collector directs, for the safe custody of all playing cards manufactured in his factory on which Excise duty has not been paid. Inserted by  
1930, No. 71.

*Samples.*

177E. Every manufacturer shall lodge with the Collector a specimen representing each kind of playing card manufactured by him; the specimen shall consist of an imprint of each of the blocks, plates or dies from which each card in the pack is printed, including an imprint of the design on the backs of the cards. Inserted by  
1930, No. 71.

*Manufacturer's Books.*

177F. Every manufacturer shall keep a book in a form approved by the Collector in which he shall enter daily— Inserted by  
1930, No. 71.

- (a) the quantity of paper received into the factory from which playing cards can be made;
- (b) the quantity of such paper used for making cards;
- (c) the quantity of such paper used for other purposes;
- (d) the number in dozens of packs of all playing cards manufactured in the factory;
- (e) the number in dozens of packs of all playing cards removed from the factory;
- (f) the name and address of each person to whom playing cards have been delivered;
- (g) the number in dozens of packs of playing cards delivered to each such person;
- (h) the amount of duty paid.

*Manufacturer's Returns.*

177G.—(1.) Every manufacturer shall furnish to the Collector a monthly return showing in regard to the calendar month covered by the return:— Inserted by  
1930, No. 71.

- (a) the quantity of paper in the factory at the commencement of the month from which playing cards can be made;
- (b) the quantity of paper received into the factory from which playing cards can be made;
- (c) the quantity of such paper used for card making;
- (d) the quantity of such paper on hand at end of the month;
- (e) the number in dozens of packs of playing cards:—
  - (i) in the factory at the commencement of the month;
  - (ii) manufactured in the factory;

- (iii) removed from the factory;
- (iv) in the factory at the close of the last day of the month;
- (f) the amount of duty paid.

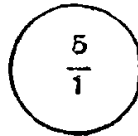
(2.) Such return shall be made up to the close of the last day of each month and shall be verified by a declaration made by the manufacturer according to Form 22A and shall be lodged with the Collector within seven days after the end of each month.

*Sizes and Marking of Packages.*

Inserted by  
1930, No. 71.

177H. All playing cards manufactured in a factory shall be put up in playing packs each of which shall be enclosed in a carton, box or other wrapper. Each carton, box or wrapper shall bear in prominent characters:—

- (a) the words "Made in Australia.";
- (b) a State number and a factory number, to be allotted by the Collector. The factory number shall be stated immediately above the State number and both numbers shall be enclosed in a circle or a triangle, thus—



- (c) any other marking approved by the Collector.

The State and factory number as prescribed herein shall be applied to any outer package in which playing cards are delivered from the factory.

Inserted by  
1930, No. 71.

177I. Playing cards may be removed from the factory in any number of dozens or half dozens of packs.

*Notice of Removal of Playing Cards.*

Inserted by  
1930, No. 71.

177J. Every manufacturer at whose factory a supervising officer is not permanently stationed shall before removing playing cards from his factory give at least twenty-four hours' notice in writing to the Collector of the time when he intends to remove playing cards but a standing notice may be given that removals will take place at certain specified times.

*Checking of Stocks.*

Inserted by  
1930, No. 71.

177K. At any factory where a supervising officer is not permanently stationed the Collector shall cause the stocks to be checked periodically.

MATCHES.

Inserted by  
1932, No. 51.

177L. Applications for licences to manufacture matches shall be in accordance with the form prescribed in Schedule VI. to the Act.

Inserted by  
1932, No. 51.

177M. The drawings and particulars to accompany applications for licences shall be as follows:—

- (a) the name and situation of the factory;
- (b) a plan of the factory buildings and premises;
- (c) the quantity of matches which the factory is capable of producing per month.

Inserted by  
1932, No. 51.

177N. The fee payable by a manufacturer for a licence shall be Five pounds per annum.

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Reg. 1770  
inserted by  
1932, No. 51;  
repealed by  
1941, No. 313.

**177P.** Before a licence to manufacture is issued security to the satisfaction of the Collector shall be furnished by the applicant.

Inserted by  
1932, No. 51;  
substituted by  
1936, No. 99.

**177Q.** Every manufacturer shall provide in such manner as the Collector directs for the safe custody of all matches manufactured in his factory on which Excise duty has not been paid.

Inserted by  
1932, No. 51.

**177R.** Every manufacturer shall keep a book in a form approved by the Collector in which he shall enter daily—

Inserted by  
1932, No. 51.

- (a) the quantity of each type of match manufactured in the factory;
- (b) the quantity of each type of match removed from the factory; and
- (c) the amount of duty paid.

**177S.**—(1.) Every manufacturer shall furnish to the Collector a monthly return showing in respect of the calendar month covered by the return—

Inserted by  
1932, No. 51

- (a) the quantity of each type of match in the factory at the commencement of the month;
- (b) the quantity of each type of match manufactured in the factory;
- (c) the quantity of each type of match removed from the factory;
- (d) the quantity of each type of match in the factory at the close of the last day of the month; and
- (e) the amount of duty paid.

(2.) Such return shall be made up to the close of the last day of each calendar month, shall be verified by a declaration by the manufacturer in accordance with Form 22A, and shall be lodged with the Collector within seven days after the end of each month.

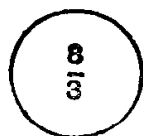
**177T.**—(1.) All matches manufactured in a factory shall be packed in the manner in which they are ordinarily sold retail and may be removed from the factory in packages containing such quantities as are approved by the Collector.

Inserted by  
1932, No. 51;  
substituted by  
1933, No. 3.

(2.) (a) Each container (i.e., box, tin or book) of matches shall be marked, to the satisfaction of the Collector, to indicate clearly by whom and where the matches were manufactured.

Substituted by  
1936, No. 26;  
amended by  
1939, No. 5.

(b) In lieu of the marking provided for in sub-paragraph (a) above each container may be marked with the factory and State numbers, to be allotted by the Collector, and the words "Made in Australia". The factory number shall be placed directly above the State number and both numbers shall be enclosed in a circle or triangle, thus—



In the case of wax vestas put up in barrel containers of an advertising nature, the words "Made in Australia" may be omitted.

(3.) Each box of safety matches shall in addition be marked, to the satisfaction of the Collector, with a statement of the approximate number of matches therein.

Amended by  
1939, No. 5.

(4.) Each package into which boxes, tins or books of matches are packed shall be marked with the full name and address of the manufacturer of the matches or with the factory number and the State number as set out in sub-regulation (2.) of this regulation.

(5.) Each outer package in which matches are removed from the factory shall be clearly marked with the name and address of the manufacturer of the matches.

(6.) Each container or package of matches may be marked with any other marking approved by the Collector.

Added by  
1939, No. 121.

(7.) The provisions of this regulation shall not apply to matches intended for exportation.

Inserted by  
1932, No. 51.

177U. Every manufacturer at whose factory a supervising officer is not permanently stationed shall, before removing matches from his factory, give at least twenty-four hours notice in writing to the Collector of the time when he intends to remove matches, but a standing notice may be given that removals will take place at certain specified times.

Inserted by  
1932, No. 51.

177V. At any factory at which a supervising officer is not permanently stationed the Collector shall cause the stocks to be checked periodically.

Heading  
inserted by  
1932, No. 51.

#### CIGARETTE TUBES, PAPER AND PAPERS.

Reg. 177w  
substituted by  
1941, No. 313.

177W. Regulations 177L to 177N (inclusive), 177P to 177S (inclusive), 177U and 177V of these Regulations shall apply, *mutatis mutandis*, to the manufacture of cigarette tubes, paper and papers.

Inserted by  
1932, No. 51.

177X. Every manufacturer shall keep such records and furnish to the Collector such information in regard to paper received into his factory for the manufacture of cigarette tubes, paper and papers as the Collector from time to time requires.

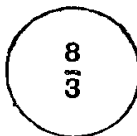
Inserted by  
1933, No. 37.

177Y. All cigarette tubes, paper and papers manufactured in a factory shall be packed in the manner in which they are ordinarily sold retail and may be removed from the factory in packages containing such quantities as are approved by the Collector.

Inserted by  
1933, No. 37;  
substituted by  
1936, No. 26.

177Z.—(1.) Each package shall be marked with—

- (i) the name and address of the manufacturer; or
- (ii) the factory and State number, to be allotted by the Collector, and the words "Made in Australia". The factory number shall be placed directly above the State number and both numbers shall be enclosed in a circle or triangle, thus—



(2.) The immediate container of cigarette papers or cigarette tubes shall, in addition, be marked with a statement of the approximate number of papers or tubes therein.

(3.) Each package may also be marked with any additional marking approved by the Collector.

(4.) The provisions of this regulation shall not apply to cigarette papers or cigarette tubes exported under Customs control.

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## RETURNS OF EXCISABLE GOODS IN THE POSSESSION OF A BREWER, DISTILLER, OR MANUFACTURER.

### RETURN OF EXCISABLE GOODS.

**178.** Every brewer, distiller, or manufacturer of any goods dutiable under the Excise Tariff (whether licensed under any Excise Act or not), shall, on demand in writing by the Collector, furnish a return setting out the quantity of each kind of those goods on which the Excise duty has not been paid which was in his custody or possession or belonged to him on any day specified in the demand, and the place where the goods then were, and shall verify the return by signing a declaration at the foot thereof, in accordance with Form 23.

### MANUFACTURERS TO ANSWER QUESTIONS.

**179.** Every brewer, distiller, or manufacturer of any goods dutiable under the Excise Tariff (whether licensed under any Excise Act or not), and the manager or person in charge of any factory or premises where any of those goods were manufactured shall, when required by the Collector or any officer authorized by the Collector, truly answer to the best of his knowledge, information, and belief, all questions that the Collector or officer shall ask relating to any of those goods brewed, distilled, or manufactured by such brewer, distiller, or manufacturer.

### MANUFACTURER TO PRODUCE BOOKS.

**180.** Every brewer, distiller, or manufacturer of any goods dutiable under the Excise Tariff (whether licensed under any Excise Act or not), shall, when required by the Collector, produce to the Collector or some officer nominated by the Collector, all books and accounts in his possession, custody, or control, containing entries relating to those goods brewed, distilled, or manufactured by him, and the Collector or officer nominated by him may inspect and take copies of or extracts from any such books or accounts.

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## MANUFACTURER'S, BREWER'S, DISTILLER'S, DEALER'S, OR PRODUCER'S DECLARATIONS.

### PERSONS AUTHORIZED TO MAKE DECLARATIONS.

**181.** Any declaration required by any Regulations under any Excise Act to be made by a manufacturer, brewer, distiller, dealer, or producer may be made by the manufacturer, brewer, distiller, dealer, or producer himself, or by some person appointed by him in writing to make the declaration on his behalf.

### FORM OF APPOINTMENT.

**182.** An appointment under the preceding Regulation may be according to Form 24.

### APPOINTMENT TO BE FILED.

**183.** The appointment shall be filed with the Collector, and the Collector may refuse to accept any declaration made by the appointee until the appointment has been so filed.

## EFFECT OF DECLARATION.

**184.** Any declaration made by a person appointed to make it on behalf of a manufacturer, brewer, distiller, dealer, or producer shall be held to have been made with the knowledge and consent of the manufacturer, brewer, distiller, dealer, or producer, who shall be liable to all pecuniary penalties in respect of the declaration to the same extent as if he had made the declaration himself. But nothing herein contained shall relieve the person who made the declaration from liability.

## DECLARATIONS BY AGENTS.

**185.**—(1.) Forms containing declarations may be signed by a duly authorized agent in cases where the principal is legally incapable of making a declaration.

(2.) Any officer may require from any agent the production of his written authority from the principal for whom he claims to act, and in default of the production of such authority may refuse to recognize the agency.

(3.) Any declaration made by an agent in pursuance of this regulation shall be held to have been made with the knowledge and consent of the principal, so that in any prosecution in respect of any declaration made by any such agent the principal shall be liable only to the pecuniary punishment provided by the Act or these Regulations as if such declaration had been made by the principal.

(4.) An authority under this Regulation may be according to Form 39.

## LABELS ON EXCISABLE GOODS.

Sec. 57.

**186.**—(1.) No label shall be placed upon excisable goods unless it has been approved by the Collector.

Inserted by  
1954, No. 109.

(1A.) A label placed upon excisable foods shall show—

- (a) the name of the manufacturer or distiller and the address (including the word “Australia”) of the factory or distillery; or
- (b) the factory number and State number allotted to the factory or the distillery letter and State number allotted to the distillery, as the case requires, and the words “Made in Australia” or such other words indicating that the goods have been made in Australia as the Collector approves.

Substituted by  
1953, No. 86.

(2.) A label which describes any spirits as “Old”, or in a way which could reasonably lead to the belief that the spirits had been matured for a period of not less than five years, shall not be applied to spirits unless the spirits have been matured by storage in wood for a period of not less than five years.

Substituted by  
1953, No. 86.

(3.) A label which describes any spirits as “Very Old”, or in a way which could reasonably lead to the belief that the spirits had been matured for a period of not less than ten years, shall not be applied to spirits unless the spirits have been matured by storage in wood for a period of not less than ten years.

Added by  
1934, No. 65.

(4.) Sub-regulations (2.) and (3.) of this regulation shall not apply to brandy exported under Customs control.

## CARRIAGE OF EXCISABLE GOODS.

**187.** All excisable goods subject to the control of the Customs, other than those carried by Railway Authorities, shall be conveyed only in carriages, boats, or lighters licensed under the *Customs Act* 1901-1925, provided that spirit subject to Customs control and intended for use in fortifying wine may be conveyed in unlicensed carriages. Sec. 61.

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Headings and  
Regs. 188 and  
189 repealed by  
1953, No. 86.

## AUTHORITY TO PROSECUTE.

**190.** The authority by the Collector to prosecute under the Act shall be in accordance with Form 37. Sec. 134.

## SEIZURE OF GOODS.

**191.** The notice of seizure shall be in accordance with Form 25. Sec. 96.

## DISPOSAL OF FORFEITED GOODS.

**192.**—(1.) Forfeited goods which, in the opinion of the Collector, have no commercial value shall be destroyed as the Collector directs. Sec. 99.

(2.) Forfeited goods possessing commercial value shall be sold by auction or by public tender as the Comptroller directs.

## RIGHT OF TRIAL IN HIGH OR STATE SUPREME COURT.

## ELECTION TO TRY IN HIGHER COURT.

**193.** A defendant in an Excise prosecution, where the penalty exceeds One hundred pounds, and the excess is not abandoned, may exercise his election to have the case tried in the High Court of Australia, or the Supreme Court of the State in which the prosecution was instituted, by serving on the prosecutor and filing in the Court in which the prosecution was instituted a notice in accordance with Form 26. Sec. 135.

## SERVICE OF NOTICE.

**194.** The prosecutor, within seven days after the notice of election has been served upon him, shall exercise his option under section 134 of the Act by serving on the defendant and filing in the Court in which the prosecution was instituted a notice specifying the Court in which the case is to be tried.

## PROSECUTION WHEN DEEMED ABANDONED.

**195.** If the prosecutor fails to comply with the last preceding Regulation, the prosecution shall be deemed to be abandoned, but the Court in which it was instituted may, on the application of the defendant, award him such costs as it deems just.

## TRANSMISSION OF DOCUMENTS.

196. The proper officer of the Court in which the prosecution was instituted shall forthwith, after the prosecutor has exercised his option in accordance with these Regulations, forward to the Court in which the prosecution is to be tried all documents relating to the prosecution in the possession of the first mentioned Court.

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CONDUCT OF INQUIRIES.—PART XIII., EXCISE ACT  
1901-1923.

Reg. 197 and  
heading  
repealed by  
1939, No. 5.

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## SUMMONS TO WITNESSES.

198. The summons to witnesses shall be according to Form 28.

## RULES.

199. The following shall be the rules for the conduct of inquiries under Part XIII. of the Act:—

- (a) The person who occupies the position of defendant in the case shall have full opportunity of bringing forward his evidence and of defending himself.
- (b) The person who occupies the position of prosecutor shall make a short statement of his case.
- (c) The evidence of the witnesses supporting the charge shall be taken.
- (d) Such witnesses may be cross-examined by the defendant, and re-examined by the prosecutor.
- (e) The defendant's witnesses shall then give their evidence, and defendant may himself give evidence.
- (f) Such witnesses may be cross-examined by prosecutor and re-examined by the defendant.
- (g) The defendant, or person appearing for him, may then address the conductor of the inquiry, and the prosecutor shall have the right of reply.
- (h) The conductor of the inquiry shall then give his decision, or reserve his decision until some future day and time which he shall announce, or if the inquiry is conducted by any person acting under powers delegated to him by the Minister, and such powers extend only to the holding of an inquiry and no further, he shall announce that the matter will be reported to the Minister, who will give his decision in writing.
- (i) The defendant may be represented by counsel or (with the approval of the conductor of the inquiry) by some other person.
- (j) The conductor of an inquiry—
  - shall not regard legal forms or solemnities;
  - shall direct himself by the best evidence procurable or laid before him, whether it be such evidence as the law would require or admit in other cases or not;
  - may reject any evidence which he considers irrelevant.
- (k) All examinations shall be on oath.
- (l) The conductor of the inquiry may call for, or require the production of, any evidence or witness that he thinks necessary.



## ENFORCEMENT OF PENALTIES AND FORFEITURES UNDER PART XIII. OF THE ACT.

MINISTER'S ORDER MAY BE FILED IN COURT OF SUMMARY JURISDICTION.

**200.**—(1.) Any order made by the Minister under Part XIII. of the Act for the enforcement of any penalty or forfeiture which he has determined has been incurred may be filed in any Court of Summary Jurisdiction, and thereupon the Order shall have effect as if it were an order of that Court.

(2.) Subject to these Regulations, all laws of the State relating to the enforcement of orders of Courts of Summary Jurisdiction in force in the place where the Court in which the order is filed is situated shall, to the extent to which they are applicable, apply to all matters relating or incidental to, or in connexion with, the enforcement of the penalty or forfeiture specified in the order so filed, and to any process for such enforcement.

(3.) On the application of any officer of Customs, any justice of the peace having jurisdiction in the place may issue a warrant of execution or warrant of commitment, or other process applicable for the purpose of the enforcement of the order so filed.

### FORM OF WARRANT OF EXECUTION.

**201.** A warrant of execution may be in accordance with Form 29 or in accordance with any form of warrant of execution or distress (applicable to the circumstances) under any law in force in the State where the warrant is issued.

### FORM OF WARRANT OF COMMITMENT.

**202.** A warrant of commitment may be in accordance with Form 30, or in accordance with any form of warrant of commitment (applicable to the circumstances) under any law in force in the State where the warrant is issued.

### FORMS OF WARRANTS MAY BE VARIED.

**203.** Any form of warrant of execution, warrant of commitment, or other process, whether provided by these Regulations or by the law of the State, may be varied according to the circumstances of the case, and no warrant of execution, warrant of commitment, or other process shall be held to be invalid by reason of want of form.

## ENTRIES, ETC.—EXCISABLE GOODS.

### *Forms of Entries and Despatch Note.*

**204.** Entries and Despatch Note for Excisable goods shall be according to the forms hereunder specified:—

Substituted by  
1948, No. 36;  
amended by  
1954, No. 109.

| Purpose of Form.                                                                                           | Character of Goods.                                                             | Number of Form. |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-----------------|
| Home consumption .. ..                                                                                     | Spirits, excluding spirits cleared at distilleries and manufacturing warehouses | 31A             |
| Home consumption .. ..                                                                                     | All other excisable goods                                                       | 32              |
| Removal interstate for warehousing or for clearance for home consumption                                   | All excisable goods ..                                                          | 33              |
| Warehousing or removal within a State                                                                      | All excisable goods ..                                                          | 34              |
| Exportation beyond the Commonwealth or removal coastwise or inland for exportation beyond the Commonwealth | All excisable goods ..                                                          | 34A             |
| Despatch note .. ..                                                                                        | All excisable goods ..                                                          | 35              |

## ADVICE NOTE.

Amended by  
1953, No. 86.

**205.** When excisable goods are forwarded from a factory, distillery or other place under bond, an advice note according to Form 36 may be used.

## WORKING DAYS AND HOURS.

Substituted by  
1939, No. 60.

**206.**—(1.) Subject to regulations 207 and 208 of these Regulations, business relating to the Excise shall be conducted only on the working days and during the working hours prescribed by this regulation.

(2.) Subject to sub-regulation (4.) of this regulation, the working days shall be all days except Sundays and public holidays.

(3.) Subject to sub-regulation (4.) of this regulation, the working hours shall be—

(a) for officers supervising the receipt, delivery or manufacture of goods, or supervising any operation carried on under the *Excise Act* 1901-1934 or these Regulations—8 a.m. to 5 p.m. on Monday to Friday, and 8 a.m. to 12 noon on Saturday;

(b) for other officers—9 a.m. to 4.45 p.m. on Monday to Friday, and 9 a.m. to 12 noon on Saturday.

(4.) The Collector may direct that the working days at any factory shall be Monday to Friday (but not including any public holiday) and that the working hours at any such factory shall be such hours worked from Monday to Friday in equal daily periods, as he specifies:

Provided that the working hours shall not exceed 44 hours per week, and shall not commence before 7 a.m. on any day.

Substituted by  
1939, No. 60.

**207.** The Minister may permit work to be carried on, for any of the purposes specified in paragraph (a) of sub-regulation (3.) of regulation 206 of these Regulations, on Sunday, Christmas Day, Good Friday, Anzac Day or Eight Hours' Day for such time and subject to such conditions as he thinks fit, and the Collector may permit work to be carried on, for any of those purposes, on any other day which is not a working day for such time and subject to such conditions as he thinks fit.

Substituted by  
1939, No. 60.

**208.** The Collector may permit work to be carried on, for any of the purposes specified in paragraph (a) of sub-regulation (3.) of regulation 206 of these Regulations, outside the working hours fixed by sub-regulations (3.) and (4.) of regulation 206 of these Regulations.

Substituted by  
1939, No. 60.  
Sub-reg. (1.)  
amended by  
1947, No. 85;  
1949, No. 96;  
1951, No. 81;  
1952, No. 97;  
1954, No. 22;  
1955, No. 65;  
and  
1956, No. 128.

**209.**—(1.) Subject to this regulation, where the Minister or the Collector, as the case may be, permits work to be carried on for any of the purposes specified in paragraph (a) of sub-regulation (3.) of regulation 206 of these Regulations, otherwise than on a working day or during the working hours, a charge shall be made for the services of officers so working at the rate of Fifteen shillings per hour or part thereof.

(2.) The charge shall be calculated from the hour from which the attendance of the officer is necessary, and shall include a charge in respect of the time reasonably occupied by the officer in proceeding to and from the place where his attendance is required.

(3.) Where the Collector permits work to be carried on for any of the purposes specified in sub-regulation (3.) of regulation 206 of these Regulations regularly for sixteen or twenty-four hours per day continuously, a charge shall not be made in pursuance of sub-regulation (1.) of this regulation for the services of officers working during those hours, except for services between noon on Saturday and 6 a.m. on Monday or on a public holiday.

**209AA.** For the purposes of the last four preceding regulations **Inserted by 1948, No. 95.** "public holiday" means any day observed as a holiday in the Public Service of the Commonwealth in pursuance of section seventy-six of the *Commonwealth Public Service Act 1922-1947*.

**209A.** Subject to the provisions of regulations 31, 37, 65 and 69 **Inserted by 1941, No. 313; amended by 1951, No. 123; and 1954, No. 109.** of these Regulations, a manufacturer at whose factory the services of an officer are required, shall, if called upon by the Collector so to do, pay for those services at the rate of Eight shillings per hour or part of an hour during which the officer is engaged at the factory and also the cost of the conveyance of the officer to and from the factory.

#### DEPOSITS BY SUBSCRIBERS TO CUSTOMS SECURITIES.

**210.—(1.)** Any subscriber to a Customs Security may deposit with the Collector— **Sec. 17. Amended by 1934, No. 65.**

Cash; and/or

Commonwealth Bonds; and/or

Negotiable instruments approved by the Collector

of a value equal to the full amount of the liability stated in the security.

(2.) If the Collector obtains judgment against the subscriber in a suit upon the Customs Security the Collector may appropriate so much of the deposit as is sufficient to satisfy the judgment and costs. If the deposit is not sufficient to satisfy fully the judgment and costs the Collector may exercise all powers of enforcing the judgment by execution or otherwise to obtain payment of the balance remaining due under the judgment.

(3.) Whenever the right to appropriate a deposit arises under this regulation the Collector may (if the deposit or any part thereof is not cash) dispose of the deposited Bonds or negotiable instruments or any of them by auction or private sale or otherwise in such manner as in his opinion is most favourable to the subscriber, and the net proceeds of such disposition shall for all the purposes of this Regulation be deemed to have been a deposit of cash by the subscriber, and may be appropriated wholly or partly accordingly.

(4.) A certificate signed by the Collector stating the Bonds or negotiable instruments disposed of and the net proceeds of such disposition shall be proof of the matter stated.

(5.) Any portion of the deposit appropriated as aforesaid shall become the property of the Commonwealth absolutely.

(6.) When a Customs Security expires or is cancelled, discharged, released or satisfied, the subscriber shall be entitled to a return of so much (if any) of the deposit as shall not have been appropriated under this Regulation.

(7.) When Bonds or negotiable instruments bearing interest are deposited under this Regulation the subscriber shall be entitled to collect as it falls due and retain any interest payable thereon before the Bonds or instruments are disposed of by the Collector under this Regulation.

(8.) If any deposited Bonds or negotiable instruments are not payable to bearer the subscriber shall at the time of the deposit lodge with the Collector duly executed transfers or assignments thereof in such form as will enable the Collector to effectually dispose thereof and shall at the request of the Collector execute any transfers or assignments the Collector may from time to time deem necessary or convenient to enable him to effectually dispose thereof.

Headings and  
Reg. 211  
repealed by  
1953, No. 86.

\* \* \* \* \*

## WIRELESS VALVE REGULATIONS.

### *Application for Licences.*

Inserted by  
1936, No. 99.

**212.** Applications for licences to manufacture wireless valves shall be in the form prescribed in Schedule VI. to the Act.

Inserted by  
1936, No. 99.

**213.** The drawings and particulars to accompany applications for licences shall be as follows:—

- (a) The name and situation of the factory;
- (b) A plan of the factory buildings and premises.

### *Scale of Fees.*

Inserted by  
1936, No. 99.

**214.** The fee payable by a manufacturer for a licence shall be Five pounds per annum. The fee shall be computed as from the first day of January to the thirty-first day of December, and when by reason of the time of the granting of the licence it will not continue for a full year the amount of fee shall be reduced proportionately.

Reg. 215  
inserted by  
1936, No. 99;  
repealed by  
1941, No. 313.

\* \* \* \* \*

### *Security to be Given.*

Inserted by  
1936, No. 99.

**216.** Before a licence to manufacture is issued, approved security in the sum of Five hundred pounds for compliance with the Act and these Regulations shall be furnished by the applicant.

### *Safe Custody of Goods.*

Inserted by  
1936, No. 99.

**217.** Every manufacturer shall provide, in such manner as the Collector directs, for the safe custody of all wireless valves manufactured in his factory on which Excise duty has not been paid.

### *Manufacturer's Books.*

Inserted by  
1936, No. 99.

**218.** Every manufacturer shall keep records, in a form approved by the Collector, in which he shall enter daily—

- (a) the number of each type of wireless valve manufactured in the factory;
- (b) the number of each type of wireless valve removed from the factory;
- (c) the name and address of each person to whom wireless valves have been delivered;
- (d) the number of wireless valves delivered to each such person;
- (e) the amount of duty paid; and
- (f) such other particulars as the Collector may require.

*Manufacturer's Returns.*

**219.**—(1.) Every manufacturer shall furnish to the Collector a monthly return showing in regard to the calendar month covered by the return—

Inserted by  
1936, No. 99;  
Sub-reg. (1.)  
amended by  
1939, No. 5.

- (a) the number of wireless valves in the factory at the commencement of the month;
- (b) the number of wireless valves manufactured in the factory;
- (c) the number of wireless valves removed from the factory;
- (d) the number of wireless valves in the factory at the close of the last day of the month;
- (e) the amount of duty paid; and
- (f) such other particulars as the Collector may require.

(2.) Such return shall be made up to the close of the last day of each month and shall be verified by a declaration made by the manufacturer according to Form 22A and shall be lodged with the Collector within seven days after the end of each month.

*Sizes and Marking of Packages.*

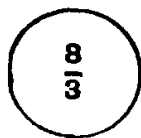
**220.** All wireless valves manufactured in a factory shall be packed in the manner in which they are ordinarily sold retail and may be removed from the factory in packages containing such quantities as are approved by the Collector.

Inserted by  
1936, No. 99.

**221.**—(1.) Each wireless valve and each container in which a wireless valve is packed shall be marked, to the satisfaction of the Collector, to indicate clearly by whom and where the wireless valve was manufactured.

Inserted by  
1936, No. 99.

(2.) In lieu of the marking provided for in sub-regulation (1.) above each wireless valve and each container in which a wireless valve is packed may be marked with the factory and State numbers, to be allotted by the Collector, and the words "Made in Australia". The factory number shall be placed directly above the State number and both numbers shall be enclosed in a circle or a triangle, thus—



(3.) Each outer package in which wireless valves are removed from a factory shall be clearly marked with the name and address of the manufacturer of the wireless valves and the number of wireless valves contained therein.

(4.) Each wireless valve, each container in which a wireless valve is packed and each outer package in which wireless valves are removed from a factory may also be marked with any other additional marking approved by the Collector.

*Checking of Stocks.*

Inserted by  
1936, No. 99.

222. The Collector shall cause the stocks to be checked periodically.

*Return of Wireless Valves to a Factory.*

Inserted by  
1936, No. 99.

223.—(1.) Wireless valves which have not been taken out of the containers in which they were packed at the time of their original removal from a factory, may be returned to the factory, and may be re-issued and again removed from the factory without further payment of duty, provided satisfactory evidence is produced to show that duty was paid at the time of original removal from the factory.

(2.) Any wireless valves returned to a factory under the last preceding sub-regulation shall, until again removed, be kept in such part of the factory as an officer requires and separately from the rest of the wireless valves therein.

(3.) A separate account of any wireless valves returned and of any wireless valves re-issued under sub-regulation (1.) of this regulation shall be kept by the manufacturer. Daily entries shall be truly made by the manufacturer in the separate account which shall be verified every month, or at such intervals as the Collector approves. The account shall, in respect of the re-issue of any wireless valves, contain all the particulars required to be shown in the manufacturer's prescribed records as regards wireless valves on their original removal.

(4.) In the manufacturer's records and monthly return, prescribed under regulations 218 and 219 of these Regulations, no entry shall be made or account taken of wireless valves returned to the factory under this regulation.

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LIQUEUR REGULATIONS.

Heading  
inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

*Application for a Licence.*

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

224. An application for a licence to manufacture liqueurs shall be accompanied by the following particulars and drawings:—

- (a) the name and situation of the factory;
- (b) a plan of the factory buildings and premises or a plan of such part of the buildings or premises as the Collector requires;
- (c) a description of the plant; and
- (d) if required by the Collector, sectional elevation drawings showing every apparatus and vessel and the position and capacity in gallons of every vessel used in the factory.

*Distillery Premises or Customs Warehouse.*

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

225. The whole or a part of premises licensed as a distillery under the *Distillation Act* 1901-1950 or as a warehouse under the *Customs Act* 1901-1950 may be licensed for the manufacture, in accordance with the provisions of these Regulations, of liqueurs.

*Licence Fees.*

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

226.—(1.) Subject to this regulation, the annual fee payable by a manufacturer for a licence to manufacture liqueurs is Seven pounds ten shillings.

(2.) The annual fee specified in the last preceding sub-regulation is not payable where the liqueurs are manufactured in a warehouse licensed under the *Customs Act* 1901-1950 or in a distillery licensed under the *Distillation Act* 1901-1950.

(3.) The fee in respect of any one year shall be computed as from the first day of January to the thirty-first day of December of that year, and, when by reason of the time of the granting of a licence, the licence will not continue for a full year, the amount of the fee shall be reduced proportionately.

#### *Security.*

**227.** The sum in which security is to be given by the applicant for a licence to manufacture liqueurs shall be not less than Two hundred and fifty pounds nor more than Five hundred pounds.

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

#### *Requirements as to Premises.*

**228.**—(1.) A factory in which a manufacturer is licensed to manufacture liqueurs shall be constructed of materials and in a manner approved by the Collector and shall be so constructed that it allows for the proper supervision by officers of the manufacture of liqueurs.

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

(2.) A factory shall be secured in such a manner and by such locks or fastenings as are approved by the Collector.

(3.) If required by the Collector so to do, a manufacturer shall—

- (a) secure all windows with iron bars not less than one inch in diameter so placed in the windows that the spaces between the bars and between the end bars and the walls do not exceed six inches in width;
- (b) cover all windows with close wire netting;
- (c) cover the inside of all exterior doors with iron sheeting; and
- (d) make provision for the segregation and suitable storage of all liqueurs stored in cases or casks.

(4.) Where the Collector considers it necessary so to do, he may supply, at the expense of the manufacturer, locks additional to those which the manufacturer is required, by sub-regulation (2.) of this Regulation, to fix to the premises, and the keys of the additional locks shall be held by an officer.

#### *Requirements as to Plant.*

**229.**—(1.) A manufacturer shall install in the factory in which he is licensed to manufacture liqueurs sufficient vats, tanks and other containers suitable for the manufacture and reception of liqueurs and for their storage when manufactured.

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

(2.) A manufacturer shall number consecutively, commencing with the number one, the vats, tanks and containers and shall paint, to the satisfaction of the Collector, the numbers on the vats, tanks and containers in oil colours.

(3.) If required by the Collector so to do, a manufacturer shall—

- (a) install in his factory sufficient vats or tanks suitable for the storage of spirit intended to be used in the manufacture of liqueurs.

- (b) cover closely all vats, tanks or containers installed in his factory;
  - (c) provide suitable dipping holes in the coverings; and
  - (d) fit to the vats, tanks and containers fastenings which enable them to be securely locked.
- (4.) No plant other than plant used in the manufacture of liqueurs shall be installed in a factory without the approval of the Collector.

*Notice of Intention to Manufacture.*

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

**230.** A manufacturer shall not, without the consent of the Collector—

- (a) commence to manufacture liqueurs; or
- (b) if he has not manufactured liqueurs for a period exceeding two weeks, resume the manufacture of liqueurs,

unless he has, at least six days before commencing or resuming the manufacture, given notice in writing to the Collector of the date on which he intends to manufacture.

*Notice Book.*

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

**231.**—(1.) A manufacturer shall keep a notice book which shall be in accordance with Form 48 at his factory.

(2.) The notice book shall be supplied by the Collector.

(3.) A manufacturer shall, before commencing the manufacture of a batch or quantity of liqueur, give notice in writing of his intention so to do.

(4.) The notice shall be given by the manufacturer by entering the appropriate particulars in the notice book, signing the entry and delivering the notice book to an officer.

*Ingredients.*

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

**232.**—(1.) A manufacturer may use imported goods and goods manufactured or produced in Australia in the manufacture of liqueurs.

(2.) A manufacturer shall place under the control of an officer all essences, fruit juices, oils, macerates or distillates brought into his factory for use in the manufacture of liqueurs and shall not use those goods except with the approval of the Collector.

(3.) A manufacturer shall, if the Collector so directs, keep imported goods separate from goods manufactured or produced in Australia until they are used in the manufacture of liqueurs.

(4.) The manufacture of liqueurs shall take place under the supervision of an officer.

(5.) Except with the approval of the Collector, a manufacturer shall not bring into, or have in his possession, custody or control in, a factory licensed for the manufacture of liqueurs, any goods other than goods intended for use in the manufacture of liqueurs.

*Delivery, Free of Duty, of Goods for use in the Manufacture of Liqueurs.*

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

**233.**—(1.) The Collector may, on the application of a manufacturer of liqueurs, allow the delivery, free of excise duty, of spirits and spirits contained in essences or flavourings for use in the manufacture of liqueurs.



(2.) The Collector may, on the application of a manufacturer, allow the delivery, for use in the manufacture of liqueurs, of spirituous essences and flavourings free of so much of the duty of Customs as is payable in respect of the spirit content of the essences and flavourings.

(3.) Where the Collector allows the delivery of goods under this regulation, the manufacturer shall forthwith cause them to be conveyed to his factory in a carriage licensed under the *Customs Act* 1901-1950 or under the direct supervision of an officer.

(4.) All goods delivered under this regulation shall remain subject to the control of the Customs.

(5.) A manufacturer shall record in a book kept for that purpose the quantities of goods delivered under this regulation and the quantities of those goods used in the manufacture of liqueurs.

#### *Powers of Officers.*

**234.** An officer may gauge a tank, vat or other container installed in a factory whenever he considers it necessary to do so.

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

#### *Dutiable Content.*

**234A.** For the purpose of calculating duty, the proof spirit contents of liqueurs may be ascertained by distillation or by any other method approved by the Collector.

Inserted by  
1942, No. 335.  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

#### *Allowance for Waste.*

**234B.** The Collector may make such allowances for waste as he considers reasonable in respect of—

- (a) the storage of spirit intended for use in the manufacture of liqueurs; and
- (b) losses arising out of the manufacture, storage or bottling of liqueurs.

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

#### *Delivery in Bulk.*

**234c.—(1.)** Subject to the next succeeding sub-regulation, a manufacturer shall not remove liqueurs from the factory except in bottles or flasks of the sizes referred to in the next succeeding regulation.

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

(2.) The Collector may authorize the removal in bulk containers of liqueurs from the factory in which they are manufactured to an approved place for—

- (a) bottling in accordance with the next succeeding regulation;
- (b) exportation; or
- (c) manufacturing purposes, approved by the Collector, in accordance with such conditions as the Collector determines.

(3.) A manufacturer shall, in a manner approved by the Collector, mark each bulk container with the following particulars:—

- (a) the name and address (including the word “Australia”) of the factory, the factory and the State number furnished to him and the words “Made in Australia” or such other words as the Collector approves indicating that the liqueur has been made in Australia;

- (b) the capacity of the container and the contents in gallons, ascertained by weight, measure or gauge, as directed by the Collector, of the liqueur in the container;
- (c) the gross weight of the container; and
- (d) the name, type or brand of liqueur.

*Bottling of Liqueurs.*

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

**234D.**—(1.) Bottles or flasks used for the bottling of liqueurs in a factory or approved place shall be bottles or flasks having a capacity of thirteen, twenty, twenty-six, or forty fluid ounces or such other bottles and flasks approved by the Comptroller-General as being bottles or flasks ordinarily used in the trade for the bottling of liqueurs.

(2.) Where bottles or flasks are packed in cases—

- (a) each case shall contain the one type of liqueur;
- (b) the same number of bottles or flasks, as the case may be, shall be packed in each case; and
- (c) each case containing a particular type of bottle or flask shall contain the same number of that type of bottle or flask, as the case may be.

(3.) The liquid quantity of liqueur in a case or bottle shall be ascertained by measure or by such other means as the Collector directs.

Amended by  
1954, No. 109.

(4.) A manufacturer shall affix to each bottle or flask a label showing—

- (a) the name of the manufacturer and the address (including the word “Australia”) of the factory, or the factory and State number furnished to him and the words “Made in Australia” or such other words as the Collector approves indicating that the liqueur has been made in Australia;
- (b) the name, type or brand of liqueur;
- (c) a statement that the bottling has been performed under Customs supervision;
- (d) the quantity, in fluid ounces, of the liqueur contained in the bottle; and
- (e) such other markings or statements as the Collector approves in writing.

(5.) A manufacturer shall paint or brand on each case in which liqueurs are packed the name of the manufacturer and the address (including the word “Australia”) of the factory, or the factory and State number allotted to the factory and the words “Made in Australia” or such other words as the Collector approves indicating that the liqueur has been made in Australia.

*Marking of Factory and State Numbers.*

Inserted by  
1942, No. 335;  
omitted by  
1947, No. 28;  
re-inserted by  
1951, No. 123.

**234E.**—(1.) In marking the factory number and the State number on a bulk container, case or label, the manufacturer shall place the factory number directly above the State number and within a circle, thus



or in a diamond or triangle.

(2.) The marking shall be placed in a position approved by the Collector.

(3.) Each figure shall—

- (a) when applied to labels—be not less than one-sixteenth of an inch in height; and
- (b) when applied to cases or bulk containers—be not less than one-half of an inch in height.

*Distilled Spirituous Liquors.*

**234F.** In regulations 224 to 234E (inclusive) of these Regulations, "liqueurs" includes distilled spirituous liquors. Inserted by  
1953, No. 86.

\* \* \* \* \*

Heading and  
Reg. 235  
inserted by  
1951, No. 123;  
repealed by  
1953, No. 86.

SACCHARIN REGULATIONS.

*Application for Licences.*

Heading  
inserted by  
1942, No. 387.

**235.** Applications for licences to manufacture saccharin shall be in accordance with the form prescribed in Schedule VI. to the Act. Inserted by  
1942, No. 387.

**236.** The drawings and particulars to accompany applications for licences shall be as follows:— Inserted by  
1942, No. 387.

- (a) The name and situation of the factory; and
- (b) A plan of the factory buildings and premises.

*Scale of Fees.*

**237.** The fee payable by a manufacturer for a licence shall be Five pounds per annum. The fee shall be computed as from the first day of January to the thirty-first day of December, and when by reason of the time of the granting of the licence it will not continue for a full year the amount of fee shall be reduced proportionately. Inserted by  
1942, No. 387.

*Security to be Given.*

**238.** Before a licence to manufacture is issued, security approved by the Collector in the sum of Five hundred pounds for compliance with the Act and these Regulations shall be furnished by the applicant. Inserted by  
1942, No. 387.

*Safe Custody of Goods.*

**239.** Every manufacturer shall provide, in such manner as the Collector directs, for the safe custody of all saccharin manufactured in his factory on which Excise duty has not been paid. Inserted by  
1942, No. 387.

*Manufacturer's Records.*

**240.** Every manufacturer shall keep records, in a form approved by the Collector, in which he shall enter daily or as otherwise permitted by the Collector— Inserted by  
1942, No. 387.

- (a) the weight in pounds of all saccharin manufactured in the factory;
- (b) the weight in pounds of all saccharin removed from the factory;
- (c) the name and address of each person to whom saccharin has been delivered;

- (d) the weight in pounds of saccharin delivered to each such person;
- (e) the amount of duty paid; and
- (f) such other particulars as the Collector requires.

*Manufacturer's Returns.*

Inserted by  
1942, No. 387.

**241.**—(1.) Every manufacturer shall furnish to the Collector a return showing in regard to the calendar month, or other period approved by the Collector, to which the return relates—

- (a) the weight in pounds of all saccharin in the factory at the commencement of the month or other period so approved;
- (b) the weight in pounds of all saccharin manufactured in the factory;
- (c) the weight in pounds of all saccharin removed from the factory;
- (d) the weight in pounds of all saccharin in the factory at the close of the last day of the month or other period so approved;
- (e) the amount of duty paid; and
- (f) such other particulars, as the Collector requires.

(2.) The return shall be made up to the close of the last day of each month or other period so approved and shall be verified by a declaration made by the manufacturer in accordance with Form 22A and shall be lodged with the Collector within seven days after the end of each month or other period so approved.

*Sizes and Marking of Packages.*

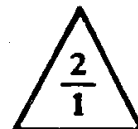
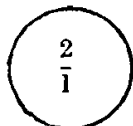
Inserted by  
1942, No. 387.

**242.** All saccharin manufactured in a factory shall be packed in the manner in which it is ordinarily sold by the manufacturer and may be removed from the factory in packages containing such quantities as are approved by the Collector.

Inserted by  
1942, No. 387.

**243.**—(1.) Each package in which saccharin is packed and each outer package in which saccharin is removed from a factory shall be clearly marked, to the satisfaction of the Collector, with the name and address of the manufacturer.

(2.) In lieu of the marking provided for in sub-regulation (1.) of this regulation each package of saccharin and each container in which packages of saccharin are packed may be marked with the factory and State numbers, to be allotted by the Collector, and the words "Made in Australia". The factory number shall be placed directly above the State number and both numbers shall be enclosed in a circle or a triangle, thus—



(3.) Each package containing saccharin and each outer package in which saccharin is removed from a factory may also be marked with any other additional marking approved by the Collector.

*Checking of Stocks.*

Inserted by  
1942, No. 387.

**244.** The Collector shall cause stocks to be checked at such times as he considers necessary.

**245.**—(1.) A person (not being a person licensed to manufacture under the Act) shall not assume or use in connexion with his business a word or mark which would reasonably lead to the belief that he is a person licensed to manufacture under the Act.

**Heading and  
Reg. 245  
inserted by  
1943, No. 22;  
omitted by  
1947, No. 28;  
re-inserted by  
1953, No. 86.**

- shall be deemed to be guilty of an offence against that sub-regulation.

**Regs. 246-254**  
inserted by  
1943, No. 22;  
omitted by  
1947, No. 28.

**Heading and  
repeal of  
Excise Regs.  
1913,  
omitted by  
1953, No. 86.**

**Heading  
inserted by  
1939, No. 39.**

Substituted by  
1951, No. 128.

Tobacco Leaf Producer's Book.

Registration No.

[illegible]

Substituted by Regulation 6.  
1951, No. 123.

## FORM 2.

## AUSTRALIAN EXCISE.

*Tobacco Producer's Return for Twelve Months ended 31st December, 19* .  
Name of producer:

Surname (block letters).

Christian names.

Postal address:

The total area from which Tobacco Leaf was harvested by me during the twelve months ended 31st December, 19 was—

Acres:

Where situated:

*Cured Leaf—*

(a) On hand at 1st January, 19 , as shown on my last return lbs.  
Obtained from crop harvested between 1st January, 19 ,  
and 31st December, 19 .. .. .  
Returned as unsaleable or for any other reason [*give particulars*  
*on a separate sheet*] .. .. .  
Total (a) .. .. .

(b) Total quantity removed between 1st January, 19 , and 31st lbs.  
December, 19 , including leaf rehandled, as shown below  
Leaf destroyed (*quote authority and method of destruction*)  
Balance on hand on farm on 31st December, 19 .. ..  
Total (b) .. .. .

The difference of lbs. between the total of (a) and (b) is accounted  
for as follows:—

(Omit if totals agree.)

## DETAILS OF LEAF REMOVED SHOWING PARTICULARS OF EACH CONSIGNMENT.

| Date.    | Quantity. | Name and Address of Dealer or Manufacturer to whom Sold or Delivered. |
|----------|-----------|-----------------------------------------------------------------------|
|          | lbs.      |                                                                       |
|          |           |                                                                       |
|          |           |                                                                       |
|          |           |                                                                       |
|          |           |                                                                       |
|          |           |                                                                       |
|          |           |                                                                       |
|          |           |                                                                       |
|          |           |                                                                       |
| Total .. |           |                                                                       |

The area which I have planted or propose to plant with Tobacco which will be harvested during the year 19 is acres situated at

I hereby declare that this return is a true statement of the particulars mentioned therein for the twelve months ended 31st December, 19 .

(Signature of Producer)

Declared before me at this  
day of 19 .

(Signature of Person taking Declaration)

*Excise Regulations*

2423

FORM 3.

AUSTRALIAN EXCISE.

Reg. No. 8.

*Tobacco Leaf Dealer's Book.*

Name of Dealer.

Place.

| Date. | Tobacco Leaf Bought. |           |                   | Date. | Tobacco Leaf Sold. |      |           |      |                   |
|-------|----------------------|-----------|-------------------|-------|--------------------|------|-----------|------|-------------------|
|       | Australian.          | Imported. | From whom Bought. |       | Australian.        |      | Imported. |      | To whom Sold.     |
|       | lbs.                 | lbs.      |                   |       | pkgs.              | lbs. | pkgs.     | lbs. | Address of Buyer. |
|       |                      |           |                   |       |                    |      |           |      |                   |

FORM 4.

Amended by  
1953, No. 86.

AUSTRALIAN EXCISE.

Reg. No. 10.

*Tobacco Leaf Dealer's Return.*

Name of Dealer.

Place.

| Quantity of Leaf Tobacco Bought. |           | From whom. | Quantity of Leaf Tobacco Sold. |      |           |      | To whom. | Quantity of Leaf Tobacco in Hand. |           |
|----------------------------------|-----------|------------|--------------------------------|------|-----------|------|----------|-----------------------------------|-----------|
| Australian.                      | Imported. |            | Australian.                    |      | Imported. |      |          | Australian.                       | Imported. |
|                                  |           |            | pkgs.                          | lbs. | pkgs.     | lbs. |          |                                   |           |
|                                  |           |            |                                |      |           |      |          |                                   |           |

hereby declare that the above return contains  
a true statement of the particulars mentioned therein for the quarter ended  
day of last past.

Declared at this (Signed) day of 19 , before me.

(Signed)  
(Description of person taking declaration.)

\* \* \* \* \*

Form 5  
repealed by  
1953, No. 86.

## EXCISE ACT

## FORM 6.

## AUSTRALIAN EXCISE.

Reg. No. 34.

*Application for Delivery of Australian Leaf or Australian Manufactured Tobacco  
for Agricultural, Horticultural or Sheep-wash Purposes.*To the Collector,  
State ofI (or we)  
mix with  
leaf (or Australian manufactured) tobacco, now stored in  
to be afterwards used at  
ofrequest permission to  
lbs. weight of Australian  
for the purpose

Dated the                      day of

19                      .  
Applicant.

Approved—

Collector.  
19                      .I certify that the above quantity of Australian leaf (or manufactured) tobacco  
has been weighed and pulverised, and in my presence mixed with  
and has been delivered toOfficer.  
19                      .

## FORM 7.

## AUSTRALIAN EXCISE.

Reg. No. 54.

*Transfer of Tobacco Leaf.*

| Date of Transfer. | Quantity of Tobacco Leaf Transferred. |           | Name and Address of Manufacturer<br>who received Tobacco Leaf. |
|-------------------|---------------------------------------|-----------|----------------------------------------------------------------|
|                   | Australian.                           | Imported. |                                                                |
|                   | lbs.                                  | lbs.      |                                                                |

Signature of Manufacturer.  
19                      .

## FORM 8.

## AUSTRALIAN EXCISE.

Reg. No. 55.

*Transferred Tobacco Leaf.*

| Date when Received. | Quantity of Tobacco Leaf Received. |           | Name and Address of Manufacturer<br>by whom it was transferred. |
|---------------------|------------------------------------|-----------|-----------------------------------------------------------------|
|                     | Australian.                        | Imported. |                                                                 |
|                     | lbs.                               | lbs.      |                                                                 |

Signature of Manufacturer.  
19                      .





## EXCISE ACT

## FORM 11.

## AUSTRALIAN EXCISE.

Reg. No. 71.

*Permit Authorizing the Receipt of Imported Duty-Paid Manufactured Tobacco in a Factory for the Manufacture of Cigarettes.*

\_\_\_\_\_ of \_\_\_\_\_ is hereby authorized to take from the premises of \_\_\_\_\_ situate at \_\_\_\_\_ lbs. of imported duty paid manufactured tobacco marked \_\_\_\_\_ and to receive such quantity into his factory, situate at \_\_\_\_\_ for the manufacture of cigarettes, subject to the following conditions:—

- (1) The manufactured tobacco shall be used only for the manufacture of cigarettes and in accordance with the *Excise Act* 1901-1923, and the Regulations thereunder.
- (2) Excise duty shall be paid on the cigarettes manufactured from the duty-paid tobacco.
- (3) Any waste arising from the manufacture of such imported duty-paid tobacco into cigarettes shall be kept separate and distinct from all other leaf or manufactured tobacco in the factory.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Collector of Customs.

Substituted by  
1953, No. 86.

Reg. No. 86.

## FORM 12.

## AUSTRALIAN EXCISE.

*Application for Permission to Use Australian Spirits for Fortifying Wine or Grape Must.*

To the Collector of Customs  
for the State of \_\_\_\_\_

I hereby apply for permission to use \_\_\_\_\_ gallons of Australian pure wine spirits of a strength of \_\_\_\_\_ degrees above proof for fortifying \_\_\_\_\_ gallons of Australian { wine  
grape must.

The spirits will be removed from \_\_\_\_\_ to my premises at \_\_\_\_\_ where the { wine  
grape must requiring fortification is stored.

I request that an officer be in attendance at my premises at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to supervise the mixing of the spirits with the { wine  
grape must.

Signature.

Address.

Date.

Amended by  
1953, No. 86.

## FORM 13.

## AUSTRALIAN EXCISE.

Reg. No. 99.

Entry No.

*Application for Use of Spirits for Vinegar Making.*

I hereby give notice that I desire to remove and to use the undermentioned spirits for vinegar making. The spirits are warehoused in \_\_\_\_\_ warehouse.

I will be ready in attendance for the denaturing and use of the spirits at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
Vinegar Maker.  
19\_\_\_\_.

| Vessel.           |              | Contents of Vessel. |           |                | Material from which Spirits Made. | Method of Denaturing<br>(See Excise Regs. 104-106). |
|-------------------|--------------|---------------------|-----------|----------------|-----------------------------------|-----------------------------------------------------|
| Brand and Number. | Description. | Liquid Gallons.     | Strength. | Proof Gallons. |                                   |                                                     |
|                   |              |                     |           |                |                                   |                                                     |

## FORM 14.

## AUSTRALIAN EXCISE.

Reg. No. 113.

*Book to be Kept by Vinegar Manufacturer.*

| Date.     | Spirits Received. |           |           | Diluents Added. |           |       |           |       |           |       |           | Quantity of Vinegar Made. |
|-----------|-------------------|-----------|-----------|-----------------|-----------|-------|-----------|-------|-----------|-------|-----------|---------------------------|
|           | Liq. Gals.        | Strength. | Pf. Gals. | Name.           | Quantity. | Name. | Quantity. | Name. | Quantity. | Name. | Quantity. |                           |
|           |                   |           |           |                 |           |       |           |       |           |       |           |                           |
|           |                   |           |           |                 |           |       |           |       |           |       |           |                           |
|           |                   |           |           |                 |           |       |           |       |           |       |           |                           |
| Totals .. |                   |           |           |                 |           |       |           |       |           |       |           |                           |

\* \* \* \* \*

Forms 15-18  
repealed by  
1939, No. 169.

## FORM 19.

Reg. No. 143.

## AUSTRALIAN EXCISE.

*Delivery of Spirits, Not Matured in Wood for Two Years, for Industrial or Scientific Purposes.*

## FORM OF APPLICATION.

Address 19 .

Sir,

I beg to request that I may be permitted upon payment of duty to take delivery of spirits not matured by storage in wood for a period of not less than two years, to be used by me in the making of (or for sale to chemists or manufacturers for use in the making or compounding of ) (1).

## EXCISE ACT

I enclose a security that I will use the spirits for no other purposes.

I undertake to keep a book showing the quantities of such spirits used in the making of \_\_\_\_\_, (and the quantities sold to chemists or manufacturers for the making of \_\_\_\_\_) (1) and that the book will be balanced monthly and kept ready for inspection at any time by an officer of Excise.

The Collector of Customs.

(1) Words in parentheses to be inserted only when the applicant desires to sell small quantities to chemists or others for use in the manufacture of medicines or other items mentioned in form of security.

## FORM 20.

Reg. No. 145.

*Excise Act 1901-1923.*

COMMONWEALTH OF AUSTRALIA.

SECURITY TO THE CUSTOMS.

*Spirits for Industrial or Scientific Purposes.*

By this security the subscribers are, pursuant to the *Excise Act 1901-1923*, bound to the Customs of the Commonwealth of Australia in the sum of \_\_\_\_\_ subject only to this condition that if \_\_\_\_\_ on being permitted by the Collector of Customs to pay duty upon and to take delivery of any spirits not matured by storage in wood for a period of not less than two years shall deal with such spirits only as herein specified, that is to say, for use in the manufacturing or compounding of \_\_\_\_\_ in the factory or warehouse of the said \_\_\_\_\_ or for sale to chemists or manufacturers for use in the manufacture or compounding of \_\_\_\_\_ and not otherwise.

Then this security shall be thereby discharged.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures and Addresses of Witnesses. |
|----------------------------------------|----------------------------|----------------------------------------|
|                                        |                            |                                        |

NOTE.—If liability is not intended to be joint and several and for the full amount, state what is intended as, for example, thus—"The liability of the subscribers is joint only," or "The liability of (mentioning subscriber) is limited to (here state amount of limit or liability or mode of ascertaining limit)."

FORM 21.

AUSTRALIAN EXCISE.

Reg. No. 148.

Form of Record to be kept by Users of Australian Spirits, Not Matured in Wood for Two Years, delivered under Item 2 (M) of the Excise Tariff 1901-1924.

| Received.         |                 |                 |               |                | How Disposed of. |                 |               |                |                                                         |       |                    |                 |               |                |                                                         |
|-------------------|-----------------|-----------------|---------------|----------------|------------------|-----------------|---------------|----------------|---------------------------------------------------------|-------|--------------------|-----------------|---------------|----------------|---------------------------------------------------------|
| Spirits Received. |                 |                 |               |                | Spirits Used.    |                 |               |                |                                                         | Sold. |                    |                 |               |                |                                                         |
| Date.             | No. of Warrant. | Liquid Gallons. | Strength o.p. | Proof Gallons. | Date.            | Liquid Gallons. | Strength o.p. | Proof Gallons. | Article in Preparation of which Spirits have been used. | Date. | Name of Purchaser. | Quantity.       |               |                | Article in Preparation of which Spirits are to be used. |
|                   |                 |                 |               |                |                  |                 |               |                |                                                         |       |                    | Liquid Gallons. | Strength o.p. | Proof Gallons. |                                                         |
|                   |                 |                 |               |                |                  |                 |               |                |                                                         |       |                    |                 |               |                |                                                         |
|                   |                 |                 |               |                |                  |                 |               |                |                                                         |       |                    |                 |               |                |                                                         |
|                   |                 |                 |               |                |                  |                 |               |                |                                                         |       |                    |                 |               |                |                                                         |
|                   | Balance on hand |                 |               |                |                  |                 |               |                |                                                         |       |                    |                 |               |                |                                                         |

I declare that the foregoing entries relating to the month of \_\_\_\_\_ that the same are true in every particular.

19 \_\_\_\_\_ fully set forth all the matters required by law and

(Signature of Manufacturer.)

Declared at \_\_\_\_\_  
or Officer

this

day of

, 19

before me

(Description of person taking declaration).

Amended by  
1929, No. 74;  
and  
1953, No. 86.

## EXCISE ACT

Amended by  
1929, No. 74.

FORM 22.

AUSTRALIAN EXCISE.

Reg. Nos. 16, 113.

*Declaration Verifying Return by Tobacco or Vinegar Manufacturer.*

I declare that the foregoing entries relating to the quarter ended  
are true and correct in every particular, and that no  
matter or thing required to be stated has been omitted therefrom.

Declared at                      this                      day of                      19                      , before me.  
J.P. or Officer.

Inserted by  
1929, No. 92;  
amended by  
1930, No. 71.

FORM 22A.

AUSTRALIAN EXCISE.

Reg. Nos. 168, 177F.

## DECLARATION VERIFYING RETURN BY MANUFACTURER.

I declare that the foregoing entries relating to the month ended  
are true and correct in every particular, and that no  
matter or thing required to be stated has been omitted therefrom.

Declared at                      this                      day of                      19                      , before me.  
J.P. or Officer.

Inserted by  
1934, No. 9.

Reg. 175A.

COMMONWEALTH OF AUSTRALIA.

FORM 22B.

*Excise Act 1901-1923.*

## SECURITY TO THE CUSTOMS.

By this security the subscribers are, pursuant to the *Excise Act 1901-1923*, bound to the Customs of the Commonwealth of Australia in the sum of  
subject only to this condition, that if, whenever and as often as  
of                      whether  
personally or by agent removes petrol from a Customs warehouse to his factory, he shall blend the whole of the petrol so removed (except such quantity as may be lost and the loss of which is accounted for to the satisfaction of the Collector) with petrol manufactured in Australia and shall export the mixture from Australia, then this security shall be thereby discharged.\*

Dated this                      day of                      , 19                      .

| Names and Descriptions of Subscribers. | Signatures of Subscribers. | Signatures of Witnesses. |
|----------------------------------------|----------------------------|--------------------------|
|                                        |                            |                          |

\* NOTE.—If liability is not intended to be joint and several and for the full amount, here state what is intended, as, for example, thus "The liability of the subscribers is joint only", or "The liability of (mentioning subscribers) is limited to (here state amount of limit of liability or mode of ascertaining limit)".

Inserted by  
1934, No. 9.

SECURITY TO THE CUSTOMS.

Declared at                      this                      day of                      19                      , before me.  
J.P. or Officer.

## EXCISE ACT

## FORM 24.

## AUSTRALIAN EXCISE.

Reg. No. 182.

*Appointment of Person by Manufacturer, Brewer, Distiller, Dealer, or Producer to Make Declaration on His Behalf.*

(a) I or we. (a) do hereby appoint to  
 (b) My or our. make, on (b) behalf, all declarations required by the  
 regulations for the time being in force under (*here set out short title of Act*) to be  
 made by (c) and (a)  
 (c) Me or us. declare that all declarations made by the said pursuant  
 to this appointment, shall be taken to have been made with (b)  
 knowledge and consent, and that (a) shall be liable to all  
 pecuniary penalties in respect of those declarations to the same extent as if (a)  
 had made those declarations (d)  
 (d) Myself or ourselves.

Dated at the day of 19 .  
 (Signature of Manufacturer, or Brewer, or Distiller, or Dealer, or Producer.)

Signature of Appointee.

To the Collector of Customs at

## FORM 25.

## AUSTRALIAN EXCISE.

Reg. No. 191.

*Notice of Seizure.*

(a) Insert name To (a)  
 of owner of the Take notice that (b)  
 goods seized. ha this day been seized as forfeited to His Majesty on account of a contravention  
 of the *Excise Act* 1901-1923, namely, that (c)

(b) Insert  
 particulars as  
 to the goods  
 seized. Dated at the day of 19 .  
 Customs Officer.

*Extract from Section 96, Excise Act 1901-1923.*

(c) Insert  
 particulars of  
 offence, *e.g.*,  
 the said goods  
 have been  
 unlawfully  
 removed from a  
 factory without  
 payment of  
 excise duty. . . . . all the goods seized shall be deemed to be condemned and  
 may be sold by the Collector, unless the person from whom the goods were seized  
 or the owner shall, within one month from the date of seizure, give notice in writing  
 to the Collector that he claims them; but if any goods so seized are of a perishable  
 nature, or are live animals, they may be forthwith sold by the Collector.

## FORM 26.

## AUSTRALIAN EXCISE.

Reg. No. 193.

*Notice of Election by the Defendant to Have an Excise Prosecution Tried in a Higher Court.*

In the matter of an Excise prosecution in the Court  
 at wherein is prosecutor, and is  
 defendant, and wherein the defendant is charged with a contravention of section  
 of the Act 1901.



Notice is hereby given that the defendant in the above-named prosecution elects pursuant to section 135 of the *Excise Act* 1901-1923, to have the case tried either in the High Court of Australia or in the Supreme Court of the State of \_\_\_\_\_ at the option of the prosecutor.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

(Signature of defendant or his solicitor or counsel.)

To the above-named prosecutor  
and to the Court.

\* \* \* \* \*

Form 27  
repealed by  
1939, No. 5.

FORM 28.

AUSTRALIAN EXCISE.

Reg. No. 198.

*Summons to Witness.*

In the matter of a dispute between  
an Officer of Excise, and

Part XIII., *Excise Act* 1901-1923.

Pursuant to the authority delegated to me by the Minister of State administering the *Excise Act* 1901-1923, I hereby require you to attend at the Customs House, on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ at the hour of \_\_\_\_\_ noon to give evidence in the matter of the above dispute on behalf of the said \_\_\_\_\_ and then and there to have and produce \_\_\_\_\_ and all other books, papers, writings, and other documents relating to the said dispute which may be in your custody, possession, or power. In default of your attendance, you will be liable to a penalty of Twenty pounds under the *Excise Act* 1901-1923.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Collector of Customs for the  
State of \_\_\_\_\_

Reg. No. 201.

FORM 29.

No. \_\_\_\_\_

AUSTRALIAN EXCISE.

*Warrant of Execution.*

To

WHEREAS an Order dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ by \_\_\_\_\_ a person to whom the powers of the Minister of State for the Commonwealth of Australia, administering the Customs were lawfully delegated for the enforcement of a penalty of \_\_\_\_\_ imposed upon \_\_\_\_\_ of \_\_\_\_\_ by an Order of \_\_\_\_\_ a person to whom the powers of the said Minister were lawfully delegated made under Part XIII. of the *Excise Act* 1901-1923, and dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ has been filed in the Court of Summary Jurisdiction at \_\_\_\_\_ in the State of \_\_\_\_\_ AND WHEREAS by the said first-mentioned Order it was ordered that the said penalty be enforced by the levy of execution against the goods and chattels of the said \_\_\_\_\_

AND WHEREAS the said penalty has not been paid: Now THEREFORE these are to command you in His Majesty's name forthwith to take the goods and chattels of the said \_\_\_\_\_ and if within the space of \_\_\_\_\_ days next after taking them the said penalty together with the reasonable charges

## EXCISE ACT

of taking and keeping the said goods and chattels is not paid that you then sell the said goods and chattels and pay the money arising by such sale to  
 at \_\_\_\_\_ in the said State and if no goods and chattels can be found  
 that you certify the same to me or some other Justice of the Peace.

Given under my hand at \_\_\_\_\_ in the State of \_\_\_\_\_  
 in the Commonwealth of Australia the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .  
 J.P.

## FORM 30.

Reg. No. 202.

## AUSTRALIAN EXCISE.

*Warrant of Commitment.*

To \_\_\_\_\_ and to the  
 Keeper of His Majesty's Gaol at \_\_\_\_\_  
 WHEREAS an Order dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ by  
 a person to whom the powers of the Minister of State for  
 the Commonwealth of Australia administering the Customs were lawfully delegated  
 for the enforcement of a penalty of \_\_\_\_\_ imposed upon  
 of \_\_\_\_\_ by an Order of  
 a person to whom the powers of the said Minister  
 were lawfully delegated made under Part XIII. of the *Excise Act* 1901-1923, and  
 dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ , has been  
 filed in the Court of Summary Jurisdiction at \_\_\_\_\_ in the State of \_\_\_\_\_  
 : AND WHEREAS by the said first-mentioned  
 Order it was ordered that the said penalty be enforced by the levy of execution  
 against the goods and chattels of the said \_\_\_\_\_ and in default of  
 sufficient goods and chattels by imprisonment of the said \_\_\_\_\_  
 for a period of \_\_\_\_\_ unless the said penalty is sooner  
 paid: AND WHEREAS the said \_\_\_\_\_ has not paid the  
 said penalty: AND WHEREAS a warrant of execution has been issued against the  
 goods and chattels of the said \_\_\_\_\_ and it appears by the  
 return to the said warrant that no sufficient goods and chattels of the said \_\_\_\_\_  
 have been found: Now these are therefore to command  
 you in His Majesty's name to apprehend the said \_\_\_\_\_ and  
 unless the said penalty is sooner paid deliver him into the keeping of the Keeper  
 of the Gaol at \_\_\_\_\_ together with this warrant: AND to  
 command you the said keeper to receive the said \_\_\_\_\_ into  
 your custody in the said gaol there to imprison him for the period of \_\_\_\_\_  
 unless the said penalty and all costs and charges of the said  
 execution and of the commitment and conveying of the said \_\_\_\_\_  
 to the said gaol amounting to the further sum of \_\_\_\_\_ be  
 sooner paid to you or unless you sooner receive a certificate from the Clerk of the  
 Court at \_\_\_\_\_ or the Collector of Customs  
 at \_\_\_\_\_ that the said penalty and costs and  
 charges have been paid: AND for so doing this shall be your sufficient warrant.

Given under my hand at \_\_\_\_\_ in the State of \_\_\_\_\_  
 in the Commonwealth of Australia this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .  
 J.P.

## 2435

Inserted by  
1948, No. 36;  
substituted by  
1954, No. 109.

*Excise Act 1901.*

19 .

(Owner or Agent)

Collector.

**Substituted by  
1951, No. 128.**

*Excise Act 1901-*

19

(Owner or Agent)

Collector.

## EXCISE ACT

Substituted by  
1948, No. 36.

Reg. No. 204.

No.

FORM 33.

## AUSTRALIAN EXCISE.

*Entry for Removal Interstate Coastwise or Inland for Warehousing or for  
Clearance for Home Consumption.*

State of

Place

Date

19

Ex

\*per { Ship  
Railway  
Licensed Carriage No. for  
Aircraft

Owner

Signature

(Owner or Agent.)

| Marks. | Numbers. | Description of Goods. | Tariff Item. | Gallons, Quantity<br>or Weight. |
|--------|----------|-----------------------|--------------|---------------------------------|
|        |          |                       |              |                                 |

\* Strike out whichever inapplicable.

Collector.

NOTE.—The details provided for on the back hereof are to be inserted when  
appropriate and the necessary receipts and certificates signed by the proper persons.Re-gauged or re-weighed and delivered the undermentioned goods to the  
at o'clock this 19

## RE-GAUGE.

| Mark. | No. | Bung. | Wet. | Full. | Ullage. | Temp-<br>erature. | Indica-<br>tion. | Strength. |      |      |                               |
|-------|-----|-------|------|-------|---------|-------------------|------------------|-----------|------|------|-------------------------------|
|       |     |       |      |       |         |                   |                  | O.P.      | U.P. | Obs. | Loss in<br>Liquid<br>Gallons. |
|       |     |       |      |       |         |                   |                  |           |      |      |                               |

## RE-WEIGH.

| Mark. | No. | Number of<br>Packages. | Weight Per Package. |       |      | Total Net<br>Weight. | Loss. |
|-------|-----|------------------------|---------------------|-------|------|----------------------|-------|
|       |     |                        | Gross.              | Tare. | Net. |                      |       |
|       |     |                        |                     |       |      |                      |       |

Locker

19

Received the above-mentioned goods—

Chief Officer of Ship (or) Railway Officer.

19

The above-mentioned goods shipped (or) forwarded by rail—

Examining Officer.

Railway Officer.

# Excise Regulations

2437

Reg. No. 204.

FORM 34.

No.

Substituted by  
1948, No. 36;  
amended by  
1954, No. 109.

AUSTRALIAN EXCISE.

*Entry for Warehousing or Removal within a State.*

State of

Place  
Date

19

*Ex*

per\* { Ship  
Railway  
Licensed Carriage No. to  
Aircraft

Owner

Signature

(Owner or Agent.)

| Marks. | Numbers. | Description of Goods. | Tariff Item. | Gallons, Quantity<br>or Weight. |
|--------|----------|-----------------------|--------------|---------------------------------|
|        |          |                       |              |                                 |

\* Strike out whichever inapplicable.

Collector.

NOTE.—The details provided for on the back hereof are to be inserted when appropriate and the necessary receipts and certificates signed by the proper persons.

## LOCAL REMOVAL.

Re-gauged or re-weighed and forwarded the undermentioned goods to the Locker  
at warehouse, this day of  
19 .

## RE-GAUGE.

| Mark. | Nos. | Bung. | Wet. | Full. | Ullage. | Temp-<br>erature. | Indica-<br>tion. | Strength. |      |      |                               |
|-------|------|-------|------|-------|---------|-------------------|------------------|-----------|------|------|-------------------------------|
|       |      |       |      |       |         |                   |                  | O.P.      | U.P. | Obs. | Loss in<br>Liquid<br>Gallons. |
|       |      |       |      |       |         |                   |                  |           |      |      |                               |

## RE-WEIGH.

| Mark. | Nos. | Number of<br>Packages. | Weight Per Package. |       |      | Total Net<br>Weight. | Loss. |
|-------|------|------------------------|---------------------|-------|------|----------------------|-------|
|       |      |                        | Gross.              | Tare. | Net. |                      |       |
|       |      |                        |                     |       |      |                      |       |

Locker.

Received the above-mentioned goods—Total quantity.

Locker.

19 .

Inserted by  
1948, No. 36.

Reg. No. 204.

FORM 34A.

No.

## AUSTRALIAN EXCISE.

*Entry for Exportation beyond the Commonwealth or for Removal Coastwise or Inland for Exportation beyond the Commonwealth.*

State of

Place  
Date

19

$$Ex$$

\*per { Ship  
Railway  
Licensed Carriage No. to  
Aircraft

Owner

Signature

(Owner or Agent.)

\* Strike out whichever inapplicable.

| Marks. | Nos. | Description of Goods. | Gallons,<br>Quantity or<br>Weight. | Final<br>Destination<br>of Goods. | Export Value in<br>Australian<br>Currency. |
|--------|------|-----------------------|------------------------------------|-----------------------------------|--------------------------------------------|
|        |      |                       |                                    |                                   |                                            |

Collector.

I declare that—

- (1) I am (the agent duly authorized by \_\_\_\_\_) the owner of the goods included in this entry and contained in the packages therein referred to
- (2) I enter such goods as of the value of the description and quantities set forth and for exportation or removal coastwise or inland for exportation;
- (3) the particulars given herein are in every respect true and correct;
- (4) to the best of my knowledge and belief no goods, the particulars of which are not accurately set out herein, are contained in any package specified in this entry.

Witness my hand this

day of 19 .

Declared before me this

day of 19 .

(Owner or Agent.)

(Collector.)

Re-gauged or re-weighed and delivered the undermentioned goods to the  
at o'clock this 19 .

## RE-GAUGE.

[illegible]

## RE-WEIGH.

| Mark. | No. | Number of Packages. | Weight Per Package. |       |      | Total Net Weight. | Loss. |
|-------|-----|---------------------|---------------------|-------|------|-------------------|-------|
|       |     |                     | Gross.              | Tare. | Net. |                   |       |
|       |     |                     |                     |       |      |                   |       |

Locker.

19 .

Received the above-mentioned goods—

Chief Officer of Ship (or) Railway Officer.

19 .

The above-mentioned goods shipped (or) forwarded by rail—

Examining Officer.  
Railway Officer.

Reg. No. 204.

FORM 35.

No.

(In duplicate.)

Substituted by  
1948, No. 36;  
amended by  
1953, No. 86.

## AUSTRALIAN EXCISE.

*Despatch Note for Excisable Goods Transferred under Customs Control.*State of  
*Ex*

to

Place  
for

| Marks. | Number. | Nature of Package. | Description of Goods. | Gallons. Quantities or Weights. | Rate of Duty Payable. | Endorsements. |
|--------|---------|--------------------|-----------------------|---------------------------------|-----------------------|---------------|
|        |         |                    |                       |                                 |                       |               |

|               |     |          |            |
|---------------|-----|----------|------------|
| Owner         | per | Station. | Agent.     |
| To Officer at |     |          | Collector. |

|                                          |                                      |                                                |
|------------------------------------------|--------------------------------------|------------------------------------------------|
| Delivered to Licensed Carriage No.<br>19 | Officer.                             | Goods received and accounted for as follows:—* |
| Shipped as above.<br>19                  | Officer.                             |                                                |
| Received.<br>19                          | Chief Officer<br>or Railway Officer. |                                                |
|                                          |                                      | Officer.<br>19                                 |

This form must be presented to the Examining Officer before the goods are placed on board a ship.

\* To be completed by Officer at destination, and one copy returned without delay to place of despatch.

## EXCISE ACT

Where goods are the subject of re-gauge, re-weight or re-count, the following information is to be inserted by the officer concerned:—

Re-gauged, re-weighed or re-counted the undermentioned goods and forwarded to

## RE-GAUGE.

| Mark. | No. | Bung. | Wet. | Full. | Ullage. | Temperature. | Indication. | Strength. |      |      | Rate of Duty. | Remarks. |
|-------|-----|-------|------|-------|---------|--------------|-------------|-----------|------|------|---------------|----------|
|       |     |       |      |       |         |              |             | O.P.      | U.P. | Obs. |               |          |
|       |     |       |      |       |         |              |             |           |      |      |               |          |

## RE-WEIGH.

| Mark. | Package No. | Description of Goods. | Weight per Package. |       |      | Loss or Gain. | Rate of Duty. | Remarks. |
|-------|-------------|-----------------------|---------------------|-------|------|---------------|---------------|----------|
|       |             |                       | Gross.              | Tare. | Net. |               |               |          |
|       |             |                       |                     |       |      |               |               |          |

## RE-COUNT.

| Mark. | Package No. | Description of Goods. | Recount Quantity. | Loss or Gain. | Rate of Duty. | Remarks. |
|-------|-------------|-----------------------|-------------------|---------------|---------------|----------|
|       |             |                       |                   |               |               |          |

\_\_\_\_\_  
Officer.

Substituted by  
1953, No. 86.

Reg. No. 205.

FORM 36.

AUSTRALIAN EXCISE.

## Advice Note.

The following goods have been delivered for conveyance under bond from  
Station \_\_\_\_\_ 19 \_\_\_\_  
to \_\_\_\_\_ in accordance with Warrant No. \_\_\_\_

\_\_\_\_\_  
Officer.

| Marks and Numbers. | Number and Kind of Packages. | Description of Goods. | Signature of Officer at Destination and Date and Time of Receipt. |
|--------------------|------------------------------|-----------------------|-------------------------------------------------------------------|
|                    |                              |                       |                                                                   |

Total number of packages (in words).

Received the within-mentioned goods for delivery as above.

Time.

Date.

\_\_\_\_\_  
Driver.



## FORM 37.

Section 134.

AUSTRALIAN EXCISE.

Reg. No. 190.

*Authority by the Collector to an Officer to Prosecute for Offences against the  
Excise Act 1901-1923.*

I, the undersigned, Collector of Customs for the State of \_\_\_\_\_  
do hereby direct \_\_\_\_\_ an  
Officer of Customs, to institute proceedings by the Customs for the recovery of  
penalties under the *Excise Act 1901-1923* in any Court of competent jurisdiction  
in the State of \_\_\_\_\_ against  
of \_\_\_\_\_ in the said State, and for that purpose  
to lay, sign, exhibit, make or swear an information to obtain and execute any  
warrant thereon to summon any person before the said Court to appear either  
personally or by Counsel thereon, and to conduct the proceedings so instituted  
and generally to do all such acts and things as may be necessary or incidental to  
the due exercise of the direction hereby given.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_  
Collector of Customs for State of \_\_\_\_\_

\* \* \* \* \*

Form 38  
repealed by  
1954, No. 109.

## FORM 39.

Reg. No. 185.

AUSTRALIAN EXCISE.

*Authority to Agent to Sign Declarations.*

(a) \_\_\_\_\_ hereby authorizes (b) \_\_\_\_\_  
(whose signature appears below) to sign as its agent forms containing declarations  
prescribed by the *Excise Regulations 1925* made under the *Excise Act 1901-1923*.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_

In witness whereof the Common Seal of the (c) \_\_\_\_\_  
was affixed hereto in the presence of  
To the Collector of Customs at \_\_\_\_\_

\_\_\_\_\_  
Signature of person authorized.

(a) Here insert  
name of  
principal.

(b) Here insert  
name of person  
authorized.

(c) Here insert  
"Company,"  
"Corporation,"  
or as the case  
may be.

## FORM 40.

COMMONWEALTH OF AUSTRALIA.

*Excise Act 1901-1942.*

SECURITY TO THE CUSTOMS.

SPIRIT FOR USE IN PUBLIC HOSPITALS.

By this security the subscribers are, pursuant to the *Excise Act 1901-1942*,  
bound to the Customs of the Commonwealth of Australia in the sum of \_\_\_\_\_

subject only to this condition that if all excisable spirit which  
is from time to time during the continuance of this security delivered to \_\_\_\_\_

under Excise Tariff Item \_\_\_\_\_ is dealt with in  
accordance with the *Excise Act 1901-1942* and any amendment thereof or any  
Act passed in substitution therefor and the Regulations for the time being in force  
thereunder, then this security shall be thereby discharged.\*

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_

| Name and Descriptions<br>of Subscribers. | Signature of Subscribers. | Signature and Addresses<br>of Witnesses. |
|------------------------------------------|---------------------------|------------------------------------------|
| <br><br><br><br><br>                     | <br><br><br><br><br>      | <br><br><br><br><br>                     |

\* NOTE.—If liability is not intended to be joint and several and for the full amount here state what is intended as, for example, thus:—"The liability of the subscribers is joint only", or "the liability of [mentioning subscriber] is limited to [here state amount of limit of or mode of ascertaining limit]."

**Substituted by  
1955, No. 54.**

FORM 41.

AUSTRALIAN EXCISE.

Regulation 124.

Return showing particulars of Australian spirit received and disposed of by  
Hospital during the half-year ended , 19 .

| Date. |   | Spirit Received.                                            |       |      | Date. |   | Spirit Disposed of.                                                   |       |      |
|-------|---|-------------------------------------------------------------|-------|------|-------|---|-----------------------------------------------------------------------|-------|------|
| 19    | . |                                                             |       |      | 19    | . |                                                                       |       |      |
|       |   | Balance on hand<br>at end of pre-<br>vious half-year        | gals. | pts. |       |   | Distributions to<br>other Hospitals—<br>To                            | gals. | pts. |
|       |   | Receipts during<br>half-year to<br>which return<br>relates— |       |      |       |   | Used—<br>For                                                          |       |      |
|       |   | From                                                        |       |      |       |   | ”                                                                     |       |      |
|       |   | ”                                                           |       |      |       |   | ”                                                                     |       |      |
|       |   | ”                                                           |       |      |       |   | ”                                                                     |       |      |
|       |   | ”                                                           |       |      |       |   | ”                                                                     |       |      |
|       |   | ”                                                           |       |      |       |   | Balance on hand<br>at end of half-<br>year to which<br>return relates |       |      |
|       |   | Total ..                                                    |       |      |       |   | Total ..                                                              |       |      |

I, \_\_\_\_\_ hereby declare that the above return contains a true statement of the particulars mentioned therein for the half-year ended \_\_\_\_\_, 19\_\_\_\_.

Declared at \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signature of Declarant.)  
(Description of person taking declaration.)

**Forms 42  
and 43  
added by  
1931, No. 25;  
repealed by  
1953, No. 86.**

\* \* \* \* \*

**Form 44**  
added by  
1933, No. 103;  
substituted by  
1939, No. 39.

Form 44.

## AUSTRALIAN EXCISE.

Regulation 126L.

NOTICE BOOK.

Factory.

| Date and hour of giving notice. |       | Materials to be processed. |           | Quantity of excisable wine to be produced. | Signature. |
|---------------------------------|-------|----------------------------|-----------|--------------------------------------------|------------|
| Date.                           | Hour. | Description.               | Quantity. |                                            |            |
|                                 |       |                            |           |                                            |            |

## 2443

FORM 45.

**Added by  
1947, No. 28;  
substituted by  
1953, No. 86.**

Application for  $\frac{\text{refund}^*}{\text{remission}}$  of Excise duty is hereby made in respect of the goods described herein.

| Description of Goods. | Quantity. | Marks<br>and<br>Numbers. | Tariff<br>Item. | Rate of<br>Duty. | Amount of Duty. |
|-----------------------|-----------|--------------------------|-----------------|------------------|-----------------|
|                       |           |                          |                 |                  | £   s.   d.     |
|                       |           |                          |                 |                  |                 |

Agent empowered to collect  
refund  
Name  
Address  
Special Authority  
Attached  
Standing Authority No.

Date \_\_\_\_\_

*As Entered.*

| Entry. |       | Number<br>of<br>Packages. | Description of<br>Packages and<br>Goods. | Gallons,<br>Quantity<br>or Weight. | Tariff<br>Item. | Rate of<br>Duty. | Duty<br>Payable. |
|--------|-------|---------------------------|------------------------------------------|------------------------------------|-----------------|------------------|------------------|
| No.    | Date. |                           |                                          |                                    |                 |                  |                  |
|        |       |                           |                                          |                                    |                 |                  | £   s.   d.      |
|        |       |                           |                                          |                                    |                 |                  |                  |
|        |       |                           | AS SHOULD HAVE BEEN<br>ENTERED.          |                                    |                 |                  |                  |

TOTAL REFUND DUE £

\* Strike out whichever is inapplicable.

**Added by  
1948, No. 36;  
amended by  
1953, No. 86.**

Regulation 125B.

FORM 46.

## AUSTRALIAN EXCISE.

*Excise Act 1901-1947.*

RECORD OF SPIRITS USED IN THE MANUFACTURE OF MEDICINAL PREPARATIONS.

[illegible]

I declare that the foregoing entries relating to the month of 19 \_\_\_\_\_ fully set forth all the matters required by law and that the same are true in every particular.

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
 Before me—  
 (Signature of Manufacturer.)  
 (Description of person taking declaration.)

**Added by  
1948, No. 86.**

Regulation 125c.

FORM 47.

COMMONWEALTH OF AUSTRALIA.

*Excise Act 1901-1947.*

## SECURITY TO THE CUSTOMS.

SPIRIT USED IN THE MANUFACTURE OF MEDICINAL PREPARATIONS FOR USE IN  
PUBLIC HOSPITALS.

By this security the subscribers are, pursuant to the *Excise Act 1901-1947*, bound to the Customs of the Commonwealth of Australia in the sum of \_\_\_\_\_ subject only to this condition that if all medicinal preparations containing spirit entered under Excise Tariff Item 2 (q) and received by \_\_\_\_\_ for distribution to Public Hospitals are from time to time during the continuance of this security delivered by \_\_\_\_\_ only to Public Hospitals and that the provisions of the *Excise Act 1901-1947* are, during the continuance of this security, complied with by \_\_\_\_\_ then this security shall be thereby discharged.

Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

| Name and Descriptions<br>of Subscribers. | Signature of Subscribers. | Signature and Addresses<br>of Witnesses. |
|------------------------------------------|---------------------------|------------------------------------------|
|                                          |                           |                                          |

NOTE.—If liability is not intended to be joint and several and for the full amount here state what is intended as, for example, thus:—“The liability of the subscribers is joint only” or “The liability of [mentioning subscriber] is limited to [here state amount of limit of or mode of ascertaining limit]”.

## 2445

**Added by  
1951, No. 123;  
substituted by  
1953, No. 86.**

## AUSTRALIAN EXCISE.

Factory.

[illegible]

## EXPLOSIVES ACT 1952

## EXPLOSIVES REGULATIONS.\*

## PART I.—PRELIMINARY.

Citation.

1. These Regulations may be cited as the Explosives Regulations.\*

Repeal and saving.

2.—(1.) The Explosives Regulations (comprising Statutory Rules 1953, No. 69 and Statutory Rules 1954, No. 34) are repealed.

(2.) Every appointment, certificate, declaration, order, authority or delegation made, issued or given under the Regulations repealed by the last preceding sub-regulation and in force or subsisting immediately before the commencement of these Regulations shall be deemed to have been made, issued or given, as the case may be, under these Regulations.

Parts.

3. These Regulations are divided into Parts as follows:—

Part I.—Preliminary (Regulations 1-8).

Part II.—Road Transport.

Division 1.—Preliminary (Regulations 9-11).

Division 2.—Loading (Regulations 12-22).

Division 3.—Transportation (Regulations 23-40).

Division 4.—Unloading (Regulations 41-43).

Division 5.—Miscellaneous (Regulations 44-46).

Part III.—Orders (Regulations 47-53).

Part IV.—Committees (Regulations 54-60).

Part V.—Miscellaneous (Regulations 61-64).

Interpretation.

4.—(1.) In these Regulations, unless the contrary intention appears—

“Commonwealth explosives” means explosives which are the property of, or are in the possession or control of, the Commonwealth and are for use, or are capable of being used—

(a) by the naval, military or air forces of the Commonwealth; or

(b) otherwise for, or for purposes related to, the defence of the Commonwealth;

\* Statutory Rules 1956, No. 110; in force under the *Explosives Act* 1952; notified in the *Gazette* and commenced on 14th December, 1956.

“container” includes a package or casing;

“explosive” means—

- (a) the substances and articles specified in the First Schedule, being substances and articles capable of producing an explosive, incendiary or pyrotechnic effect or of being used in chemical warfare; and
- (b) containers which have contained a substance or article to which the last preceding paragraph applies and have not been certified, in accordance with these Regulations, to be free from explosives;

“gross weight”, in relation to goods consisting of explosives, means the weight of the explosives and of the containers, if any, in which the explosives are contained;

“net weight”, in relation to goods consisting of explosives, means the weight of the explosive content only of the goods;

“order” means an order made under regulation 47 of these Regulations;

“supervisor”, in relation to the loading, unloading, discharging, stacking, stowing, storing or transporting of goods consisting of explosives, or any operation incidental to or arising out of any of those operations, means a person appointed under these Regulations to supervise that loading, unloading, discharging, stacking, stowing, transporting or other operation.

(2.) In these Regulations—

- (a) a reference to a Schedule by a number shall be read as a reference to the Schedule so numbered to these Regulations; and
- (b) a reference to goods consisting of explosives or Commonwealth explosives shall be read as including a reference to goods consisting in part only of explosives or Commonwealth explosives.

(3.) For the purposes of these Regulations, Commonwealth explosives are divided into groups and a Commonwealth explosive shall be deemed to be included in a Group of explosives if the name of that explosive is set out under the reference to that Group in the First Schedule.

5. These Regulations and orders made under these Regulations do not apply to or in relation to—

Application of  
Regulations.

(a) the handling of explosives in a place—

- (i) which is permanently occupied by, or by a part of, the Defence Force or on lands on which the Defence Force, or a part of the Defence Force, is authorized to enter under section 69 of the *Defence Act 1903-1953*;
- (ii) where explosives are manufactured; or
- (iii) which is declared by the Minister in writing to be a place to which these Regulations do not apply; or

- (b) the transport by road between a place where a part of the Defence Force is encamped and a place where the training of that part of the Defence Force is carried out, on a vehicle or vehicles forming part of the equipment of that part of the Defence Force, of explosives to be used for the purposes of that training.

Inconsistency  
with a law of  
a State or  
Territory.

6. To the extent to which a law of a State or of a Territory of the Commonwealth is not inconsistent with the *Explosives Act* 1952, with these Regulations or with an order made under these Regulations, that law applies to and in relation to the handling of Commonwealth explosives in that State or Territory, as the case may be.

Appointment  
of supervisors.

7.—(1.) The Minister, or a person, or a person included in a class of persons, authorized by the Minister to make appointments under this regulation, may, by writing under his hand, appoint a person to supervise the loading, unloading, discharging, stacking, stowing, storing or transporting of goods consisting of Commonwealth explosives, or any operation incidental to, or arising out of, any of those operations, and may give to that person such instructions in relation to the operation, not inconsistent with these Regulations or an order made under these Regulations, as the Minister or other person making the appointment, as the case may be, considers necessary.

(2.) A person so appointed shall—

- (a) supervise, and be present during, the carrying out of the operation which he is appointed to supervise;
- (b) have a copy of these Regulations in his possession at all times during the carrying out of the operation which he is appointed to supervise;
- (c) comply with any instructions given to him in relation to that operation under the last preceding sub-regulation; and
- (d) as far as practicable, ensure that these Regulations, and any order made under these Regulations, are complied with in the carrying out of that operation.

(3.) A person shall not—

- (a) load on to, or unload from, a vehicle goods consisting of Commonwealth explosives or carry out or perform any operation incidental to, or arising out of, the loading on to, or the unloading from, a vehicle of goods consisting of Commonwealth explosives; or

(b) handle goods consisting of Commonwealth explosives at a port, unless a supervisor has been appointed under sub-regulation (1.) of this regulation to supervise that loading, unloading or other operation or handling.

Directions by  
supervisors.

8.—(1.) A supervisor may, in relation to the operation which he is appointed to supervise, give such directions to persons engaged in carrying out that operation as he thinks proper and as are not inconsistent with these Regulations or an order made under these Regulations.

(2.) A person who fails to comply with a direction given to him by a supervisor under the last preceding sub-regulation shall be deemed to have contravened a provision of these Regulations.



## PART II.—ROAD TRANSPORT.

## Division 1.—Preliminary.

9. In this Part, unless the contrary intention appears—

Definitions.

“approved trailer” means a vehicle which complies with the requirements specified in Part I. of the Second Schedule;

“approved vehicle” means a vehicle, other than a trailer, which complies with the requirements specified in Part II. of the Second Schedule;

“attendant” means a person appointed under this Part to travel on a vehicle as an attendant, and includes a supervisor when he travels on a vehicle and acts as an attendant;

“convoy” means two or more vehicles in convoy;

“specially adapted vehicle” means an approved vehicle which complies with the requirements specified in Part III. of the Second Schedule;

“vehicle” means a vehicle used for transporting goods by road.

10. This Part and orders made in relation to the transport by road of goods consisting of Commonwealth explosives do not apply to or in relation to the handling of a quantity of goods consisting of Commonwealth explosives included in a Group specified in the first column of the following table if the net weight of the goods is less than the weight shown opposite to the Group in the second column of that table:—

Application of Part.

| Group. |    |    |    |    |    |    |    | Weight<br>(in pounds). |
|--------|----|----|----|----|----|----|----|------------------------|
| 1      | .. | .. | .. | .. | .. | .. | .. | 5                      |
| 2      | .. | .. | .. | .. | .. | .. | .. | 5                      |
| 3      | .. | .. | .. | .. | .. | .. | .. | 100                    |
| 4      | .. | .. | .. | .. | .. | .. | .. | 30                     |
| 5      | .. | .. | .. | .. | .. | .. | .. | 150                    |
| 6      | .. | .. | .. | .. | .. | .. | .. | 150                    |
| 7      | .. | .. | .. | .. | .. | .. | .. | 25                     |
| 7A     | .. | .. | .. | .. | .. | .. | .. | 90                     |
| 8      | .. | .. | .. | .. | .. | .. | .. | 90                     |
| 9      | .. | .. | .. | .. | .. | .. | .. | 60                     |
| 10     | .. | .. | .. | .. | .. | .. | .. | 5                      |
| 11     | .. | .. | .. | .. | .. | .. | .. | 30                     |
| 12     | .. | .. | .. | .. | .. | .. | .. | 30                     |
| 13     | .. | .. | .. | .. | .. | .. | .. | 1                      |
| 15     | .. | .. | .. | .. | .. | .. | .. | 1.                     |

11.—(1.) Where goods consisting of Commonwealth explosives are to be transported by road in a single vehicle, the supervisor of the transportation, or, if there is no supervisor of the transportation, the supervisor of the loading of the goods, shall appoint a person, being a person who is competent to act as a driver in an emergency, to travel on that vehicle as an attendant.

Attendants.

(2.) Where goods consisting of Commonwealth explosives are to be transported by road in a convoy, the supervisor of the transportation, or, if there is no supervisor of the transportation, the supervisor of the loading of the goods, shall, in accordance with the next two succeeding sub-regulations, appoint persons, of whom at least one is competent to act as a driver in an emergency, to travel as attendants on vehicles in the convoy.

(3.) Where a convoy consists of less than five vehicles, one attendant shall be appointed to travel on the first vehicle in the convoy and one attendant shall be appointed to travel on the last vehicle in the convoy.

(4.) Where a convoy consists of five or more vehicles, one attendant shall be appointed to travel on the first vehicle in the convoy, one attendant shall be appointed to travel on the last vehicle in the convoy and additional attendants shall be appointed to travel on other vehicles in the convoy so as to ensure that between each vehicle on which an attendant is travelling there are not more than three vehicles without an attendant.

(5.) A supervisor may travel on a vehicle and act as an attendant.

*Division 2.—Loading.*

Application of  
Division.

**12.** This Division applies to the loading of goods consisting of Commonwealth explosives on to vehicles for the transporting of the goods by road.

Vehicles on  
which  
explosives to  
be loaded.

**13.**—(1.) Subject to the next succeeding sub-regulation, the supervisor of the loading of goods consisting of Commonwealth explosives shall not permit those goods to be loaded on to a vehicle other than a specially adapted vehicle.

(2.) If a specially adapted vehicle is not available, the supervisor may, subject to the next succeeding sub-regulation, permit the goods to be loaded—

- (a) on to an approved vehicle; or
- (b) if an approved vehicle is not available—on to an approved trailer.

(3.) Goods consisting of Commonwealth explosives included in Group 1 or 2 shall not be loaded on to an approved vehicle or an approved trailer unless the net weight of the goods is five hundred pounds or less.

Loading of  
explosives in  
Group 1, 2, 3  
or 4.

**14.** Goods consisting of Commonwealth explosives included in Group 1, 2, 3 or 4 shall not be loaded on to a vehicle unless the goods are packed in a container specially designed for the carriage of those goods or in a container of a kind known by any of the following names:—

- Box, ammunition, C.190.
- Box, ammunition, Cal. 50M2 for Cordite Samples only.
- Case, magazine.
- Case, powder.
- Case, transport, detonators.
- Case, transport, explosives.
- Cylinder, transport, detonators.
- Magazine, portable (Aust.).

Inspection  
before loading.

**15.** Goods consisting of a Commonwealth explosive shall not be loaded on to a vehicle unless the goods have first been inspected for evidence of damage.

Containers to  
bear Group  
label.

**16.** Goods consisting of a boxed Commonwealth explosive shall not be loaded on to a vehicle unless the number of the Group in which that explosive is included appears on the goods.

**17.** Goods consisting of a Commonwealth explosive shall not be loaded on to a vehicle unless that part of the vehicle on which the goods are to be loaded is clean and free from articles other than those necessary to secure the load. Vehicles to be clean.

**18.** Goods consisting of a Commonwealth explosive shall not be loaded on to a vehicle while the engine of the vehicle is running. Engines to be stopped during loading.

**19.—(1.)** Goods consisting on a Commonwealth explosive included in one Group of explosives shall not be loaded on to a vehicle with goods consisting of an explosive included in another Group of explosives except, subject to the next succeeding sub-regulation, for the purpose of providing a full load for the vehicle. Segregation of explosives.

**(2.)** Goods consisting of a Commonwealth explosive included in Group 7A, 12, 13 or 15 shall not, under any circumstances, be loaded on to a vehicle with goods consisting of an explosive included in another Group of explosives.

**20.** The net weight of goods consisting of Commonwealth explosives loaded on to a vehicle shall not exceed ten thousand pounds and a vehicle shall not be loaded with goods consisting of Commonwealth explosives beyond its load capacity. Limits of load.

**21.** Immediately after goods consisting of Commonwealth explosives have been loaded on to a vehicle, the goods shall be properly secured on the vehicle and protected against damage or theft. Securing of load.

**22.** Where a requirement of regulation 14, 15, 16, 17, 18, 19 or 20 of these Regulations, or of the last preceding regulation, is not complied with in relation to the loading of goods consisting of Commonwealth explosives on to a vehicle, the supervisor of the loading and the driver of the vehicle shall each be deemed to have contravened a provision of these Regulations. Offences.

### *Division 3.—Transportation.*

**23.** A supervisor of the transportation by road of goods consisting of Commonwealth explosives shall plan in advance the route to be followed by the vehicle or convoy in which the goods are to be transported and shall, as far as practicable, plan a route which does not pass through closely populated areas or pass along a street or road which carries an electric tramway. Route.

**24.—(1.)** Where goods consisting of Commonwealth explosives are being transported on a vehicle by road and, on a particular day, the distance to be travelled is greater than fifteen miles, the vehicle shall be halted for a period of ten minutes in the first available area in which there are no adjacent buildings— Compulsory halts.

(a) after the vehicle has travelled the first ten miles on that day; and

(b) at the end of each one hundred minutes of travelling during that day subsequent to that first halt.

(2.) Where a vehicle in which goods consisting of Commonwealth explosives are being transported by road is not halted as required by the last preceding sub-regulation, the supervisor, if any, of the transportation and the driver of the vehicle shall each be deemed to have contravened a provision of these Regulations.

Inspection by driver.

**25.** When a vehicle, including a vehicle in a convoy, is halted as required by the last preceding regulation, the driver of the vehicle and the attendant, if any, travelling on the vehicle shall immediately inspect the vehicle to determine—

- (a) that the vehicle is in a serviceable condition;
- (b) that the load is secure and intact; and
- (c) that undue heat is not being generated by movement of the load, rubbing of the tyres on the vehicle, deflation of the tyres, faulty brake adjustment or from any other cause.

Discovery of defects.

**26.—(1.)** If the driver of a vehicle, or an attendant travelling on a vehicle, on which goods consisting of Commonwealth explosives are being transported by road under the supervision of a supervisor discovers a defect in or damage to the vehicle or goods, he shall forthwith report the defect or damage to the supervisor.

(2.) If a vehicle on which goods consisting of Commonwealth explosives are being transported, or those goods, becomes or become defective or suffers or suffer damage—

- (a) the driver of the vehicle shall forthwith remedy the defect or damage if it is not serious and can be remedied without undue delay or danger to the vehicle or to any other vehicle; and
- (b) the driver of the vehicle shall not proceed on the journey while the defect or damage continues to exist unless the driver, or, if the transportation is under the supervision of a supervisor, the supervisor, is of the opinion that the defect or damage does not affect the safety of the vehicle or of any other vehicle.

Major defects.

**27.—(1.)** If a vehicle on which goods consisting of Commonwealth explosives are being transported, or those goods, becomes or become defective or suffers or suffer damage, and the defect or damage cannot be remedied by the driver of the vehicle without undue delay or danger to the vehicle or to other vehicles—

- (a) the vehicle shall, if possible, be moved as close as practicable to the side of the road and away from the vicinity of any buildings;
- (b) passing traffic shall be warned to slow down;
- (c) the nearest police station shall be advised;
- (d) the consignor or the consignee of the goods, whichever can be more conveniently communicated with, shall be advised of the defect or damage as soon as possible; and
- (e) the vehicle and the goods shall be dealt with in accordance with the instructions, if any, of the consignor or the consignee, as the case may be.

(2.) If a vehicle on which goods consisting of Commonwealth explosives are being transported, or those goods, catches or catch fire, the requirements of the last preceding sub-regulation shall be complied with and, in addition—

- (a) appropriate action shall be taken to extinguish the fire and, if the fire cannot be readily extinguished, approaching traffic shall be stopped at a safe distance; and
- (b) the nearest police station and fire brigade shall, if practicable, be called upon for assistance and advised of the nature of the load and of the hazards involved.

(3.) If any requirement of either of the last two preceding sub-regulations is not complied with, the supervisor, if any, of the transportation of the goods, the driver of the vehicle concerned and the attendant, if any, travelling on the vehicle shall, unless it was impossible to comply with that provision, each be deemed to have contravened a provision of these Regulations.

**28.**—(1.) Subject to the next succeeding sub-regulation, where a vehicle on which goods consisting of Commonwealth explosives are being transported, or the goods, becomes or become defective or suffers or suffer damage, the supervisor, if any, of the transportation of the goods, the driver of the vehicle or the attendant, if any, travelling on the vehicle may require any person to assist in carrying out the requirements of the last preceding regulation and, if that person does not assist in the manner required, he shall be deemed to have contravened a provision of these Regulations. Person may be called upon to assist.

(2.) The assistance which may be required of a person under the last preceding sub-regulation shall not be such as to place that person in danger.

**29.**—(1.) Where goods consisting of Commonwealth explosives are being transported on a vehicle, the supervisor, if any, appointed to supervise that transportation or the driver of the vehicle shall not effect any major repairs, or permit any major repairs to be effected, to that vehicle while the goods are loaded on the vehicle. Major repairs.

(2.) For the purposes of the last preceding sub-regulation, repairs shall be deemed to be major repairs if they are of a kind which ordinarily require the entry of a vehicle into a garage, work-shop or service station.

**30.** Where goods consisting of Commonwealth explosives are being transported on a vehicle, a person shall not refuel that vehicle or permit that vehicle to be refuelled— Refuelling.

- (a) while the engine of the vehicle is running;
- (b) from a petrol pump or in a place from which fuel is supplied to the public;
- (c) in a place where there are adjacent buildings; and
- (d) unless a person carrying a fire extinguisher suitable for use on a petrol or an oil fire remains in close proximity to the vehicle while the refuelling is taking place.

Distance  
between loaded  
vehicles.

**31.** The driver of a moving vehicle on which goods consisting of Commonwealth explosives are loaded shall not bring that vehicle within a distance of seventy-five yards of any other moving vehicle on which goods consisting of explosives are loaded.

Loaded vehicles  
not to be  
driven into  
buildings or  
halted in  
populated  
areas.

**32.** The driver of a vehicle on which goods consisting of Commonwealth explosives are loaded shall not—

- (a) except for the purposes of loading or unloading the goods—drive the vehicle into a building or halt the vehicle in proximity to a building; or
- (b) except in the case of necessity—halt the vehicle in a closely populated area.

Level crossings.

**33.—(1.)** The driver of a single vehicle on which goods consisting of Commonwealth explosives are being transported, and the driver of the first vehicle of a convoy in which goods consisting of Commonwealth explosives are being transported, shall not drive the vehicle across a railway level crossing unless the vehicle is first halted so that the distance between the railway rail nearest to the vehicle and that part of the vehicle nearest to that rail is less than forty feet and more than ten feet.

**(2.)** The driver of any vehicle on which goods consisting of Commonwealth explosives are being transported shall not—

- (a) drive the vehicle across a railway level crossing unless the supervisor, if any, of the transportation, or an attendant has, after proceeding on foot to a point at which he can clearly observe and satisfy himself that there is no danger from an approaching train or other railway vehicle, signalled the vehicle across; or
- (b) except in an emergency, change gear while driving the vehicle over a railway level crossing or while any part of the vehicle is within ten feet of a railway line at that crossing.

Speed of  
vehicles.

**34.** The driver of a vehicle on which goods consisting of Commonwealth explosives are being transported shall not drive that vehicle at a speed in excess of twenty-five miles an hour and the supervisor, if any, of the transportation by road of goods consisting of Commonwealth explosives shall not permit a vehicle on which those explosives are being transported to be driven in excess of that speed.

Vehicles not to  
be driven  
during hours of  
darkness.

**35.** The driver of a vehicle on which goods consisting of Commonwealth explosives are being transported shall not drive that vehicle between the hours of sunset and sunrise unless, in the case of emergency the supervisor, if any, of the transportation, or, if there is no supervisor, the driver, considers that, in the interests of safety, the vehicle should be driven between those hours.

No explosives  
in cabin.

**36.** A person shall not place or carry goods consisting of Commonwealth explosives, or permit goods consisting of Commonwealth explosives to be placed or carried, in the cabin of a vehicle.

**37.**—(1.) A person shall not carry intoxicating liquor, or permit intoxicating liquor to be carried, in or on a vehicle on which goods consisting of Commonwealth explosives are loaded. Intoxicating liquor.

(2.) A person shall not drive a vehicle on which goods consisting of Commonwealth explosives are loaded, or act as a attendant on such a vehicle, if he is under the influence of intoxicating liquor.

**38.** The driver of a vehicle on which goods consisting of Commonwealth explosives are being transported shall not carry fuel for that, or any other, vehicle, or permit fuel for that, or any other, vehicle to be carried in or on the vehicle elsewhere than in the fuel tank of the vehicle. Carriage of fuel.

**39.**—(1.) Where goods consisting of Commonwealth explosives are being transported on a vehicle and the supervisor, if any, of the transportation considers, for any reason, that it is desirable that the driver of the vehicle should cease to drive the vehicle, he may direct the driver not to drive the vehicle. Supervisor may instruct driver to cease driving.

(2.) A driver of a vehicle who fails to comply with a direction given under the last preceding sub-regulation shall be deemed to have contravened a provision of these Regulations.

**40.** Where goods consisting of Commonwealth explosives are to be transported by road, the supervisor of the transportation, or, if there is no supervisor of the transportation, the supervisor of the loading of the goods, shall satisfy himself that the attention of each driver of, and of each attendant travelling on, a vehicle on which the goods are to be transported has been drawn— Attention of drivers and attendants to be drawn to certain matters.

- (a) to the provisions of these Regulations;
- (b) to the number of the Group of explosives in which the explosives comprising those goods is included;
- (c) to the probable effect of fire on the load; and
- (d) to the proper action to be taken in the event of damage to, or spillage from, the load.

*Division 4.—Unloading.*

**41.** A supervisor of the unloading from a vehicle of goods consisting of Commonwealth explosives shall inspect the vehicle and the goods immediately on the arrival of the vehicle at the place where it is to be unloaded and shall examine the goods as they are unloaded from the vehicle for the purpose of detecting evidence of damage or pilfering. Inspection before and during unloading.

**42.** After goods consisting of Commonwealth explosives have been unloaded from a vehicle the supervisor of the unloading shall— Measures to be taken after unloading completed.

- (a) cause that part of the vehicle in which the goods were carried to be thoroughly cleaned; and
- (b) cause to be removed from the vehicle any signboard which would lead to the belief that the vehicle was loaded with explosives.

**43.** A supervisor of the unloading from a vehicle of goods consisting of Commonwealth explosives shall not permit the goods to be unloaded while the engine of the vehicle is running. Engines to be stopped during unloading.

*Division 5.—Miscellaneous.*

Smoking  
materials.

**44.**—(1.) A person shall not carry on to, or take within twenty yards of, a vehicle on which goods consisting of Commonwealth explosives are loaded any smoking materials, including means of ignition, unless those materials are locked in a metal box which is painted red and provided with an efficient lock and key.

(2.) A person shall not carry such a box, or permit such a box to be carried, on a vehicle on which goods consisting of Commonwealth explosives are loaded elsewhere than in the cabin of the vehicle.

Vehicles not to  
be left  
unattended and  
explosives not  
to be exposed  
to weather.

**45.** The supervisor of—

- (a) the loading of goods consisting of Commonwealth explosives on to vehicles;
- (b) the transportation by road of goods consisting of Commonwealth explosives; or
- (c) the unloading of goods consisting of Commonwealth explosives from vehicles,

shall not permit a vehicle on which the goods are loaded to be left unattended or the goods, other than those consisting of unboxed explosives, to be left unprotected from the weather.

Unauthorized  
persons not to  
board vehicles.

**46.** When goods consisting of Commonwealth explosives are loaded on a vehicle, a person other than—

- (a) the driver of the vehicle;
- (b) an attendant appointed to travel on the vehicle;
- (c) a supervisor of the handling of those goods; or
- (d) a person loading or unloading the vehicle,

shall not be in, upon or in the vicinity of the vehicle without the consent of the supervisor of the handling of the goods.

## PART III.—ORDERS.

Minister may  
make orders.

**47.**—(1.) The Minister, or a person authorized by the Minister to make orders under this regulation, may, by order in writing—

- (a) make provision for or in relation to, or for or in relation to any matter arising out of or incidental to, the handling of Commonwealth explosives;
- (b) make provision for or in relation to safety measures to be observed at, in or upon a place, vehicle, aircraft or vessel at, in, upon or in the vicinity of which there are Commonwealth explosives; or
- (c) subject to the next succeeding regulation, direct that a vessel in which Commonwealth explosives are, or are to be, loaded may be moored or berthed in a port specified in the order.

(2.) An authority by the Minister to a person to make orders under this regulation may be granted in relation to a particular matter, or class of matters, or to a particular place.



**48.**—(1.) An order shall not be made directing that a vessel may be moored or berthed in a port if the explosives loaded or to be loaded on the vessel consist of explosives included in shipping categories B and C and—

Orders directing mooring or berthing of vessels.

- (a) the gross weight of the explosives exceeds five thousand tons;
- (b) the gross weight of the explosives exceeds one thousand tons and the net weight of such of those explosives as are included in shipping category C exceeds two hundred tons;
- (c) the gross weight of the explosives is less than one thousand tons and the gross weight of such of those explosives as are included in shipping category C exceeds five hundred tons;
- (d) the gross weight of such of those explosives as are included in Group 3 exceeds two thousand tons; or
- (e) such of the explosives as are included in shipping category C are not stowed, or are not to be stowed, in a separate hold.

(2.) An order shall not be made directing that a vessel may be moored or berthed in a port if the explosives loaded or to be loaded on the vessel consist of explosives included in shipping category C and the net weight of the explosives exceeds five hundred tons.

(3.) For the purposes of this regulation—

- (a) explosives shall be deemed to be included in shipping category B if the explosives have a fire, minor explosive or toxic risk; and
- (b) an explosive shall be deemed to be included in shipping category C if the explosive has a mass explosion risk.

**49.**—(1.) Where a provision of these Regulations is inconsistent with an order made by the Minister, the order shall prevail and that provision of these Regulations shall, to the extent of the inconsistency, be of no effect.

Orders inconsistent with these Regulations.

(2.) When a provision of an order made by a person authorized by the Minister to make orders under regulation 47 of these Regulations is inconsistent with these Regulations, the Regulations shall prevail and the provision of the order shall, to the extent of the inconsistency, be of no effect.

**50.** An order may be expressed to be of general application or to apply to persons included in a class of persons or may be addressed to a particular person, either by name or by a description sufficient to identify that person.

Application orders.

**51.** An order expressed to be of general application or to apply to persons included in a class of persons shall be published in the *Gazette* and shall take effect on the date of publication or on such later date as is fixed by the order.

Publication of orders of general application.

**52.**—(1.) An order addressed to a particular person shall be served on that person and shall, subject to the next succeeding regulation, take effect on the date of service or on such later date as is fixed by the order.

Service of orders addressed to particular persons.

(2.) An order may be served on a person—

- (a) personally;
- (b) by sending the order or a copy of the order by post to the person at his last-known place of abode or employment;

- (c) by posting up the order or a copy of the order in a prominent position at or near the place of employment of the person; or
- (d) in the case of a body politic or a body corporate—by sending the order or a copy of the order by post to the registered office, if any, of that body or by serving the order or a copy of the order personally on the manager, secretary or other executive officer of that body.

(3.) An order addressed to a particular person may be published in the *Gazette* and shall be deemed to have been served on that person on the date on which it is so published.

Mooring and  
berthing of  
vessels.

**53.** Where, by an order, it is directed that a vessel may be moored or berthed in a port specified in the order, the order shall be of no effect unless—

- (a) it specifies the purpose for which the ship is to be moored or berthed; and
- (b) it is served upon the person, if any, to whom it is addressed at least forty-eight hours before the mooring or berthing is to take place.

#### PART IV.—COMMITTEES.

Definition.

**54.** In this Part, “committee” means the Commonwealth Explosives Transport Committee, or the Commonwealth Explosives Port Facilities Committee, established under this Part.

The  
Commonwealth  
Explosives  
Transport  
Committee.

**55.**—(1.) There shall be a committee, to be known as the Commonwealth Explosives Transport Committee.

(2.) The functions of the Commonwealth Explosives Transport Committee is to advise the Minister on matters relating to the handling of Commonwealth explosives and, in particular, on matters relating to the transport of Commonwealth explosives.

The  
Commonwealth  
Explosives  
Port Facilities  
Committee.

**56.**—(1.) There shall be a committee, to be known as the Commonwealth Explosives Port Facilities Committee.

(2.) The function of the Commonwealth Explosives Port Facilities Committee is to advise the Minister on, and on matters relating to—

- (a) the facilities available for the handling of Commonwealth explosives at ports in Australia;
- (b) the adequacy of those facilities;
- (c) the necessity for the provision of special facilities;
- (d) the type and estimated cost of those special facilities;
- (e) the proportion in which the cost of those special facilities should be shared between the Commonwealth and a State or person; and
- (f) any other matter relating to facilities for handling explosives at ports in Australia.

Constitution  
of committees.

**57.** A committee shall consist of at least six members, who shall be appointed by the Minister and hold office during the pleasure of the Minister.

**58.**—(1.) The Minister shall appoint from amongst the members of a committee a chairman of the committee and a deputy chairman of the committee, who shall hold office as chairman and deputy chairman respectively during the pleasure of the Minister. Chairman and Deputy Chairman.

(2.) The office of chairman or of deputy chairman of a committee shall become vacant if the person holding the office ceases to be a member of the committee.

(3.) The deputy chairman of a committee shall be the executive member of the committee and as such shall have such powers and functions in relation to the committee as are conferred upon him by the Minister.

**59.**—(1.) The Minister may appoint a person to be the deputy of a member, other than the chairman or deputy chairman, of a committee during the pleasure of the Minister. Deputies of members.

(2.) A person so appointed as the deputy of a member may, in the event of the absence of that member from a meeting of the committee, attend that meeting, and, when so attending, shall be deemed to be a member of the committee.

**60.**—(1.) Meetings of a committee shall be held at such times and places as the committee determines or as the chairman, or, in his absence, the deputy chairman, directs. Meetings of committees.

(2.) At a meeting of a committee, four members of the committee constitute a quorum.

(3.) The chairman of a committee shall preside at all meetings of the committee at which he is present.

(4.) In the absence of a chairman of a committee from a meeting of the committee, the deputy chairman of the committee shall preside at the meeting.

(5.) In the absence of both the chairman and the deputy chairman of a committee from a meeting of the committee, the members of the committee present shall appoint one of their number to preside at the meeting.

(6.) A question arising at a meeting of the committee shall be determined by a majority of the votes of the members present.

(7.) The chairman, deputy chairman or other member of a committee presiding at a meeting of the committee has a deliberate vote and, in the event of an equality of votes, also has a casting vote.

#### PART V.—MISCELLANEOUS.

**61.**—(1.) A supervisor appointed to supervise the handling of Commonwealth explosives included in Group 13 shall not handle those explosives, or permit those explosives to be handled, unless there is present during the handling an escort party which— Handling of Group 13 explosives.

(a) consists of at least two persons;

(b) is equipped in accordance with the next succeeding sub-regulation; and

(c) if the explosives are being transported by road—is provided with a vehicle on which explosives are not loaded.

(2.) An escort party shall be equipped with—

- (a) protective clothing, including gloves and respirators, sufficient for each member of the escort party and to equip a fire-fighting party;
- (b) an ample supply of suitable neutralizer; and
- (c) picks, shovels and fire extinguishers.

(3.) A supervisor appointed to supervise the transportation by road of Commonwealth explosives included in Group 13 shall not permit a person to travel on a vehicle carrying those explosives unless that person is equipped with a respirator.

(4.) A supervisor appointed to supervise the transportation by rail of Commonwealth explosives included in Group 13 shall satisfy himself that each member of the crew of the train on which the explosives are being transported is equipped with a respirator.

(5.) A supervisor appointed to supervise the handling of Commonwealth explosives included in Group 13 shall, after the handling is complete, cause all vehicles, equipment, appliances and materials used in, or in connexion with, the handling to be inspected for signs of contamination and, if contaminated, to be decontaminated before being used again.

Explosives in damaged containers and spilled explosives.

**62.** Where goods consisting of Commonwealth explosives are in a damaged container or have spilled from a container, a person handling those goods shall comply with any directions relating to the handling of explosives in damaged containers or spilled explosives given to him, whether in writing or otherwise and whether before or after the damage or spillage is discovered, by the supervisor of the handling or, if the goods are being transported by road and there is no supervisor of the transportation, by the supervisor of the loading of the goods.

Certification of containers to be free from explosives.

**63.**—(1.) The Minister, or a person, or a person included in a class of persons, authorized by the Minister to make appointments under this regulation, may, by writing under his hand, appoint persons to certify that containers which have contained Commonwealth explosives are free from explosives.

(2.) A person appointed under the last preceding sub-regulation to certify that containers are free from explosives may, on satisfying himself that a container which has contained Commonwealth explosives is free from explosives, issue a certificate to that effect.

Delegation.

**64.**—(1.) The Minister may, in relation to a particular matter or class of matters, or to a particular place, by writing under his hand, delegate to a person all or any of his powers and functions under these Regulations, except this power of delegation, so that the delegated powers or functions may be exercised by the delegate with respect to the matter or class of matters, or to the place, specified in the instrument of delegation as fully and effectually as by the Minister.

(2.) A delegation under this section is revocable at will and does not prevent the exercise of a power or function by the Minister.

## THE SCHEDULES.

Regulation 4 (1.).

## FIRST SCHEDULE.

## EXPLOSIVES.

*Group 1.*

Explosives known by the following names, being explosives which bear a fire and explosion risk, are relatively sensitive to spark or friction or require lead-free conditions, are in bulk or (other than those contained in sealed metal components) are contained in paper or fabric wrapping and do not contain their own means of ignition:—

|                                                                         |                                                  |
|-------------------------------------------------------------------------|--------------------------------------------------|
| Ballistite.                                                             | Compositions (Type B), P.N.                      |
| Bursters, gunpowder.                                                    | Cordite, small arms, granular.                   |
| Bursters, H.E.                                                          | Cordtex.                                         |
| Cartridges, M.L., mortar, augmenting,<br>other than filled cordite W.M. | Exploders, C.E.                                  |
| Charges, gunpowder.                                                     | Exploders, picric powder.                        |
| Charges, propelling.                                                    | Fuze powders.                                    |
| Composition, exploding.                                                 | Guncotton, dry.                                  |
| Composition, illuminating.                                              | Gunpowder.                                       |
| Composition, match.                                                     | Igniters, gunpowder.                             |
| Composition, priming.                                                   | Nitro-cellulose, small arms, granular<br>powder. |
| Composition, rocket.                                                    | Picric powder.                                   |
| Composition, rocket, life-saving.                                       | Primers, C.E.                                    |
| Compositions (Type A), S.R.                                             | Puffs, cordite.                                  |
| Compositions (Type B), S.R.                                             | Puffs, gunpowder.                                |
| Compositions (Type A), P.N.                                             | Quickmatch.                                      |

*Group 2.*

Explosives known by the following names, being explosives which are liable to decomposition, bear an explosion risk, are liable to function by spark or friction and do not contain their own means of ignition:—

|                                                                                                     |                                                                                     |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Ballistite in metallic containers.                                                                  | Nitro-glycerine, desensitized, with<br>or without admixture of nitro-<br>cellulose. |
| Blasting explosives.                                                                                | Nobel's 808.                                                                        |
| Cartridges, M.L., mortar, augmenting,<br>other than filled cordite W.M., in<br>metallic containers. | Nobel's 809.                                                                        |
| Cordite, small arms, granular, in<br>metallic containers.                                           | Plastic propellant, type 2.                                                         |
| Nitro-cellulose, small arms, granular<br>powder, in metallic containers.                            | Propellant compositions.                                                            |
|                                                                                                     | Puffs, cordite in metallic containers.                                              |

*Group 3.*

Explosives known by the following names, being explosives which are liable to decomposition, bear a fire risk and do not contain their own means of ignition:—

|                                                                                                               |                                |
|---------------------------------------------------------------------------------------------------------------|--------------------------------|
| Cartridges, B.L.                                                                                              | Cordite.                       |
| Charges, propellant, incremental, inclu-<br>ing cartridges, M.L., mortar aug-<br>menting, filled cordite W.M. | Nitro-cellulose cannon powder. |
|                                                                                                               | Nitrated paper.                |
|                                                                                                               | Plastic propellant, type 1.    |

*Group 4.*

Explosives known by the following names, being explosives which are stable, bear a fire or explosion risk and do not contain their own means of ignition:—

|                              |                             |
|------------------------------|-----------------------------|
| Amatex.                      | Minol.                      |
| Amatol.                      | Nobel's 896.                |
| Ammonal.                     | Pentolite.                  |
| Ammonium picrate.            | P.E.T.N./Wax.               |
| Baratol.                     | P.E.T.N., wet.              |
| Battle noises.               | Picric acid.                |
| Demolition explosives.       | Picrite.                    |
| Di-nitro-phenol.             | Plastic explosive.          |
| Di-nitro-resorcinol.         | Potassium di-nitro-phenate. |
| Exploders, picric.           | R.D.X./T.N.T.               |
| Exploders, R.D.X./Wax.       | R.D.X./Wax.                 |
| Exploders, T.N.T.            | R.D.X., wet.                |
| Fuze, detonating.            | Styphnic acid, wet.         |
| Guncotton, sets, demolition. | T.N.T.                      |
| Guncotton, wet.              | Torpex.                     |
| Guncotton, wet, loose.       | Tritonal.                   |

## EXPLOSIVES ACT

*Group 5.*

Explosives known by the following names, being explosives which consist of unboxed shell, whether plugged or fuzed, filled with high explosive, gunpowder or star composition:—

|                                                |                        |
|------------------------------------------------|------------------------|
| Bombs, aircraft, A.P.                          | Shell, H.E.            |
| Bombs, aircraft, H.E. (low charge) (loose).    | Shell, H.E., piercing. |
| Bombs, aircraft, H.E. (medium charge) (loose). | Shell, practice.       |
| Flashes, photographic, large.                  | Shell, radar echo.     |
| Shell, H.E., armour piercing.                  | Shell, H.E., S.A.P.    |
| Shell, flare.                                  | Shell, shrapnel.       |
|                                                | Shell, star.           |
|                                                | Shot, tracer.          |

*Group 6.*

Explosives known by the following names, being explosives which consist of boxed ammunition containing high explosives, gunpowder or propellants and which either do or do not contain their own means of ignition:—

|                                           |                                   |
|-------------------------------------------|-----------------------------------|
| Adaptors, booster.                        | Ejectors, electric.               |
| Adaptors, exploder.                       | Ejectors, flare.                  |
| Adapters, "K".                            | Flashes, photographic, medium.    |
| Bombs, aircraft, H.E., L.C. (boxed).      | Floats, signal.                   |
| Boxes, junction.                          | Fuze, instantaneous.              |
| Bursters, bomb.                           | Fuzes.                            |
| Bursters, mine.                           | Fuzes, with exploders.            |
| Capsules, delay.                          | Gaines.                           |
| Cartridges, B.L., with tubes.             | Heads, rocket, radar echo.        |
| Cartridges, ejection.                     | Heads, T-cutters.                 |
| Cartridges, electric, H.C.                | Igniters, electric.               |
| Cartridges, electric, L.C.                | Igniters, fuze.                   |
| Cartridges, engine starter.               | Igniters, shell.                  |
| Cartridges, impulse, torpedo, cor-dite.   | Initiators, thermal.              |
| Cartridges, impulse, torpedo, gun-powder. | Motors, rocket (boxed).           |
| Cartridges, lowering under-carriage.      | Motors, rocket, H.C. (boxed).     |
| Cartridges, M.L., depth charge thrower.   | Primer detonators.                |
| Cartridges, percussion, H.C.              | Primers, electric.                |
| Cartridges, percussion, L.C.              | Primers, electric and percussion. |
| Cartridges, Q.F., H.E.                    | Primers, percussion.              |
| Cartridges, Q.F., H.E., H.C.              | Projectiles, hedgehog, weighted.  |
| Cartridges, Q.F., practice.               | Projectiles, practice, hedgerow.  |
| Cartridges, Q.F., radar echo.             | Puffs, powder, with igniter.      |
| Cartridges, Q.F., shrapnel.               | Relays, electric.                 |
| Cartridges, Q.F., star.                   | Sets, fuzing.                     |
| Cartridges, Q.F., separate.               | Shell, flare (boxed).             |
| Cartridges, Q.F., separate, gun-powder.   | Shell, H.E. (boxed).              |
| Cartridges, S.A., H.E.                    | Shell, H.E., H.C.                 |
| Cartridges, S.A., H.E./1.                 | Shell, practice (boxed).          |
| Cartridges, S.A., incendiary.             | Shell, radar echo (boxed).        |
| Charges, cased.                           | Shell, shrapnel (boxed).          |
| Ejectors, contents.                       | Shell, star (boxed).              |
|                                           | Shot, with tracer (boxed).        |
|                                           | Switches.                         |
|                                           | Tubes, electric.                  |
|                                           | Tubes, friction.                  |
|                                           | Tubes, percussion.                |

*Group 7.*

Explosives known by the following names, being explosives, either with or without components, consisting of plugged mines, metal primers, bombs or under-water ammunition, filled with high explosive:—

|                             |                             |
|-----------------------------|-----------------------------|
| Bombs, aircraft, H.E., H.C. | Mines, contact.             |
| Charges, demolition.        | Mines, underwater.          |
| Charges, line.              | Projectiles, A.S., plugged. |
| Depth charges.              | Warheads.                   |
| Mines, cases, charge.       |                             |

*Group 7A.*

Explosives known by the following name, being explosives which consist of mines, bombs or underwater ammunition, filled with high explosive and containing their own means of ignition:—

Projectiles, A.S., fused.

*Group 8.*

Explosives known by the following names, being explosives, either with or without propellants and charges, which consist of mortar or projector ammunition filled with high explosive or gunpowder, or grenades or rockets filled with high explosive:—

|                                   |                                  |
|-----------------------------------|----------------------------------|
| Bangalore torpedoes.              | Mortar ammunition, radar echo.   |
| Bombs, demolition.                | Motors, rocket, H.C., loose.     |
| Bursters, limpet.                 | Petards.                         |
| Destructors, contact.             | Primers, metal, H.E.             |
| Destructors, H.E.                 | Projectiles, H.E., hedgehog.     |
| Explosive sweeps.                 | Projectiles, H.E., hedgerow.     |
| Grenades, H.E.                    | Projector, ammunition, H.E.      |
| Grenades, H.E./H.C.               | Projector, ammunition, practice. |
| Kits, waterproofing.              | Rockets, H.E.                    |
| Mines, anti-personnel.            | Rockets, training.               |
| Mines, land.                      | Sets, initiating charges.        |
| Mortar ammunition, H.E. (light).  | Shell, H.E., rocket.             |
| Mortar ammunition, H.E. (medium). | Shell, H.E., A/C rocket.         |
| Mortar ammunition, practice.      | Switches, H.E.                   |

*Group 9.*

Explosives known by the following names, being explosives which consist of pyrotechnics:—

|                           |                            |
|---------------------------|----------------------------|
| Bombs, A.R.P.             | Heads, rocket, target.     |
| Bombs, practice, flash.   | Igniters, flame-thrower.   |
| Bombs, T.I.               | Igniters, rocket.          |
| Candles, rocket, flare.   | Igniters, smoke.           |
| Cartridges, flash.        | Indicators, A/S training.  |
| Cartridges, illuminating. | Indicators, mine, firing.  |
| Cartridges, signal.       | Lights, service.           |
| Clusters, flare.          | Mines, alarm.              |
| Crackers, blank.          | Mortar ammunition, signal. |
| Flares, ground.           | Portfires.                 |
| Flares, identification.   | Rockets, illuminating.     |
| Flares, illuminator.      | Rockets, line.             |
| Flares, reconnaissance.   | Rockets, practice.         |
| Flares, signal.           | Rockets, signal.           |
| Floats, flare.            | Signals.                   |
| Floats, smoke and flame.  | Simulators, gunflash.      |
| Grenades, signal.         | Thunderflashes.            |
| Heads, rocket, flare.     | Tracers.                   |

*Group 10.*

Explosives known by the following names, being explosives which consist of detonators or initiatory compositions:—

|                                                  |                                      |
|--------------------------------------------------|--------------------------------------|
| Composition, initiating, R.D., dry 1 oz. sample. | Fuze, mine. A.Tk., No. 3.            |
| Composition, initiating R.D., wet.               | Lead azide, wet or dry 1 oz. sample. |
| Detonators.                                      | P.E.T.N., dry 1 oz. sample.          |
| Detonator bursters.                              | R.D.X., dry 1 oz. sample.            |
| Fulminate of Mercury, dry 1 oz. sample.          | Simulators, R.F. or M.G.             |
| Fulminate of Mercury, wet.                       | Sleeves, fuze.                       |
|                                                  | Styphnic acid, dry, 1 oz. sample.    |

## EXPLOSIVES ACT

*Group 11.*

Explosives known by the following names, being explosives, either with or without components, which consist of incendiary or smoke ammunition and do not contain phosphides, white phosphorus, or inflammable liquids or gel:—

|                                           |                                            |
|-------------------------------------------|--------------------------------------------|
| Bombs, incendiary.                        | Generators, smoke.                         |
| Bombs, smoke.                             | Grenades, incendiary.                      |
| Candles, smoke.                           | Grenades, smoke.                           |
| Cartridges, Q.F., smoke.                  | Igniters, torpedo.                         |
| Cartridges, Q.F., smoke, F.M. or C.S.A.M. | Markers, smoke.                            |
| Clusters, incendiary.                     | Mortar ammunition, smoke.                  |
| Composition (Type C), S.R.                | Mortar ammunition, smoke, F.M. or C.S.A.M. |
| Composition (Type C), P.N.                | Puffs, smoke.                              |
| Composition (Type D), S.R.                | Shell, incendiary.                         |
| Composition (Type D), P.N.                | Shell, smoke.                              |
| Destructors, incendiary.                  | Shell, smoke, F.M. or C.S.A.M.             |
| Flares, incendiary.                       | Signals, drift, night.                     |
| Floats, smoke.                            |                                            |

*Group 12.*

Explosives known by the following names, being explosives, either with or without components, which consist of ammunition containing phosphide or white phosphorus:—

|                               |                                |
|-------------------------------|--------------------------------|
| Bombs, incendiary, W.P.       | Grenades, smoke, W.P.          |
| Cartridges, Q.F., smoke, W.P. | Mortar ammunition, smoke, W.P. |
| Cartridges, S.A., observing.  | Shell, smoke, W.P.             |
| Clusters, incendiary, W.P.    |                                |

*Group 13.*

Explosives known by the following names, being explosives, either with or without components, which consist of chemical ammunition:—

|                            |                              |
|----------------------------|------------------------------|
| Ampoules, chemical.        | Generators, chemical.        |
| Bombs, chemical.           | Generators, lachrymatory.    |
| Bottles, chemical.         | Grenades, lachrymatory.      |
| Composition (Type E), P.N. | Mines, chemical.             |
| Containers, chemical.      | Mortar ammunition, chemical. |
| Floats, lachrymatory.      | Shell, chemical.             |

*Group 15.*

Explosives known by the following names, being explosives, either with or without components, which consist of incendiary ammunition containing inflammable liquids or gel, but not containing phosphides or white phosphorus:—

Bombs, incendiary, liquid.

## SECOND SCHEDULE.

Regulation 9.

## REQUIREMENTS AS TO VEHICLES.

*Part I.—Approved Trailers.*

1. The vehicle shall be a four-wheeled trailer fitted with a greased turn table, a triangular drawbar and two safety chains of adequate length and strength fixed permanently to the trailer.

2. The load limit of the trailer shall not exceed four tons gross weight.

3. The front of the vehicle, the rear of the vehicle and each side of the vehicle shall bear in a conspicuous position a signboard painted white and bearing the word "EXPLOSIVES" in red letters not less than six inches in height.

4. The towing vehicle to which the trailer is attached shall be fitted with a drawbar, hook or pin coupling and two double "C" hooks or shackles to which the safety pin may be coupled.



*Part II.—Approved Vehicles.*

1. The vehicle shall carry such equipment, tools and spare parts as are ordinarily carried by a vehicle of its type.
2. The vehicle shall not be equipped with any form of lighting other than electric lighting.
3. The vehicle shall be equipped with an efficient fire extinguisher.
4. The front of the vehicle, the rear of the vehicle and each side of the vehicle shall bear in a conspicuous position a signboard painted white and bearing the word "EXPLOSIVES" in red letters not less than six inches in height.
5. The motor of the vehicle shall not be driven by a fuel other than—
  - (a) petrol; or
  - (b) oil fuel of a type which does not give off an inflammable vapour at a temperature of less than 150° Fahrenheit.
6. If the vehicle is of the type known as a semi-trailer, it shall not be fitted with a fuel tank or an electric storage battery in a position directly below that part of the body which carries the load or have an exhaust pipe which extends beneath, or comes in contact with, that part of the body which carries the load.

*Part III.—Specially Adapted Vehicles.*

1. The cabin of the vehicle shall be separated from that part of the vehicle which carries the load by a fire resistant screen which—
    - (a) shall extend at least six inches below the floor of the cabin or the floor of that part of the vehicle which carries the load, whichever is the lower; and
    - (b) shall be at least four inches from that part of the vehicle which carries the load.
  2. The battery, the exhaust pipe and, if the vehicle is petrol-driven, the fuel tank of the vehicle shall be on the cabin side of the fire resisting screen.
  3. The fuel feed pipe of the vehicle shall be fitted with a quick action cut-off which—
    - (a) if the vehicle is petrol-driven, shall be fitted as near as possible to the carburettor without there being a danger of the cut-off being involved in a fire in the carburettor; and
    - (b) if the vehicle is oil-driven, shall be fitted in a readily accessible position.
  4. The exterior of that part of the vehicle which carries the load (including the underside of the floor of that part) shall be covered with sheet-metal and the interior of that part of the vehicle which carries the load shall be lined with wood so that no ferrous metal is exposed.
  5. Any part of the vehicle, or of the fittings on the vehicle, which is constructed of wood shall be treated so as to render it as nearly non-inflammable as possible.
  6. In the case of van-type vehicles there shall be no opening, other than a close-fitting door, in that part of the vehicle which carries the load.
  7. The motor of the vehicle shall not be driven by a fuel other than—
    - (a) petrol; or
    - (b) oil fuel of a type which does not give off an inflammable vapour at a temperature of less than 150° Fahrenheit.
  8. The electric wiring of the vehicle on the load-carrying side of the fire resisting screen shall be encased in screwed conduit.
-

## FISHERIES ACT 1952-1956

## FISHERIES REGULATIONS.\*

- Citation. 1. These Regulations may be cited as the Fisheries Regulations.\*
- Commence-  
ment. 2. These Regulations shall come into operation on the first day of January, 1955.
- Interpretation. 3.—(1.) In these Regulations, unless the contrary intention appears—  
“licensing authority” means a person or authority authorized by or under the Act to grant licences and registration under section 9 of the Act in respect of proclaimed waters or an area of proclaimed waters;  
“master”, in relation to a boat, includes any person in charge of the boat;  
“the Act” means the *Fisheries Act 1952-1953*;  
“the Navigation (Collision) Regulations” means the Navigation (Collision) Regulations in force from time to time under the *Navigation Act 1912-1953*.  
(2.) In these Regulations, a reference to a form by letter shall be read as a reference to the form so lettered in the First Schedule to these Regulations.
- Licence to take fish. 4.—(1.) An application for a licence to take fish shall not be granted unless—  
(a) it is made in accordance with Form A to a licensing authority; and  
(b) it is accompanied by the prescribed fee.  
(2.) A licence to take fish shall be in accordance with Form B.
- Boat licence. 5.—(1.) An application for a licence authorizing the use of a boat in the taking of fish shall not be granted unless—  
(a) it is made in accordance with Form C to a licensing authority; and  
(b) it is accompanied by the prescribed fee (if any).  
(2.) A licence authorizing the use of a boat in the taking of fish shall be in accordance with Form D.
- Transfer of boat licence. 6.—(1.) An application for the transfer of a licence authorizing the use of a boat in the taking of fish shall not be granted unless—  
(a) it is made in accordance with Form E to a licensing authority; and  
(b) it is accompanied by the prescribed fee.  
(2.) Where a licensing authority approves an application for the transfer of a licence authorizing the use of a boat in the taking of fish, he shall endorse on the licence a memorandum of the transfer in accordance with Form F.

\* Statutory Rules 1954, No. 116; in force under the *Fisheries Act 1952-1956*; notified in the *Gazette* on 9th December, 1954; commenced on 1st January, 1955 (*see* Reg. 2).

7.—(1.) An application for registration of nets, traps or other equipment for use in the taking of fish shall not be granted unless— Registration of nets, &c.

(a) it is made in accordance with Form G to a licensing authority; and

(b) it is accompanied by the prescribed fee.

(2.) A certificate of registration of nets, traps and other equipment for use in the taking of fish shall be in accordance with Form H.

8.—(1.) Where a licence or certificate of registration granted or issued under section 9 of the Act (in this regulation referred to as “the original instrument”) has been lost or destroyed, the holder of the licence or certificate of registration may make application in writing to a licensing authority for the issue to him of a duplicate licence or certificate of registration. Lost or destroyed licences, &c.

(2.) If the licensing authority is satisfied that—

(a) the original instrument has been lost or destroyed; and

(b) no improper use has been made or is being made of the original instrument,

he may, upon payment by the applicant of the prescribed fee, issue to him a duplicate licence or certificate of registration.

(3.) A duplicate licence or certificate of registration issued under this regulation has the same force and effect as the original instrument in respect of which it is issued.

(4.) A person shall not, in or in relation to an application under this regulation, make a statement or furnish information that is false or misleading in any particular.

Penalty: One hundred pounds.

9.—(1.) Where a licence or certificate of registration granted or issued under section 9 of the Act (in this regulation referred to as “the original instrument”) has been defaced, the holder of the licence or certificate of registration may, on returning the licence or certificate of registration to a licensing authority and on payment of the prescribed fee, be issued with a duplicate licence or certificate of registration. Defaced licences, &c.

(2.) A duplicate licence or certificate of registration issued under this regulation has the same force and effect as the original instrument in respect of which it is issued.

10. The fees respectively specified in the second column of the Second Schedule to these Regulations are payable in respect of the several matters specified in the first column of that Schedule. Licence, &c., fees.

11.—(1.) Where a licensing authority grants an application for a licence authorizing the use of a boat in the taking of fish, he shall assign to the boat a distinguishing number consisting of a letter or letters followed by a number. Distinguishing number.

(2.) If—

(a) a boat in respect of which a licence under sub-section (2.) of section 9 of the Act is in force—

(i) is being or has, since the grant of the licence, been used in the taking of fish in proclaimed waters; and

- (ii) does not bear the distinguishing number assigned to it under the last preceding sub-regulation conspicuously and legibly painted on each bow, above the water line, in dark letters and figures on a light ground, or in light letters and figures on a dark ground, each letter and figure being not less than twelve inches in depth;
- (b) a boat in respect of which such a licence has been granted has ceased to be so licensed, and the distinguishing number assigned to it under the last preceding sub-regulation has not been completely obliterated or removed; or
- (c) a boat that is being used in the taking of fish in proclaimed waters has painted or displayed upon a bow a letter or letters followed by a number, not being the letter or letters and number assigned to it in pursuance of this regulation or under a law of a State,

the master and the owner of the boat shall each be deemed to be guilty of an offence against this regulation punishable on conviction by a fine not exceeding One hundred pounds.

Certain provisions of regulation 11 not to apply to boats licensed under State law.

**12.**—(1.) The provisions of paragraphs (a) and (b) of sub-regulation (2.) of the last preceding regulation do not apply to, or in relation to, a boat that—

- (a) is licensed under the law of a State to be used in the taking of fish; and
- (b) has painted or displayed on it a distinguishing number in accordance with that law.

(2.) In this regulation “distinguishing number” includes a distinguishing number consisting of a letter or letters followed by a number.

Signals and rules of navigation.

**13.**—(1.) The signals and rules of navigation prescribed by the Navigation (Collision) Regulations shall be observed by fishermen in charge of boats in proclaimed waters.

(2.) A fisherman in charge of a boat in proclaimed waters shall not—

- (a) contravene or fail to comply with a rule of navigation prescribed by the Navigation (Collision) Regulations;
- (b) fail to exhibit, display or use a light or signal required by the Navigation (Collision) Regulations to be exhibited, displayed or used; or
- (c) exhibit, display or use a light or signal other than those prescribed by the Navigation (Collision) Regulations.

Penalty: One hundred pounds.

(3.) The imposition of a penalty under this regulation does not relieve a person from civil liability for damage occasioned by his failure to observe a signal or rule of navigation required by this regulation to be observed.

Unclaimed nets, traps and equipment.

**14.**—(1.) Where an officer finds nets, traps or other fishing equipment (in this regulation referred to as “the equipment”) in proclaimed waters and the identity of the owner of the equipment is not known to the officer, he shall cause the equipment to be kept in safe custody for a period of thirty days.

(2.) If, at the expiration of the period specified in the last preceding sub-regulation, no person has claimed, and established that he is the owner of, the equipment, a notice shall be inserted once in one or more newspapers circulating in the locality of the port nearest to which the equipment was found or, if there is no such newspaper, in such newspaper as the Secretary directs, describing the equipment and the approximate locality in which it was found, and stating that if it is not claimed, and the ownership of the claimant established within fourteen days from the date of the publication of the notice, it will be sold by public auction.

(3.) After the expiration of the period specified in the notice, an officer may, if the equipment has not been claimed and the ownership of the claimant established, sell the equipment by public auction.

(4.) An officer may conduct an auction sale under this regulation without holding an auctioneer's licence under the law of the State or Territory in which the auction sale is conducted.

(5.) The proceeds of the sale of equipment under this regulation shall be paid into the Consolidated Revenue Fund.

(6.) For the purposes of the sale of equipment in pursuance of this regulation, the Commonwealth shall be deemed to be the absolute owner of the equipment.

(7.) Any equipment submitted for sale at an auction sale held in pursuance of this regulation but not sold may be disposed of in such manner as the Minister directs.

(8.) An action does not lie against the Commonwealth or any person (including a purchaser of the equipment) by reason of the sale or disposal of equipment in pursuance of this regulation.

## THE SCHEDULES.

### FIRST SCHEDULE.

FORM A.  
Regulation 4.

COMMONWEALTH OF AUSTRALIA.

*Fisheries Act 1952-1953.*

### APPLICATION FOR LICENCE TO TAKE FISH.

To the licensing authority at

I, \* of† hereby apply  
for a licence to take fish in proclaimed waters (or in the area of proclaimed waters  
specified hereunder).

*Area of Proclaimed Waters.*

‡I am not the holder of a State Fisherman's Licence.

‡I am the holder of a State Fisherman's Licence No.

at on the day of , 19 issued

Signature of applicant.

Date.

\* Name in full.

† Address in full.

‡ Strike out words not applicable.

## FISHERIES ACT

Licence No.

COMMONWEALTH OF AUSTRALIA.

FORM B.  
Regulation 4.*Fisheries Act 1952-1953.*

## LICENCE TO TAKE FISH.

Place of issue

Date of issue

Subject to the conditions specified hereunder of  
is licensed to take fish in proclaimed waters (or  
in the area of proclaimed waters specified hereunder).

*Area of Proclaimed Waters.*

This licence is granted subject to the following conditions:—

1. The holder shall comply with the provisions of the *Fisheries Act 1952-1953* and of my regulations and notices that are for the time being in force under that Act.

2.\*

Unless sooner cancelled in accordance with section 9 of the *Fisheries Act 1952-1953*, this licence shall remain in force until the thirty-first day of December, 19 .

Licensing authority.

\* Here insert any other conditions subject to which the licence is granted.

FORM C.  
Regulation 5.

COMMONWEALTH OF AUSTRALIA.

*Fisheries Act 1952-1953.*

## APPLICATION FOR BOAT LICENCE.

To the licensing authority at

I, \* of† hereby apply  
for a licence authorizing the use of the boat specified hereunder in the taking of  
fish in proclaimed waters (or in the area of proclaimed waters specified hereunder)  
during the year ending 31st December, 19 .

*Particulars of Boat.*

State boat licence No. (if any) and place and date of issue of licence:

Name:

Length:

Beam:

Draught:

Gross registered tonnage:

Navigation Survey Certificate No.:

How propelled:

Principal method of fishing for which used or intended to be used:

*Area of Proclaimed Waters.*

Dated this

day of

, 19 .

Signature of applicant.

\* Name in full.

† Address in full.

Licence No.

FORM D.  
Regulation 5.

COMMONWEALTH OF AUSTRALIA.

*Fisheries Act 1952-1953.*

BOAT LICENCE.

Place of issue Date of issue

Subject to the conditions specified hereunder, of  
is licensed to use, and to permit and suffer to  
be used, the boat specified hereunder in the taking of fish in proclaimed waters  
(or in the area of proclaimed waters specified hereunder).

*Particulars of Boat.*

Distinguishing No.:

State boat licence No.:

Name:

Length:

Beam:

Draught:

Gross registered tonnage:

Navigation Survey Certificate No.:

How propelled:

Principal method of fishing for which used or intended to be used:

*Area of Proclaimed Waters.*

This licence is granted subject to the following conditions:—

1. The holder shall comply with the provisions of the *Fisheries Act 1952-1953* and of any regulations and notices that are for the time being in force under that Act.

2.\*

Unless sooner cancelled in pursuance of section 9 of the *Fisheries Act 1952-1953*, this licence shall remain in force until the thirty-first day of December, 19 .

Licensing authority.

\* Here insert any other conditions subject to which the licence is granted.

FORM E.  
Regulation 6.

COMMONWEALTH OF AUSTRALIA.

*Fisheries Act 1952-1953.*

APPLICATION FOR TRANSFER OF BOAT LICENCE.

To the licensing authority at

I,\* of† , being the  
holder of Licence No. authorizing the use of the boat‡  
in the taking of fish in proclaimed waters (or in the area  
of proclaimed waters specified hereunder), hereby make application that the said  
licence be transferred to of .

Dated this *Area of Proclaimed Waters.*  
day of , 19 .

Signature of proposed transferor.

Witness to signature.

Address of witness.

I,\* of† , hereby apply  
that the abovementioned licence be transferred to me.

Dated this day of , 19 .  
Signature of proposed transferee.

Witness to signature.

Address of witness.

\* Name in full.

† Address in full.

‡ Here insert the name of the boat.

FORM F.  
Regulation 6.

MEMORANDUM OF TRANSFER OF BOAT LICENCE.

This licence has this day been transferred to  
of

Dated at this day of , 19 .  
Licensing authority.

## FISHERIES ACT

FORM G.  
Regulation 7.

COMMONWEALTH OF AUSTRALIA.

*Fisheries Act 1952-1953.*APPLICATION FOR REGISTRATION OF NETS, TRAPS AND OTHER  
EQUIPMENT.

To the licensing authority at

I, \*

of†

hereby apply for

registration of the following nets, traps and equipment‡ for use in the taking of  
fish in proclaimed waters (or in the area proclaimed waters specified hereunder):—

Type of equipment:

Number of units:

Description:

Dimensions:

Area of proclaimed waters:

Dated this

day of

, 19

Signature of applicant.

\* Name in full.

† Address in full.

‡ Strike out any words not applicable.

FORM H.

Regulation 7.

COMMONWEALTH OF AUSTRALIA.

*Fisheries Act 1952-1953.*CERTIFICATE OF REGISTRATION OF NETS, TRAPS AND OTHER  
EQUIPMENT.

This is to certify that, subject to the conditions specified hereunder,  
of has been granted  
registration of the following nets, traps and equipment for use in the taking of  
fish in proclaimed waters (or in the area of proclaimed waters specified hereunder):—

Type of equipment:

Number of units:

Description:

Dimensions:

Area of proclaimed waters:

The abovementioned registration is subject to the following conditions:—

1. The said shall comply with the provisions of the  
*Fisheries Act 1952-1953* and of any regulations and notices that are for  
the time being in force under that Act.

2. \*

Unless sooner cancelled in pursuance of section 9 of the *Fisheries Act 1952-1953*,  
the abovementioned registration shall remain in force until the thirty-first day of  
December, 19 .

Licensing authority.

\*Here insert any other conditions subject to which the registration is granted.

## SECOND SCHEDULE.

Regulation 10.

## FEES.

| First Column.<br>Matter.                                                                                     | Second<br>Column.<br>Fee. |
|--------------------------------------------------------------------------------------------------------------|---------------------------|
|                                                                                                              | £ s. d.                   |
| Grant of application for licence to take fish .. .. .                                                        | 0 10 0                    |
| Grant of application for licence authorizing the use of a boat in the<br>taking of fish—                     |                           |
| Where the length of the boat does not exceed 50 feet .. .. .                                                 | 0 10 0                    |
| Where the length of the boat exceeds 50 feet but the tonnage of<br>the boat does not exceed 100 tons .. .. . | 1 0 0                     |
| Where the tonnage of the boat exceeds 100 tons .. .. .                                                       | 2 0 0                     |
| Transfer of licence authorizing the use of a boat in the taking of fish ..                                   | 0 2 6                     |
| Duplicate of lost, destroyed or defaced licence .. .. .                                                      | 0 2 6                     |



## FLAX FIBRE BOUNTY ACT 1954

## FLAX FIBRE BOUNTY REGULATIONS.\*

1. These Regulations may be cited as the Flax Fibre Bounty Regulations.\* Citation.

2.—(1.) In these Regulations, unless the contrary intention appears— Interpretation.

“authorized agent” means a person appointed in pursuance of regulation 3 of these Regulations to be an authorized agent for the purposes of these Regulations;

“quarter” means the period of three months which commences on the first day of November, the first day of February, the first day of May or the first day of August in each of the years to which the Act applies;

“the Act” means the *Flax Fibre Bounty Act 1954*.

(2.) In these Regulations, a reference to a form by number shall be read as a reference to the form so numbered in the Schedule to these Regulations.

3.—(1.) A producer may appoint a person to be his authorized agent Authorized agents. for the purposes of executing on his behalf a notice, declaration, certificate or document which the producer is required to execute by, or for the purposes of, the Act or these Regulations.

(2.) An authorized agent may execute on behalf of the producer such a notice, declaration, certificate or document.

(3.) Where a notice, declaration, certificate or document has been executed by an authorized agent, the producer is subject to the same liabilities and penalties as if he had executed the notice, declaration, certificate or document.

(4.) The appointment of an authorized agent shall be in accordance with Form I and shall be—

(a) signed by the producer in the presence of a witness; and

(b) lodged by the producer with the Collector for the State in which the producer produces flax fibre.

4.—(1.) An application for bounty on flax fibre shall be lodged with the Collector for the State in which the flax fibre was produced not later than sixty days after the expiration of the quarter in which the flax fibre was sold by the producer for delivery in Australia. Application for bounty.

(2.) An application for bounty shall contain particulars of flax fibre produced in the quarter in respect of which the application is lodged, in addition to the particulars of the flax fibre sold for delivery in Australia in the quarter.

\* Statutory Rules 1955, No. 3; in force under the *Flax Fibre Bounty Act 1954*; notified in the *Gazette* and commenced on 13th January, 1955.

(4.) An application for bounty and the accompanying declaration shall be in accordance with Form 2.

## FORM 1.

**Regulation 3.**

COMMONWEALTH OF AUSTRALIA.

*Flax Fibre Bounty Act 1954.*

APPOINTMENT OF AUTHORIZED AGENT.

(b) Insert name, address and description of authorized agent.

Dated at                      this                      day of                      , 19                      .

(c)Signature of producer.

(c)

(d) Signature and address of witness. (d)

|                         |     |
|-------------------------|-----|
| (e) Signature of agent. | (e) |
|-------------------------|-----|

FORM 2.

Regulation 4.

COMMONWEALTH OF AUSTRALIA.

*Flax Fibre Bounty Act 1954.*

## APPLICATION FOR BOUNTY.

To the Collector of Customs for the State of \_\_\_\_\_.

(a) Insert name and address of producer. I, (a) \_\_\_\_\_, hereby apply for bounty in respect of flax fibre

(b) Insert address of factory.      produced by me in a factory situated at (b)      on or after the first day of November, 1954, and sold for delivery in Australia during the quarter

The particulars relating to the flax fibre produced in the quarter and the flax fibre for which bounty is applied for are as follows:—

| Pounds Weight of<br>Flax Fibre Produced<br>in the Quarter. | Pounds Weight of<br>Flax Fibre Sold in<br>the Quarter. | Date of<br>Sale. | Rate of<br>Bounty. | Amount of Bounty<br>Claimed. |
|------------------------------------------------------------|--------------------------------------------------------|------------------|--------------------|------------------------------|
|                                                            |                                                        |                  |                    |                              |
|                                                            |                                                        |                  | Total ..           |                              |

DECLARATION.

I, (c)

hereby declare—

(c) Insert full name, address and occupation of person declaring.

1. That I am the (d) foregoing application for bounty.

of the flax fibre specified in the (d) Insert “producer” or “authorized agent of the producer” whichever is applicable.

2. That the flax fibre was produced in premises registered by the Minister for Trade and Customs as a factory under the *Flax Fibre Bounty Act 1954*.

3. That the particulars relating to the flax fibre set out in the foregoing application for bounty are true and correct in every particular.

4. That the whole of the flax fibre for which bounty is applied for in the foregoing application for bounty is of good and merchantable quality.

5. That the whole of the flax fibre specified in the foregoing application for bounty was produced at the factory specified in the application on or after the first day of November, 1954, from flax plants grown in Australia.

6. That the flax fibre for which bounty is applied for in the foregoing application for bounty was sold by the producer for delivery in Australia.

7. That nothing on my part has been done or omitted to be done, and, to the best of my knowledge and belief, nothing on the part of any other person has been done or omitted to be done, whereby the right of the producer to bounty has been forfeited or taken away.

8. That to the best of my knowledge and belief, no other application for bounty has been made, nor has any bounty been paid, in respect of the flax fibre for which bounty is applied for in the foregoing application for bounty.

Declared at

this

day of

, 19

(e)

(e) Signature of person declaring.

(f)

(f) Signature of witness.

(g)

(g) Occupation and address of witness.

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## FORESTRY AND TIMBER BUREAU ACT 1930-1953

**BOARD OF HIGHER FORESTRY EDUCATION REGULATIONS.\***

Citation.

1. These Regulations may be cited as the Board of Higher Forestry Education Regulations.\*

Definitions.

2. In these Regulations, unless the contrary intention appears—  
 “committee” means a committee appointed by the Board;  
 “member” means a member of the Board, and includes a deputy of a member;  
 “the Board” means the Board of Higher Forestry Education;  
 “the Chairman” means the Chairman of the Board;  
 “the School” means the Australian Forestry School established by the Forestry Bureau.

Powers and functions of Board.

Amended by 1947, No. 111.

3. The powers and functions of the Board shall be as follows:—  
 (a) To advise the Director-General on the following matters:—  
     (i) The diploma course of the School;  
     (ii) The examination of candidates for the diploma of the School;  
     (iii) The issue of the diploma of the School to successful candidates; and  
     (iv) Conditions governing the award of prizes and scholarships under the terms and conditions of any benefaction;  
 (b) To consider syllabuses of pre-requisite courses leading to the diploma course of the School arranged by the respective Universities, and to make recommendations to the Universities thereon;  
 (c) To bring to the notice of the Minister and Commonwealth and State Forestry Authorities and Universities resolutions of the Board and matters relating to higher forestry education; and  
 (d) To make reports and recommendations to the Director-General relating to—  
     (i) staff required for lecturing and instructional purposes in connexion with the diploma course of the School;  
     (ii) the filling of vacancies on the lecturing and instructional staff of the School; and  
     (iii) the performance of secretarial duties on behalf of the Board, and the filling of any vacancy in any secretarial position of the Board.

Chairman.

4.—(1.) At the Annual General Meeting of the Board, the members of the Board shall elect a Chairman, who shall hold office until the next Annual General Meeting, and shall be eligible for re-election.

(2.) In the event of a casual vacancy in the office of Chairman, the members of the Board shall, at the next meeting of the Board after the vacancy occurs, appoint a member to be the Chairman until the next Annual General Meeting of the Board.

\* The Board of Higher Forestry Education Regulations in force under the *Forestry and Timber Bureau Act 1930-1953* comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|---------------------|------------------------------------------|-----------------------|
| 1945, No. 27 .. ..  | 8th March, 1945 .. ..                    | 8th March, 1945       |
| 1947, No. 111 .. .. | 7th August, 1947 .. ..                   | 28th February, 1947   |

NOTE:—Statutory Rules 1947, No. 23, which purported to amend these Regulations, were not tabled within the prescribed time and, by virtue of Section 48 (3.) of the *Acts Interpretation Act 1901-1950*, are void and of no effect.

(3.) At any meeting of the Board at which the Chairman is not present, the members present shall elect one of their number to act as Chairman, and the member so elected shall, at that meeting, have all the powers and functions of the Chairman.

5.—(1.) Meetings of the Board shall be held at such times and places as the Board determines or as are fixed in pursuance of any resolution of the Board. Meetings of Board.

(2.) A meeting of the Board, to be known as the Annual General Meeting, shall be held in every year.

(3.) The Minister may at any time call an extraordinary meeting of the Board.

(4.) Notice of meetings (other than meetings called by the Minister) shall give such length of notice and shall be given in such manner as the Board from time to time determines.

(5.) Notice of a meeting called by the Minister shall give such length of notice and shall be given in such manner as the Minister thinks fit.

6.—(1.) At all meetings of the Board or of a committee, a majority of the members shall constitute a quorum. Quorum, voting, &c.

(2.) All questions before the Board or a committee shall be decided by a majority of votes.

(3.) The Chairman, in addition to his deliberative vote or votes, shall also have, in the case of an equality of votes, a casting vote.

(4.) The Board may adopt standing orders for the conduct of its meetings.

7.—(1.) A motion by a member of the Board may be submitted and voted on by the members of the Board by post, without a meeting of the Board being held. Voting by post.

(2.) On any motion so submitted, each member shall have the same number of votes as he would have at a meeting of the Board, and the motion shall be decided by a majority of the votes recorded. In the event of an equality of votes, the Chairman shall have a casting vote.

(3.) A member of the Board desiring to submit a motion in pursuance of this regulation shall forward the motion by post to the Secretary, who shall forthwith deliver the motion to the Chairman.

(4.) If the motion is received by the Chairman more than eight weeks before the time at which the next meeting of the Board is to be held, the Chairman shall cause the Secretary to submit the motion, by post, to all members, specifying the last day of the period during which votes will be received, being a period of not less than three weeks commencing from the day by which the motion would, in the ordinary course of the post, have reached all members.

(5.) The Secretary shall deliver to the Chairman all votes on any such motion which are received by him on or before the day so specified.

(6.) A member may, instead of, or in addition to, recording his vote, notify the Secretary that he desires the motion to be postponed until the next meeting of the Board.

(7.) The Secretary shall refer to the Chairman all such notices received on or before the last day for receiving votes and the Chairman shall, if not less than three such notices are received, postpone the motion until the next meeting of the Board.

(8.) Except in any case in which the last preceding sub-regulation applies, the Chairman shall count all votes duly received, and cause the result of the ballot to be entered in the minutes of the Board and notified to all members.

## GIFT DUTY ASSESSMENT ACT 1941-1953

## GIFT DUTY REGULATIONS.\*

## PART I.—PRELIMINARY.

- Citation.** 1. These Regulations may be cited as the Gift Duty Regulations.\*
- Parts.** 2. These Regulations are divided into Parts as follows†:—
- Part I.—Preliminary.
- Part II.—Administration.
- Part III.—Returns.
- Part IV.—Collection and Recovery of Gift Duty.
- Part V.—Objections and Appeals.
- Part VI.—Miscellaneous.
- Definitions.** 3.—(1.) In these Regulations, unless the contrary intention appears—
- “Board” means a Valuation Board or a Board of Review, as the case may be;
- “the Act” means the *Gift Duty Assessment Act* 1941, and, when considered in relation to any time, means that Act, or, if it has been amended, that Act as amended, as in force at that time.
- (2.) For the purposes of these Regulations—
- (a) the Australian Capital Territory shall be deemed to be part of the State of New South Wales; and
- (b) the Northern Territory shall be deemed to be a separate State.

## PART II.—ADMINISTRATION.

Oath or  
declaration  
of secrecy.

4. The Oath or Declaration which an officer may be required to make in pursuance of sub-section (6.) of section 10 of the Act shall be in accordance with Form 2 or Form 3, as the case may be, in the Schedule to these Regulations.

\* Statutory Rules 1941, No. 312; in force under the *Gift Duty Assessment Act* 1941-1953; notified in the *Gazette* and commenced on 18th December, 1941.

† The regulations contained in the various Parts of these Regulations are as follows:—

Part I., rr. 1-3;  
Part II., r. 4;  
Part III., rr. 5-14;  
Part IV., rr. 15-24;  
Part V., rr. 25-33;  
Part VI., rr. 34-42.

PART III.—RETURNS.

5. Subject to these Regulations every return furnished in pursuance of section 19 of the Act—

Furnishing of returns in pursuance of section 19 of the Act.

(a) shall be in accordance with Form 1 in the Schedule to these Regulations; and

(b) shall be furnished to the Commissioner—

(i) at the office of the Deputy Commissioner in the State in which the donor resides; or

(ii) if the donor is not resident in Australia, at the office of the Deputy Commissioner, Central Office, Melbourne.

6. Every return required by the Commissioner shall be prepared and furnished in accordance with such form and lodged at such office within such time as the Commissioner specifies in the requirement.

Furnishing of returns required by Commissioner.

7. The Commissioner, Second Commissioner or a Deputy Commissioner may at any time accept a return in a form substantially similar to a prescribed form.

Substantial compliance with form.

8. The Commissioner, Second Commissioner, or a Deputy Commissioner may at any time by notice in writing grant an extension of the time for furnishing a return.

Extension of time.

9.—(1.) Subject to sub-regulation (2.) of this regulation, every return shall be signed and declared by the person making the return.

Signature to returns.

(2.) Where the person making the return is unable to write, the Commissioner, Second Commissioner or a Deputy Commissioner may accept a return if—

(a) that person affixes his mark thereto as a signature;

(b) the mark is attested by a witness; and

(c) the witness certifies on the return that the return was read over to that person and he fully understood and approved the contents thereof and freely and voluntarily affixed his mark thereto as a signature.

10. A return shall be deemed not to have been duly furnished to the Commissioner unless and until—

When return deemed to be furnished.

(a) the proper form in accordance with these Regulations, duly signed by the person making the return, and containing a full, true and complete statement of all matters and things required to be stated therein by the Act, these Regulations, the Commissioner and the form itself; and

(b) all documents and copies which, by the Act, these Regulations or the Commissioner, are required to be furnished with the return

have, at the place where, under these Regulations, the return is to be furnished, been received by an officer authorized by the Commissioner to receive returns.

11. The person making the return shall, in the return, give an address in Australia for service.

Notice of address.

Notice of  
change of  
address.

**12.** Any person making a return who changes his address, shall, within one month after the change, give to the Commissioner, at the place where the return was furnished, notice in writing, of his new address in Australia for service.

Failure to  
notify change  
of address.

**13.** Any such person who changes his address and fails to give to the Commissioner notice in writing of his new address in Australia for service shall not be permitted to plead that change of address as a defence in any proceedings (whether civil or criminal) instituted against him under the Act or these Regulations.

Annotations  
on returns.

**14.—(1.)** The Commissioner may cause or permit his officers to make on any return such marks, figures and annotations as the Commissioner thinks fit.

**(2.)** The marks, figures and annotations shall be made in ink of a colour different from that of the ink used in the return.

#### PART IV.—COLLECTION AND RECOVERY OF GIFT DUTY.

How duty may  
be paid.

**15.** Gift duty may be paid—

- (a) by delivery of cash, bank notes or cheques at the office of the Commissioner or of any Deputy Commissioner;
- (b) by remitting the duty to the Commissioner or any Deputy Commissioner by bank draft, cheque, postal money order or postal note payable in the city to which the remittance is sent; or
- (c) by depositing the net amount of the duty to the credit of the Commissioner or a Deputy Commissioner at any branch of the Commonwealth Bank of Australia.

Post Office  
to be agent  
of remitter.

**16.** Where a remittance is posted by any person addressed to the Commissioner or a Deputy Commissioner, the Post Office shall be deemed to be the agent of the remitter, and payments shall not be deemed to have been made until the remittance has been received by the addressee.

Payment by  
cheque.

**17.** Where a cheque has been delivered or remitted to the Commissioner or a Deputy Commissioner in payment of gift duty, the duty shall, notwithstanding any receipt given therefor, be deemed not to have been paid until the amount for which the cheque is drawn has been collected.

Receipts to  
be issued.

**18.** Receipts for gift duty may be issued by such persons as the Commissioner, Second Commissioner or a Deputy Commissioner authorizes.

Payment of  
gift duty.

**19.** Except with the express consent of the Commissioner, Second Commissioner or a Deputy Commissioner, no money shall be accepted on account or in part payment of gift duty.

Postage to  
be prepaid.

**20.** The postage on every return, statement, communication, remittance, or other matter sent by post, addressed to the Commissioner, Second Commissioner or a Deputy Commissioner, shall be fully prepaid by the sender.



**21.** When any sum is received as payment of gift duty, the Commissioner or Deputy Commissioner, as the case may be, shall first deduct therefrom the amount of postage and surcharge (if any) paid upon unstamped or insufficiently stamped matter received through the post from the donor or donee and shall credit in payment of duty only the net amount then remaining.

Deficient postage.

**22.** In any action against a person for the recovery of gift duty, a certificate in writing, signed by the Commissioner, the Second Commissioner or a Deputy Commissioner, certifying that—

Certificate as to service of notice of assessment, &c.

- (a) the person named in the certificate is the person liable under the Act to pay gift duty;
- (b) the assessment of gift duty was duly made against him in respect of the gift mentioned in the certificate;
- (c) the particulars of the assessment are as stated in the certificate;
- (d) notice of the assessment was duly served upon him;
- (e) the sum named in the certificate was, at the date of the certificate, due by him to the King on behalf of the Commonwealth in respect of gift duty,

shall be *prima facie* evidence of the facts stated in the certificate.

**23.** In any action for the recovery of gift duty, evidence may be given by affidavit, but the Court may require the deponent to attend for the purpose of being cross-examined.

Evidence by affidavit.

**24.** Any officer authorized in writing by the Commissioner, the Second Commissioner or a Deputy Commissioner, whether generally or in respect of any special proceedings, may appear on behalf of the Commissioner or a Deputy Commissioner before any County Court, District Court, Local Court or Court of Summary jurisdiction in any suit instituted in the name of the Commissioner or a Deputy Commissioner for the recovery of any duty unpaid, including any further or additional duty, or in any prosecution under Part VII. of the Act, and any officer so appearing shall be deemed to represent the Commissioner or a Deputy Commissioner, as the case may be, and shall be entitled to conduct the proceedings on his behalf and to give evidence.

Officer may appear for Commissioner.

#### PART V.—OBJECTIONS AND APPEALS.

**25.** An objection under the provisions of sub-section (1.) of section 31 of the Act against an assessment shall be posted to, or lodged with, the Commissioner at the address from which the notice of assessment objected to was issued.

Objections.

**26.—(1.)** The Commissioner, in referring a decision to a Valuation Board in accordance with sub-section (1.) of section 32 or to a Board of Review in accordance with sub-section (1.) of section 33 of the Act, shall furnish the Chairman of the Valuation Board or Board of Review, as the case may be, with printed or typewritten statements in quadruplicate containing—

Particulars to be supplied by Commissioner.

- (a) the name and address of the objector;
- (b) full details of the objector's claims as made to the Commissioner;
- (c) the Commissioner's reasons for disallowing the objector's claims.

(2.) The Commissioner shall at the same time furnish the objector with a copy of the statements referred to in sub-paragraphs (b) and (c) of the last preceding sub-regulation.

Notice of  
review.

**27.**—(1.) The Chairman of a Valuation Board or Board of Review shall cause notice to be served upon the Commissioner and the objector of the date on which the review is to take place.

(2.) Notice of a review shall be given not less than fourteen days prior to the date on which the review is to take place.

(3.) A notice under this regulation may be served either personally or by post, and, if served by post, service shall be effected by properly addressing, prepaying and posting the notice as a letter, and, unless the contrary is proved, service shall be deemed to have been effected at the time when the letter would have been delivered in the ordinary course of post.

Order, place  
and time of  
review.

**28.**—(1.) All references for the purpose of review by a Valuation Board and all references for the purpose of review by a Board of Review shall respectively be numbered consecutively and, unless the Chairman of the Board otherwise directs, the review shall take place in the order in which the references are received in respect of each State by that Board.

(2.) The sittings of a Board for purposes of reviews shall be held in such place or places and at such time or times as are fixed by the Chairman of the Board.

(3.) A Board shall not be required to sit on public holidays or during a yearly vacation of three weeks commencing on the twenty-fifth day of December.

Conduct of  
reviews.

**29.**—(1.) Subject to this Part, reviews by a Board shall be conducted as the Chairman from time to time directs.

(2.) All reviews shall take place *in camera* unless the objector otherwise elects.

(3.) Where a review takes place in public the decision shall be given at a public meeting of the Board.

(4.) Either party to a review may nominate a person to represent him at the review.

(5.) The Chairman of a Board may adjourn any review from time to time as he thinks fit.

Evidence.

**30.**—(1.) A Board shall take all oral evidence on oath or affirmation, and for that purpose the Chairman of the Board, or in the absence of the Chairman, the Acting Chairman, shall have power to administer oaths and affirmations.

(2.) The Chairman of the Board may, and, at the request of the Commissioner or the person representing the Commissioner at the review, shall, by notice in writing, require any person—

(a) to furnish the Board with such information as, in the opinion of the Commissioner or the person representing the Commissioner at the review, is necessary for the purpose of the review; and

(b) to attend and give evidence before the Board concerning any matter relevant to the review and may require him to produce all books, documents and other papers whatever in his custody or under his control relating thereto.

(3.) The expenses to be allowed to any person required to attend and give evidence under the last preceding sub-regulation shall be as prescribed by regulation 41 of these Regulations.

**31.** A Board shall give a written decision on each review and shall forward copies of the decision to the Commissioner and to the objector, and the Commissioner shall, unless the decision has been appealed from, or the objection is the subject of an undecided reference on other grounds, give effect to the decision within sixty days after receipt thereof. Decisions of a Board.

**32.—(1.)** The time within which a Board may re-open a review in accordance with the proviso to sub-section (5.) of section 32 or sub-section (5.) of section 33 of the Act shall be thirty days. Re-opening of reviews.

(2.) Notice of such re-opening shall be served upon the Commissioner and the objector as prescribed by regulation 25 of these Regulations.

**33.—(1.)** All communications to a Valuation Board shall be addressed to the Chairman of the Land Valuation Board, Commonwealth Buildings, Treasury Gardens, Melbourne. Communications to Board.

(2.) All communications to a Board of Review shall be addressed to the Chairman of the Board of Review, Commonwealth Bank Buildings, Castlereagh-street, Sydney.

#### PART VI.—MISCELLANEOUS.

**34.** Any notice or other communication by or on behalf of the Commissioner may be served upon any donor, donee or other person— Service of notices, &c.

- (a) by causing it to be served personally on him;
- (b) by leaving it at his address for service; or
- (c) by posting it by prepaid letter post addressed to him at his address for service,

and in any case to which paragraph (c) of this regulation applies, service thereof shall, unless the contrary is proved, be deemed to have been effected at the time when it would, in the ordinary course of post, have arrived at the place to which it was addressed.

**35.** Any notice to be given by the Commissioner may be given by an officer of the Commissioner duly authorized in that behalf, and any notice purporting to be signed by the authority of the Commissioner shall be as valid and effectual for all purposes as if signed by the Commissioner in person. Signatures.

**36.—(1.)** Any certificate, notice or other document bearing the written, stamped or printed signature of the Commissioner, the Second Commissioner or a Deputy Commissioner shall, until the contrary is proved, be deemed to have been duly signed by the person by whom it purports to have been signed. Signatures deemed to be duly signed.

(2.) Judicial notice shall be taken of every such signature and of the fact that the person whose signature it purports to be holds, or has held, the office of Commissioner, Second Commissioner or Deputy Commissioner, as the case may be.

Onus of proof.

**37.** In any proceedings against a person for failing or neglecting duly to furnish a return, a certificate in writing signed by the Commissioner, Second Commissioner or Deputy Commissioner at whose office the return should have been furnished, certifying that no return has been received from that person by any officer authorized by the Commissioner to receive returns at the place where, under these Regulations, a return should have been furnished, shall be *prima facie* evidence that the defendant has failed or neglected duly to furnish a return.

Copies or extracts certified by the Commissioner to be received in evidence.

**38.** A writing certified by the Commissioner, the Second Commissioner or a Deputy Commissioner to be a true copy of, or a true extract from, any assessment, return, list, declaration, statement, book, document, or writing of any nature whatsoever in the custody of the Commissioner or of an officer of the Commissioner shall, for all purposes, be *prima facie* evidence of the original of which it purports to be a copy or extract, and shall be receivable in evidence to the same extent as the original.

Commissioner may specify time in which act is to be done.

**39.** Wherever the Commissioner, in the exercise of any power conferred upon him by the Act or these Regulations, requires any person to do any act, the requirement may specify the period (not being in any case less than seven days) within which the act shall be done.

Where prosecution will be instituted.

**40.** A prosecution under sections 43 or 46 of the Act for failing or neglecting duly to furnish a return, or for knowingly and wilfully making and delivering a false return, may, at the option of the prosecutor, be instituted in a court of summary jurisdiction, having jurisdiction either at the place where, under these Regulations, the return is to be furnished or at the usual or last known place of business or abode of the defendant.

Expenses of witnesses.

**41.** Any person required under section 39 of the Act to attend and give evidence shall be entitled to be reimbursed the sum (not exceeding in any case One pound per diem) actually and necessarily lost by him by reason of his attendance and, in addition, if the person resides more than four miles from the place of hearing, such sum for travelling expenses (not exceeding the sum actually paid) as the person conducting the inquiry thinks reasonable.

Calculation of value of life interest.

**42.—(1.)** Wherever it is necessary for the purpose of the Act to calculate the value of a life interest or an interest for a period certain, the value shall be calculated in accordance with the appropriate value of One pound per annum shown in any standard set of tables for calculation of values on a four and one-half per centum basis.

(2.) The appropriate value based upon the same periods of rest between the payments as are specified in the instrument creating the interest shall be employed.

(3.) Where the instrument creating the interest does not specify any period of rest between payments, the appropriate value based upon annual payments shall be employed.

THE SCHEDULE.

FORM 1.

COMMONWEALTH OF AUSTRALIA.

*Gift Duty Assessment Act 1941.*

RETURN UNDER SECTION 19.

Sec. 19.

Reg. 5.

File No. .

*Part A.*

Name in full of Donor

Address of Donor

Occupation of Donor

Name in full of Donee

Occupation and address of Donee

Relationship of Donee (if any) by ties of blood or marriage to Donor

Date of Gift

Name of Person furnishing return

Address for Service of notices, etc.

DECLARATION.

I,

do solemnly and sincerely declare—

Donor, Donee,  
or Trustee of  
Donee.

1. That the statement hereafter made and marked Part B contains true and full particulars of all property both real and personal comprised in the gift made by the above-named donor to the above-named donee on the above-mentioned date.

2. That the value of the property set forth in such particulars is to the best of my knowledge and belief the true and full value of the said property as at the time of the making of the gift of the property.

3. That to the best of my knowledge and belief the donee is not entitled as against the donor or any other person, or as against any other property, to any right of indemnity or contribution in respect of the encumbrances affecting the property as set out in the statement.

4. That, with the exception of gifts exempt under the provisions of section 14 of the Act no other gift (except those set out in Part C), whether to the same or any other donee, has been made by the abovenamed donor at the same time or within the period of eighteen months immediately preceding the date of the gift referred to above.

5. That the particulars set out in Part C are, to the best of my knowledge and belief, true and correct. Strike out if  
not applicable.

6. That the document attached hereto, and marked "D", is a true copy of the instrument creating or evidencing the said gift made on the above-mentioned date.

And I make this solemn declaration by virtue of the *Statutory Declarations Act 1911-1922* conscientiously believing the statements herein to be true in every particular.

Declared at  
said  
this                      day of  
One thousand nine hundred and  
before me—                      \* }

\* To be declared before a Police, Stipendiary, or Special Magistrate, a Justice of the Peace, a Commissioner for Affidavits, a Commissioner for Declarations or a Notary Public.

NOTE.—This return should be lodged with the Deputy Federal Commissioner of Taxation for the State in which the donor resides, or if the donor is not resident in Australia—at the office of the Deputy Commissioner of Taxation, London Stores Building, Elizabeth-street, Melbourne.

## GIFT DUTY ASSESSMENT ACT

*Part B.*PARTICULARS AND VALUE OF PROPERTY COMPRISED IN THE GIFT  
HEREINBEFORE REFERRED TO.

| Date of gift. | Particulars of property.*        | Consideration<br>(if any). | No. of<br>Schedule<br>(if any). | Value,<br>irrespective<br>of consideration. |  |  |
|---------------|----------------------------------|----------------------------|---------------------------------|---------------------------------------------|--|--|
|               |                                  |                            |                                 |                                             |  |  |
|               | Total amount of consideration, £ |                            | Total value, £                  |                                             |  |  |

PARTICULARS OF ENCUMBRANCES EXISTING UPON THE PROPERTY COMPRISED IN  
THE GIFT HEREINBEFORE REFERRED TO AS TO WHICH THERE IS NO RIGHT  
OF INDEMNITY AGAINST THE DONOR OR ANY OTHER PERSON OR ESTATE.

| Date of<br>encumbrance. | Name and address of person<br>holding encumbrance.<br>(Mortgagee, &c.). | Nature of encumbrance and<br>property charged therewith. | Amount owing. |  |  |
|-------------------------|-------------------------------------------------------------------------|----------------------------------------------------------|---------------|--|--|
|                         |                                                                         |                                                          |               |  |  |
|                         |                                                                         |                                                          | £             |  |  |

*Part C.*PARTICULARS OF OTHER GIFTS MADE AT THE SAME TIME OR WITHIN THE PERIOD  
OF EIGHTEEN MONTHS IMMEDIATELY PRECEDING THE DATE OF THE ABOVE-  
MENTIONED GIFT.

| Date of<br>gift. | Name and<br>address of<br>donee. | Particulars of<br>property.* | Consideration<br>(if any). | No. of Schedule<br>(if any). | Value<br>irrespective of<br>consideration. |  |  |
|------------------|----------------------------------|------------------------------|----------------------------|------------------------------|--------------------------------------------|--|--|
|                  |                                  |                              |                            |                              |                                            |  |  |
|                  |                                  |                              |                            |                              | £                                          |  |  |

\* Where gift comprises real or leasehold estate references to titles and full descriptions should be supplied.

FORM 2.

Sec. 10.  
Reg. 4.

COMMONWEALTH OF AUSTRALIA.

*Gift Duty Assessment Act 1941.*

OFFICER'S OATH OF SECRECY.

I, \_\_\_\_\_ of \_\_\_\_\_ in the  
State of \_\_\_\_\_ in the Commonwealth of Australia, being  
an officer within the meaning of section 10 of the *Gift Duty Assessment Act 1941*,  
do swear that I will not, either directly or indirectly, except as permitted under  
the said section, and either while I am, or after I cease to be, an officer, make a  
record of, or divulge or communicate to any person, any information respecting the  
affairs of any other person disclosed or obtained under the provisions of the *Gift  
Duty Assessment Act 1941*, or of any amendment thereof.

SO HELP ME GOD.

*Signature.*

Sworn and subscribed at \_\_\_\_\_ in the State of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, before me—

Justice of the Peace for the State }  
of }

*Signature.*

FORM 3.

Sec. 10.  
Reg. 4.

COMMONWEALTH OF AUSTRALIA.

*Gift Duty Assessment Act 1941.*

OFFICER'S DECLARATION OF SECRECY.

I, \_\_\_\_\_ of \_\_\_\_\_ in the  
State of \_\_\_\_\_ in the Commonwealth of Australia, being  
an officer within the meaning of section 10 of the *Gift Duty Assessment Act 1941*,  
do solemnly and sincerely declare that I will not, either directly or indirectly, except  
as permitted under the said section, and either while I am, or after I cease to be,  
an officer, make a record of, or divulge or communicate to any person any information  
respecting the affairs of any other person, disclosed or obtained under the provisions  
of the *Gift Duty Assessment Act 1941*, or of any amendment thereof.

*Signature.*

Declared at \_\_\_\_\_ in the State of \_\_\_\_\_  
this \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_\_, before me.

Justice of the Peace for the State }  
of }  
Commissioner for Declarations. }

*Signature.*

## HIGH COMMISSIONER ACT 1909-1952

## HIGH COMMISSIONER (STAFF) REGULATIONS.\*

## PART I.—PRELIMINARY.

Citation.

1. These Regulations may be cited as the High Commissioner (Staff) Regulations.\*

Parts.

Amended by  
1946, No. 50.

2. These Regulations are divided into Parts, as follows†:—

PART I.—PRELIMINARY.

PART IA.—DEPUTY HIGH COMMISSIONER.

PART II.—CLASSIFICATION AND SALARIES.

PART III.—OFFICERS OF THE FIRST AND SECOND CLASSES.

*Division I.—Appointments, Promotions and Transfers.*

*Division II.—Leave of Absence.*

*Division III.—Overtime and Allowances.*

*Division IV.—Offences.*

*Division V.—Retirement.*

*Division VI.—Miscellaneous.*

PART IV.—OFFICERS OF THE THIRD CLASS.

PART V.—ATTENDANCE, HOURS OF DUTY AND HOLIDAYS.

PART VI.—MISCELLANEOUS.

\* The High Commissioner (Staff) Regulations in force under the *High Commissioner Act 1909-1952* comprise the following Statutory Rules:—

| Year and Number.      | Date of Notification in <i>Gazette</i><br>and of Commencement. |
|-----------------------|----------------------------------------------------------------|
| 1941, No. 258 .. .. . | 6th November, 1941                                             |
| 1943, No. 73 .. .. .  | 25th March, 1943                                               |
| 300 .. .. .           | 16th December, 1943                                            |
| 1944, No. 172 .. .. . | 30th November, 1944                                            |
| 1946, No. 50 .. .. .  | 7th March, 1946                                                |
| 97 .. .. .            | 6th June, 1946                                                 |
| 1948, No. 58 .. .. .  | 17th May, 1948                                                 |
| 1949, No. 11 .. .. .  | 24th February, 1949                                            |
| 79 .. .. .            | 20th October, 1949                                             |
| 1950, No. 45 .. .. .  | 18th August, 1950                                              |
| 1952, No. 21 .. .. .  | 3rd April, 1952                                                |
| 95 .. .. .            | 6th November, 1952                                             |
| 1954, No. 75 .. .. .  | 10th June, 1954                                                |
| 1955, No. 72 .. .. .  | 27th October, 1955                                             |

† The regulations contained in the various Parts and Divisions of Parts of these Regulations are as follows:—

Part I., rr. 1-5;  
 Part IA., r. 5A;  
 Part II., rr. 6-13;  
 Part III., Divsn. I., rr. 15-23;  
                   Divsn. II., rr. 24-43;  
                   Divsn. III., rr. 44-61;  
                   Divsn. IV., rr. 62-65;  
                   Divsn. V., rr. 66-68;  
                   Divsn. VI., rr. 69-70;  
 Part IV., rr. 71-73A;  
 Part V., rr. 74-82;  
 Part VI., rr. 83-96.



3. In these Regulations, unless the contrary intention appears—

Definitions.  
Amended by  
1948, No. 58;  
and  
1950, No. 45.

- “ex-member of the Forces” means any person who, during the war, served in the naval, military or air forces of His Majesty raised in Australia, the United Kingdom or any other part of the King’s dominions;
- “oath” includes affirmation in the case of a person permitted under regulation 96 of these Regulations to make an affirmation instead of taking an oath, and any reference to the taking or administering of an oath includes a reference to the making or administering of an affirmation in any such case;
- “officer” means a person appointed by the High Commissioner in pursuance of the powers conferred upon him by section 9 of the Act;
- “the Act” means the *High Commissioner Act* 1909-1940;
- “the Office” means the High Commissioner’s Office;
- “the Official Secretary” means the Official Secretary, High Commissioner’s Office;
- “the Assistant Secretary” means the Assistant Secretary, High Commissioner’s Office;
- “the Service” means the Service of the High Commissioner;
- “the War” means the war which commenced on the fourth day of August, 1914 and includes any other war in which His Majesty became engaged after that date.

4.—(1.) The High Commissioner may delegate in writing to the Official Secretary all or any of the powers and functions vested in him by these Regulations, except this power of delegation, so that the delegated powers and functions may be exercised by the delegate as fully and effectually as by the High Commissioner.

Delegation of  
powers and  
functions of  
High  
Commissioner.

(2.) Any delegation under this regulation shall be revocable at will and shall not prevent the exercise of any power or function by the High Commissioner.

5.—(1.) The Official Secretary may, either generally on in relation to a particular matter or class of matters, by writing under his hand, delegate to an officer appointed under the Act or to an officer of the Public Service of the Commonwealth all or any of his powers and functions under these Regulations (except this power of delegation) so that the delegated powers and functions may be exercised or performed by the delegate either generally, or with respect to the matter, or to the matters included in the class of matters, specified in the instrument of delegation, as the case may be.

Delegation by  
the Official  
Secretary.  
Sub-reg. (1.)  
substituted by  
1955, No. 72.

(2.) Any delegation under this regulation shall be revocable at will and shall not prevent the exercise of any power or function by the Official Secretary.

#### PART 1A.—DEPUTY HIGH COMMISSIONER.

Heading to  
Part 1A  
inserted by  
1946, No. 50.

5A.—(1.) There shall be an office of Deputy High Commissioner.

(2.) The salary of the office of Deputy High Commissioner shall be One thousand seven hundred and fifty pounds per annum.

Office of  
Deputy High  
Commissioner.  
Inserted by  
1946, No. 50.

(3.) The Deputy High Commissioner shall be paid allowances at such rates for travelling or otherwise as the Minister determines.

(4.) Subject to these Regulations, the Deputy High Commissioner shall be appointed for a term of five years and shall be eligible for re-appointment.

(5.) Regulations 15, 16, 17 and 18 of these Regulations shall not apply in respect of the officer holding the office of Deputy High Commissioner.

Amended by  
1949, No. 79.

(6.) The Deputy High Commissioner shall have and may exercise all the powers and functions conferred upon or delegated to the Official Secretary by or in pursuance of these Regulations:

Provided that any such power or function shall not be exercised in relation to the Deputy High Commissioner except by the High Commissioner.

## PART II.—CLASSIFICATION AND SALARIES.

Classes.

6.—(1.) The Service shall consist of three Classes, that is to say—  
The First Class;  
The Second Class; and  
The Third Class.

(2.) The First Class shall include officers who are required to exercise executive or professional functions in the more important offices of the Service, and whose offices the Minister directs to be included in that Class.

(3.) The Second Class shall include clerks, typists and other officers whose offices the Minister directs to be included in that Class.

(4.) The Third Class shall include all officers not included in the First or Second Class.

Classification.  
Substituted by  
1948, No. 58.

7.—(1.) As soon as practicable after the commencement of this regulation, the Minister shall, having regard to any recommendation of the High Commissioner, classify offices of the First and Second Classes of the Service, determining the salary or the range of salary applicable to each office in the respective Classes, the increments of salary payable within the range of salary allotted to an office and the annual rate of salary payable to each officer upon classification.

(2.) The classification in pursuance of this regulation shall be deemed to have taken effect as on and from the first day of July, 1947, and the salaries of officers shall be adjusted and payable accordingly.

(3.) If the salary payable to an officer immediately prior to his classification in pursuance of this regulation is at a rate higher than the rate of salary payable to him under the classification, he shall be entitled to be paid at that higher rate so long as he continues to occupy that particular office.

(4.) Particulars of the classification effected in pursuance of this regulation, including the name of the officer occupying each office, shall be notified in the *Gazette*.

Regs. 8 and 9  
repealed by  
1948, No. 58.

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * | * |
| * | * | * | * | * | * | * | * |

Salaries of  
officers of  
Third Class.

10. An officer of the Third Class shall be paid at the rate provided in the appropriate industrial award (if any) applicable to his trade or calling. If no award is applicable he shall be paid such rate as the High Commissioner, having regard to the nature of his duties, determines from time to time.

11.—(1.) Whenever an alteration is made in the duties of any office affecting the importance or the character of the work required to be performed by the occupant of that office, the officer responsible for that alteration shall furnish to the High Commissioner, through the Official Secretary, a report setting out particulars of that alteration.

Creation, abolition and re-classification of offices.

(2.) The High Commissioner shall report to the Minister whenever he deems it advisable—

- (a) to create a new office in any Class;
- (b) to abolish any office; or
- (c) to vary the classification of, or the salary range allotted to, any office,

and the Minister may, after consideration of that report, create a new office or abolish, reclassify, or vary the salary range of any office, as he thinks fit.

(3.) Where the limits of salary allotted to any office are raised or lowered in pursuance of this regulation, the office shall, if the Minister so directs, thereupon be deemed to be vacant.

Amended by 1948, No. 58; and 1952, No. 21.

12. Unless otherwise determined by the Minister, an officer, upon appointment or promotion to a vacant office, shall be paid salary at the minimum rate within the limits of salary allotted to the office to which he is appointed or promoted:

Salary on appointment or promotion.

Provided that, where an officer is promoted and, in his former office, for a period of not less than twelve months, he was receiving a rate of salary not less than the minimum rate of salary of the office to which he is promoted, he shall be advanced to the next sub-division of salary within the limits allotted to the office to which he is promoted.

13.—(1.) On completion of a period of twelve months' service in receipt of a rate of salary less than the maximum rate of the limits of salary allotted to his office, an officer may, subject to the conditions prescribed by this regulation, be granted an increment of salary of the amount payable under the classification of the office.

Increments. Sub-reg. (1.) amended by 1943, No. 58.

(2.) Except as provided in sub-regulation (4.) of this regulation, an officer shall not be paid an increment unless the High Commissioner considers that the diligence, efficiency and conduct of the officer during the year warrant the advancement and approves of payment of the increment.

(3.) If, in the opinion of the High Commissioner, an officer is not entitled to receive an increment, the High Commissioner may issue an order in writing depriving the officer of the increment for such time as the High Commissioner considers justified.

(4.) If the attendance for duty of an officer during the year has been for a period less than eleven months in the total, the Minister may determine the date from which, and the conditions under which, the officer may be granted incremental advancement.

(5.) This regulation shall not apply in relation to an officer whose annual rate of salary is payable on an age basis.

Added by 1943, No. 58.

\* \* \* \* \*

Reg. 14 repealed by 1954, No. 75.

\* \* \* \* \*

Reg. 14A inserted by 1944, No. 172; repealed by 1943, No. 58.

## PART III.—OFFICERS OF THE FIRST AND SECOND CLASSES.

*Division I.—Appointments, Promotions and Transfers.*

Requirements  
upon  
appointment.

**15.—(1.)** A person shall, upon appointment, within fourteen days of a request being made therefor, forward to the High Commissioner—

- (a) a properly certified extract from an official register of births, or other evidence of age satisfactory to the High Commissioner; and
- (b) a certificate from a medical practitioner, registered within the United Kingdom and approved by the High Commissioner, of sound bodily health and freedom from physical defects.

(2.) Any officer, whose appointment was confirmed prior to the seventeenth day of September, one thousand nine hundred and thirty-seven, shall, within ninety days of a request being made therefor, forward to the High Commissioner a properly certified extract from an official register of births, or other evidence of age satisfactory to the High Commissioner.

(3.) If the required certificates are not forwarded within the times specified, or are not considered satisfactory, the Minister may—

- (a) in the case of an officer referred to in sub-regulation (1.) of this regulation, instruct the High Commissioner to cancel the appointment; and
- (b) in the case of an officer referred to in sub-regulation (2.) of this regulation, recommend to the Governor-General cancellation of the appointment and the Governor-General may thereupon cancel the appointment accordingly.

Amended by  
1948, No. 58.

(4.) Notwithstanding anything contained in these Regulations, an ex-member of the Forces may be confirmed in his appointment to the Service although not free from physical defects due to service in the War, if it is certified by a medical practitioner approved by the High Commissioner that the soldier is free from such physical defects as to incapacitate him for the efficient discharge of the duties of the position to which he is to be appointed.

Confirmation  
of  
appointments.

**16.—(1.)** Every person appointed to the First or Second Class shall in the first instance be appointed by the High Commissioner on probation only, and may be continued on probation for a period of six months, but his services may be dispensed with by the High Commissioner at any time during that period. The High Commissioner at his discretion may extend the period of probation for a further period, provided that the whole term of probation shall not in any case exceed twelve months.

(2.) Every appointment shall cease to have effect at the expiration of the probationary period determined by the High Commissioner in relation to that appointment, unless the Governor-General in the meantime confirms the appointment.

(3.) A recommendation by the High Commissioner for the confirmation of the appointment of an officer shall be accompanied by a report from the High Commissioner that the diligence, conduct and efficiency of the officer have been satisfactory, together with the certificate furnished in accordance with the last preceding regulation as to the officer's health and physical fitness.

17.—(1.) The appointment of any person shall not be confirmed unless—

Requirements for confirmation.  
Sub-reg. (1.) amended by 1950, No. 45.

(a) he is a natural-born or naturalized British subject, and

(b) he takes and subscribes an oath in the form in the Third Schedule to these Regulations.

(2.) The Official Secretary or any officer thereto authorized in writing by the High Commissioner may administer the oath referred to in sub-regulation (1.) of this regulation.

Amended by 1950, No. 45.

18. The appointment of any person shall not be confirmed if his age at his last birthday previous to appointment was less than sixteen years, or more than fifty years.

Age limits for appointment.

19.—(1.) Where a vacancy occurs in the First Class and it appears to the High Commissioner desirable to fill the vacancy—

Vacancies in First Class.

(a) by the appointment of a person who is not an officer, or

(b) by the promotion or the transfer of an officer,

he shall report accordingly to the Minister, stating his views as to how the vacancy should be filled.

(2.) Where, after receipt of the High Commissioner's report, the Minister considers it desirable to fill the vacancy by the appointment of a person who is not an officer, he may approve of the making of such an appointment and notify the High Commissioner accordingly and the High Commissioner shall thereupon make the appointment.

(3.) Where, after receipt of the High Commissioner's report, the Minister considers that the vacancy should be filled by the promotion or by the transfer of an officer, the Minister may promote or transfer the officer.

20.—(1.) Where a vacancy occurs in the Second Class, the Official Secretary shall forthwith report the vacancy to the High Commissioner, stating whether, in his opinion, it is necessary that the vacancy should be filled.

Vacancies in Second Class.

(2.) If the High Commissioner considers that the vacancy should be filled, and that it is expedient to fill such vacancy by the transfer or promotion of an officer, the High Commissioner may transfer or promote the officer to the vacancy.

21.—(1.) In the selection of an officer for promotion, consideration shall be given first to the relative efficiency, and, in the event of an equality of efficiency of two or more officers, then to the relative seniority, of the officers available for promotion.

Promotions.

(2.) In this regulation, "efficiency" means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit, diligence and good conduct, and, in the case of an officer who is an ex-member of the Forces, includes such efficiency as, in the opinion of the High Commissioner, he would have attained but for his absence on active service.

Amended by 1948, No. 58.

Seniority.

**22.** Seniority of officers of the First and Second Classes shall be determined according to the limits of salary allotted to their respective offices, or, in cases where the limits allotted to two or more offices are the same, the respective dates of entry to the offices with those limits.

Action  
alternative  
to filling  
of vacancy.

**23.** Notwithstanding anything contained in these Regulations, whenever a vacancy occurs in any office and it appears advisable to the Minister that the vacant office should not be filled by an appointment, promotion or transfer of an officer under the Act and these Regulations, the Minister may direct that the office be not so filled or may abolish the office and may request the Commonwealth Public Service Board to arrange for the performance of the duties by an officer of the Commonwealth Public Service.

*Division II.—Leave of Absence.*

Recreation  
leave.

**24.—(1.)** The Official Secretary may grant to every officer leave of absence for recreation for any period or periods not exceeding in the whole eighteen days in each year, exclusive of Sundays and holidays.

(2.) The Official Secretary shall, wherever practicable, make such arrangements as will ensure that each officer shall be granted leave of absence annually for recreation, and, if leave is not taken in the year in which it accrues, it shall lapse:

Provided that the Official Secretary may in any case where it is found impracticable to grant leave of absence in any year or for any other sufficient reason, direct in writing that the leave may be taken in the following year in addition to the leave for that year, and any such case shall be reported to the High Commissioner:

Provided further that not more than thirty-six days' recreation leave shall be allowed to accumulate to an officer's credit at any time.

(3.) The Official Secretary may direct an officer to take, at such time as is convenient to the working of the branch or office in which he is employed, recreation leave due to him, whether or not application for leave has been made by the officer.

(4.) Every application for leave shall be made to the Official Secretary through the officer-in-charge of the section in which the applicant is employed. The officer-in-charge of the section shall report as to the conduct of the applicant and as to his compliance with instructions, and as to whether leave may be granted without detriment to the work of the branch.

(5.) An officer shall not be eligible to be granted recreation leave until he has completed twelve months' service.

Deductions  
from  
recreation  
leave on  
account of  
other absences.

**25.—(1.)** In any case in which an officer since his last recreation leave, or, if the officer has not previously had recreation leave, since the date of his appointment, has been absent from duty for any cause for more than twenty-six working days in one or more periods, the period of leave which may be granted shall be subject to a deduction of one and one-half days for each twenty-six working days of absence, excluding the first twenty-six working days:

Provided that a deduction shall not be made in respect of absence not exceeding three months for which sick leave has been granted, if the Official Secretary is satisfied that the illness necessitating the officer's absence is the direct result of his service in the war:

Provided further that, where any such absence exceeds three months, the High Commissioner, if he considers circumstances so warrant, may extend the period in respect of which a deduction shall not be made.

**26.** An officer granted recreation leave shall not be entitled to claim leave for any other purpose during the currency of that recreation leave: Officers on recreation leave not eligible for other leave.

Provided that, if an officer falls sick while on recreation leave and produces at the time satisfactory medical evidence that he is unable to leave the house in which he resides, he may be granted at a time convenient to the office additional leave equivalent to the period of sickness falling within the scheduled period of recreation leave, if the period of sickness is not less than ten days.

**27.—(1.)** The Official Secretary may, upon sufficient cause being shown, grant any officer leave of absence not exceeding three days in any twelve months without deduction from recreation leave. Short leave of absence.  
Sub-reg. (1.) amended by 1950, No. 45.

(2.) In addition to leave granted under sub-regulation (1.) of this regulation, the Official Secretary may grant any officer leave of absence not exceeding three days in any twelve months subject to deduction of the period of leave from the officer's next recreation leave.

**28.—(1.)** In the case of the illness of an officer, the Official Secretary may, subject to the provisions of regulations 29 and 30 of these Regulations, grant the officer leave of absence in accordance with the provisions of this regulation. Sick leave.

(2.) The sick leave with pay which may, subject to the succeeding provisions of this regulation, be granted to an officer shall be determined by crediting the officer with the following periods, such leave to be cumulative:—

|                                                          | Leave on Full Pay. | Leave on Half Pay. | Leave on Third Pay. |
|----------------------------------------------------------|--------------------|--------------------|---------------------|
|                                                          | Working days.      | Working days.      | Working days.       |
| On date of appointment . . . . .                         | 6                  | 4                  | 3                   |
| On completion of six months' service . .                 | 6                  | 4                  | 3                   |
| On completion of twelve months' service                  | 12                 | 8                  | 6                   |
| On completion of each additional twelve months . . . . . | 12                 | 8                  | 6                   |

Provided that, where in the case of an officer with long service the Minister considers that exceptional treatment is justified, he may, where the leave on pay to the officer's credit has been exhausted, approve of the officer being granted additional leave on third pay:

Provided further that the maximum period allowable with pay in respect of any continuous absence through illness shall be fifty-two weeks.

(3.) Where an officer 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 seventy-eight weeks.

Retirement  
after 78 weeks  
continuous  
sick leave.

**29.** If, at the expiration of a continuous period of leave of seventy-eight weeks, an officer is unable to resume his duties, the Governor-General may retire him from the Service and may direct that the retirement shall have effect as on and from the date of the expiration of that leave.

Medical  
certificates in  
case of sick  
leave.

**30.**—(1.) Applications from officers for leave of absence on the grounds of illness shall be supported by the certificate of a qualified medical practitioner:

Provided that the Official Secretary may grant leave of absence on the grounds of illness, without production of a medical certificate, to the extent of three days in the aggregate in any twelve months subject to any continuous period of leave so granted not exceeding two days.

(2.) Subject to sub-regulation (1.) of this regulation, where sick leave is granted without production of a medical certificate or other evidence approved by the Official Secretary, such leave shall be without pay.

(3.) Where an officer applies for sick leave in excess of six consecutive working days, his application and accompanying medical certificate shall be submitted to a medical practitioner approved by the High Commissioner for advice as to whether the leave applied for is reasonable, or whether it should be reduced, and sick leave shall be granted in accordance with the advice of such medical practitioner.

Provisional  
extension of  
leave.

**31.**—(1.) Where an officer who has been absent through illness for thirteen weeks continuously makes application for further leave, the Official Secretary may, subject to these Regulations, provisionally grant further leave, but all such applications with supporting evidence of illness shall be forwarded to the High Commissioner, who may approve of the leave.

(2.) The granting of further leave after thirteen weeks' continuous absence shall be subject to the officer being examined by a medical practitioner approved by the High Commissioner.

Certificate as  
to fitness to  
resume.

**32.**—(1.) If any officer is absent from duty on account of illness and such absence has extended beyond thirteen weeks continuously, he shall not be permitted to return to duty unless and until a medical practitioner approved by the High Commissioner has certified that he is fit to resume work.

(2.) Where an officer resumes duty after a lesser period than thirteen weeks' continuous absence due to illness, the Official Secretary may, if he is of opinion that the officer is not fit to resume duty, direct him to submit himself for examination by an approved medical officer or practitioner, and, if the examination discloses that the officer is unfit to resume duty, the Official Secretary shall grant such further leave of absence as the medical report indicates to be necessary.

Health of  
officer  
rendering  
him a danger  
to others.

**33.**—(1.) If the Official Secretary has reason to believe that an officer is in such a state of health as to render him a danger to his fellow officers or the public, he may require the officer to obtain and furnish a report as to his condition from a qualified medical practitioner, or may require him to submit himself for examination by a medical practitioner named by the Official Secretary.



(2.) Upon receipt of the medical report, the Official Secretary may direct the officer to absent himself from his duties for a specified period, or, if the officer is already on leave of absence, may direct the officer to continue on leave for a specified period, and the officer's absence shall be treated as absence on sick leave.

**34.**—(1.) Upon report by a qualified medical practitioner that, by reason of contact with a person suffering from an infectious disease and through the operation of restrictions imposed by law in respect of that disease, an officer is unable to attend for duty, the Official Secretary may grant the officer leave of absence. The leave of absence may, at the option of the officer, be granted as sick leave or the whole or any portion of the leave may be deducted from any recreation leave for which the officer is eligible.

Leave—  
infectious  
disease  
contacts.

(2.) Leave of absence under the last preceding sub-regulation shall not be granted for any period beyond the earliest date at which it would be practicable for the officer to resume duty, having regard to the restrictions imposed by law.

**35.** The rate of salary paid in respect of any public holiday occurring during an officer's absence on sick leave shall be the same as if that holiday were a working day.

Pay for  
holidays  
when on leave.

**36.** Where treatment is necessary as a matter of urgency or where physical disability due to dental causes prevents an officer from performing duty, leave of absence may be granted as follows:—

Sick leave  
for dental  
purposes.

- (a) Where the period for which an officer is absent does not exceed one day, the Official Secretary may grant him leave of absence, without requiring him to produce a dental certificate, if the period of the leave so granted in addition to any leave granted under regulation 28 without production by the officer of a medical certificate does not exceed an aggregate of three days in any twelve months;
- (b) Where the period of an officer's continuous absence exceeds one day, but does not exceed two days, or does not exceed one day, but the officer concerned has exhausted the leave which may be granted under paragraph (a) of this regulation, the Official Secretary may grant leave to the extent of the period of absence, upon production by the officer of a dental certificate. The certificate should indicate—
  - (i) that the officer concerned is under treatment by the dentist furnishing the certificate;
  - (ii) the nature of the treatment the officer is undergoing; and
  - (iii) the actual period of absence from duty necessitated by the treatment; and
- (c) Where the period of an officer's continuous absence extends beyond two days sick leave may be granted but only upon production by the officer of a medical certificate.

Accident  
leave.

**37.** Notwithstanding anything contained in these Regulations, where an officer sustains physical injury while on duty, or in circumstances in which the action of the officer is regarded by the High Commissioner as being so meritorious in the public interest as to warrant special consideration, the Minister may determine the period of leave of absence which may from time to time be granted to that officer and the conditions under which the leave may be granted.

Illness caused  
through  
misconduct.

**38.—(1.)** Leave of absence shall not be granted with pay on account of illness caused by the misconduct of the officer, or in any case of absence from duty without sufficient cause.

(2.) The Official Secretary shall advise the High Commissioner of any case in which an officer is absent from duty on account of illness caused by the misconduct of the officer, or without sufficient cause, and the High Commissioner may determine that the period of any such absence from duty shall not for any purpose be included as part of the officer's period of service.

(3.) Where the Official Secretary has occasion for doubt as to the cause of the illness or the reason for the absence of an officer, he may instruct a medical practitioner to visit and examine the officer, or may direct the officer to attend on a medical practitioner for examination.

(4.) If the report of the medical practitioner is not favorable to the officer concerned, or if the officer is not available for examination at the time of the medical practitioner's visit without, in the opinion of the Official Secretary, reasonable cause therefor, a fee for the examination or visit shall be charged against the officer and deducted from his salary.

(5.) The fee for examination, if conducted at the medical practitioner's rooms, shall be 10s. 6d., but, if the medical practitioner is required to visit the officer, the fee shall be £1 1s.:

Provided that where the distance travelled would, in the opinion of the Official Secretary, warrant a greater fee than £1 1s., such fee may be paid in accordance with such arrangement as is made between the Official Secretary and the medical practitioner.

(6.) An officer shall submit himself to medical examination, when required to do so, by a medical practitioner selected by the High Commissioner.

Officers  
re-appointed  
to Service.

**39.** Where a person was retired from the Service on the ground of invalidity, and is re-appointed as the result of action taken under section 50 of the *Superannuation Act* 1922-1937, he shall be credited upon re-appointment with the sick leave at his credit immediately prior to his retirement.

Leave without  
pay.

**40.—(1.)** On the application of an officer, the High Commissioner may grant to the officer leave of absence without pay for any period not exceeding twelve months. The period during which the officer is absent on leave so granted shall not, unless otherwise ordered by the Minister, be included for any purpose as part of the officer's period of service.

(2.) In the event of an officer being called up in time of war for duty in any of His Majesty's Armed Forces, the High Commissioner may grant to the officer leave of absence without pay for the period of his duty in those Forces. The period during which the officer is absent on leave so granted shall be included for all purposes as part of his period of service.

41.—(1.) When an officer has continued in the Service for at least twenty years, the High Commissioner may grant to him leave of absence for a period not exceeding one month and one-half on full salary or three months on half salary, in respect of each completed five years of continuous service: Furlough.

Provided that an officer shall not be granted leave of absence to exceed a continuous period of twelve months at any one time.

(2.) When an officer who has continued in the Service for at least twenty years is retired from the Service, the High Commissioner may authorize payment to him upon retirement of a sum equivalent to the salary for a period of leave not exceeding that which the officer could have been granted under the last preceding sub-regulation.

(3.) Upon the death of any officer who at the date of his death was eligible under this regulation for the grant of leave of absence, or, if the High Commissioner, after consideration of all the circumstances, directs that the death of an officer so eligible be presumed, the High Commissioner may authorize payment to the dependants of the officer of a sum equivalent to the amount of salary which would, under this regulation, have been granted to the officer had he retired immediately prior to the date of his death, or, in any case where the High Commissioner has directed that the death of the officer be presumed, a date determined by the High Commissioner.

(4.) Notwithstanding anything contained in this regulation—

- (a) there shall not be granted under this regulation, in respect of the service of any officer, leave of absence or pay on retirement or death exceeding in the whole twelve months on full salary or its equivalent;
- (b) except upon the retirement of an officer under regulation 68 of these Regulations, leave of absence for recreation shall not be granted under regulation 24 of these Regulations in respect of the year in which leave of absence granted under this regulation commences and, if leave of absence for recreation has been granted in the year in which leave of absence granted under this regulation commences, it shall be regarded as part of the period of leave of absence 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 leave of absence granted under this regulation, during any officer'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 an officer shall be taken into consideration in determining whether the whole or any portion of the leave of absence or pay provided in this regulation may be granted.

(5.) This regulation shall be deemed to have come into operation as on and from the sixteenth day of September, 1937, and shall apply in relation to officers in the Service on and after that date.

Extended  
leave or pay in  
lieu to officers  
not entitled  
to furlough.

**42.**—(1.) The High Commissioner may grant to any officer, whose period of service is less than twenty years, who is not eligible for furlough under the last preceding regulation, immediately prior to his retirement from the Service on, or subsequent to, his attaining the age of sixty years, leave of absence on full salary for a period not exceeding that appropriate to his service as specified in the following scale:—

| Service.                        |       | Leave.    |  |
|---------------------------------|-------|-----------|--|
| 16 years and less than 20 years | .. .. | 5 months. |  |
| 12 years and less than 16 years | .. .. | 4 months. |  |
| 8 years and less than 12 years  | .. .. | 3 months. |  |
| 4 years and less than 8 years   | .. .. | 2 months. |  |

(2.) In lieu of leave in accordance with the last preceding sub-regulation the High Commissioner may authorize payment to an officer eligible for leave in pursuance of that sub-regulation, upon his retirement from the Service, of a sum equivalent to the salary for a period of leave not exceeding that which the officer could have been granted under that sub-regulation.

(3.) Where an officer, who is less than sixty years of age, retires from the Service after less than twenty years' service, and produces to the High Commissioner 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 High Commissioner may authorize payment to the officer of a sum equivalent to the salary for a period of leave not exceeding that for which, had he attained the age of sixty years, he would have been eligible under sub-regulation (1.) of this regulation.

(4.) Where an officer who is not eligible for leave of absence under the last preceding regulation is being retired from the Service under sub-regulation (2.) of regulation 67 of these Regulations, the High Commissioner may authorize payment to him of a sum equivalent to the salary for a period of leave not exceeding that which, had he attained the age for retirement prescribed by regulation 68 of these Regulations, the High Commissioner could have granted to him under sub-regulation (1.) of this regulation.

(5.) Where, before an officer has completed twenty years' service in the Service and either before or after he has attained the age of sixty years—

- (a) the officer dies; or
- (b) the High Commissioner, after consideration of all the circumstances, directs that the death of the officer be presumed,

the High Commissioner may authorize payment to the dependants of the officer of a sum equivalent to the salary for the period of leave which the officer would have received had he been eligible, under sub-regulation (1.) of this regulation, for, and been granted, leave of absence at the date of his death, or, in any case where the High Commissioner has directed that the death of the officer be presumed, at a date determined by the High Commissioner.

(6.) The official conduct record of an officer shall be taken into consideration in determining whether the whole or any portion of the leave of absence or salary provided in this regulation may be granted.

(7.) This regulation shall be deemed to have come into operation as on and from the sixteenth day of September, 1937, and shall apply in relation to officers in the Service on and after that date.

**43.** For the purposes of regulations 41 and 42 of these Regulations, "service" includes any service which would, if the officer were a Commonwealth employee within the meaning of the *Commonwealth Employees' Furlough Act 1943-1944*, be reckoned as part of his period of service for the purposes of that Act.

Definition of service.  
Amended by 1948, No. 58.

*Division III.—Overtime and Allowances.*

**44.** Any officer may be required by the officer in charge of his section to commence work before, or to continue work after, his normal hours of duty whenever the officer in charge considers that that extra duty is necessary owing to arrears of work or to meet pressure of business.

Duty outside normal office hours.

**45.—(1.)** Where attendance of an officer outside his normal hours of duty is considered necessary by the officer in charge and that attendance may involve payment of the officer at overtime rates, the officer in charge shall immediately report, in writing, the circumstances to the Official Secretary.

Authority for overtime.

(2.) The report shall specify the officer or officers to be employed and the probable duration of the overtime, and the Official Secretary, if satisfied as to the necessity therefor, may sanction the working of the overtime.

(3.) At the end of each four weeks, based on the pay period, the Official Secretary shall furnish to the Minister, through the High Commissioner, a return showing any overtime worked by each officer in each section during the preceding period of four weeks, the amount paid therefor, and the reasons for requiring the overtime to be worked.

(4.) Payment of claims for overtime shall be made only on the approval of the Official Secretary.

**46.—(1.)** If an officer whose normal hours of duty are  $36\frac{3}{4}$  hours per week is required to commence duty before, or continue duty after, the normal time for his commencing or ceasing duty, the officer shall, subject to this regulation, be paid at overtime rates for—

Recording and payment of overtime.  
Sub-reg. (1.) substituted by 1948, No. 58.

- (a) time on duty before 8 a.m. or after 6 p.m. on any day from Monday to Friday, inclusive;
- (b) time on duty in excess of 38 hours per week within the limits of 8 a.m. and 6 p.m. from Monday to Friday, inclusive; and
- (c) time on duty on a Saturday, unless the officer is rostered for that duty and time off duty equivalent to the period of duty performed is granted.

(1A.) If an officer whose normal hours of duty exceed  $73\frac{1}{2}$  hours but do not exceed 88 hours per fortnight is required to commence work before, or continue work after, the normal time for his commencing or ceasing duty and the time on duty involved by the extra work and his normal hours of duty exceeds in the aggregate 88 hours in any one fortnight, the officer shall be paid at overtime rates for any time on duty in excess of 88 hours in that fortnight.

Inserted by 1943, No. 73.

Inserted by  
1943, No. 73.

(1B.) If an officer whose normal hours of duty exceed 88 hours per fortnight is required to commence work before, or continue work after, the normal time for his commencing or ceasing duty, the officer shall be paid at overtime rates for any time on duty in excess of his normal hours of duty in that fortnight.

Substituted by  
1948, No. 58.

(2.) The maximum amount payable in respect of overtime worked by an officer during a fortnightly pay period shall not exceed the difference between the amount of salary payable to the officer for a full period of normal duty during that fortnightly pay period and the amount of salary payable fortnightly to an officer in receipt of salary at the rate of £774 per annum.

Inserted by  
1948, No. 58.

(2A.) The hourly rate of overtime shall be ascertained by applying the following formula:—

$$\frac{\text{Annual salary}}{313} \times \frac{6}{\text{Number of prescribed weekly hours before overtime is payable}} \times \frac{3}{2}.$$

Amended by  
1948, No. 58.

(3.) The hourly rate of pay for overtime shall be computed to two decimal points of a penny with a minimum rate of 2s. per hour and a maximum rate of 7s. 6d. per hour, except where otherwise prescribed. Overtime shall be calculated to the nearest quarter of an hour of the total amount of overtime to be claimed in each fortnightly pay period.

(4.) An allowance paid to an officer for the performance of higher duties shall be deemed to be part of the officer's salary for the purpose of computing payment for overtime.

(5.) In cases where an officer works overtime for a period extending over a meal hour the minimum payment for overtime shall be 3s.

(6.) Where an officer, who has ceased work for the day, is recalled for duty, such duty shall be recorded as overtime and shall include the time necessarily spent in travelling to the place of duty and returning to his home.

(7.) Where an officer, in consequence of having worked overtime, is released from ordinary duty, there shall be deducted from any payment to be made for overtime the value, computed at the ordinary rate of pay, of the time during which he has been released from duty.

(8.) When overtime is worked and an officer is absent on one or more days or half-days during the fortnight on authorized leave, or on account of public holidays or half-holidays, deductions as provided in this sub-regulation shall be made from the number of hours per fortnight to be worked before overtime can be claimed—

(a) In the case of officers whose daily hours of duty are clearly defined by regulation, or otherwise, the deduction shall be the time which the officers would ordinarily have worked on those days or half-days;

(b) In the case of officers whose daily hours of duty vary with the volume of work to be performed, the deduction shall be—

(i) for a full day's absence on authorized leave or for a public holiday—the number of hours which would ordinarily have been paid for in respect of an average day's duty on the day of absence or on which the public holiday occurred; or

- (ii) for a half-day's absence on authorized leave or for a public half-holiday—the number of hours, from the commencement of the authorized leave or the half-holiday, required to complete the time which would ordinarily have been paid for in respect of an average day's duty on the day on which the officer was absent or on which the half-holiday occurred; or
- (iii) for authorized leave of less than half a day or for more than half a day but less than a full day—the actual number of hours' leave granted.

(9.) An officer in receipt of salary at a rate exceeding £774 per annum shall not be eligible for payment in respect of overtime. Substituted by  
1948, No. 58.

(10.) Officers who are not working under close supervision and officers whose hours of duty cannot be definitely determined shall not be entitled to payment in respect of overtime except in such cases and on such conditions as are approved by the Minister. Inserted by  
1948, No. 58.

**47.**—(1.) Subject to these Regulations, an officer who is required to perform a full day's duty or substantially a full day's duty on a Sunday, shall, wherever practicable, be granted a day off duty during the six days immediately succeeding that Sunday, and in that event the payment to the officer in respect of his attendance on the Sunday shall be half a day's pay. Sunday duty.

(2.) Where an officer performs duty on a Sunday and is not granted equivalent time off during the six days immediately succeeding that Sunday, payment for the duty performed on the Sunday shall be made at the rate of time and one-half.

(3.) Where more than two attendances on a Sunday are required of an officer and the total time of duty does not amount to half a day, the officer shall be credited with half a day's duty, and payment for that period of duty shall be made at the rate of time and one-half.

(4.) This regulation shall not apply, except in such cases as are approved by the Minister, to officers in receipt of salary in excess of £612 per annum. Amended by  
1948, No. 58.

**48.** The High Commissioner may require the Office or any part thereof to be kept open in the public interest for the whole or any portion of a holiday observed in pursuance of these Regulations and may require the attendance and services of any officer during that holiday. Holiday duty.

**49.**—(1.) When the attendance and services of an officer are required during any holiday prescribed by sub-regulation (1.) of regulation 82 of these Regulations, the officer shall be paid as follows:— Payment for  
or time in  
lieu of holidays  
worked.

- (a) if the total time worked is less than the period of his normal hours of duty, an amount which bears such proportion to a day's salary as the total time worked bears to the period of his normal hours of duty, but not in any case less than an amount equal to one-half day's salary; or

(b) if the total time worked equals or exceeds the period of his normal hours of duty—

(i) in respect of the time worked equal to that period, an amount equal to a day's salary; and

(ii) in respect of each complete quarter of an hour worked in excess of that period, an amount equal to half the hourly rate of his salary.

(2.) For the purposes of this regulation—

(a) the hourly rate of salary shall be calculated in accordance with the following formula:—

$$\frac{\text{Annual salary}}{313} \times \frac{6}{\text{Prescribed weekly hours}}$$

(b) a day's salary shall be calculated by multiplying the hourly rate of salary by the number of hours in a normal day's duty; and

(c) one-half day's salary shall be half of a day's salary calculated in accordance with paragraph (b) of this sub-regulation.

(3.) Where the attendance and services of any officer are required during any holiday or half-holiday authorized in pursuance of the provisions of sub-regulation (2.) of regulation 82 of these Regulations, that officer shall be granted a period off duty equivalent to the time worked on the holiday or half-holiday, and the period off duty shall be added to the officer's next ensuing recreation leave:

Provided that no period off duty in respect of work performed on any holiday shall be less than one half-day.

Amended by  
1948, No. 58.

(4.) The payment of any amount, in the case of a prescribed holiday, or the allowance of any period off duty, in the case of an authorized holiday, in consequence of the attendance and services of an officer during such a holiday or half-holiday, shall, if the salary of the officer concerned exceeds £612 per annum, be subject to the approval of the Minister.

Travelling  
allowances.

**50.**—(1.) Subject to these Regulations, an officer who is required to travel on duty or to attend at some place other than his permanent head-quarters for duty, except as provided for in sub-regulations (2.) and (4.) of this regulation, shall be paid a travelling allowance at the rate specified in the following table opposite to the division, according to salary, in that table which includes his salary:—

| Officer's Salary—per annum.                                          | Rate per day.          |                             |
|----------------------------------------------------------------------|------------------------|-----------------------------|
|                                                                      | In the United Kingdom. | Outside the United Kingdom. |
|                                                                      | £ s. d.                | £ s. d.                     |
| If the officer's salary is £1,000 or over .. .. .                    | 2 0 0                  | 2 0 0                       |
| If the officer's salary is not below £590 and not above £999 .. .. . | 1 0 0                  | 1 5 0                       |
| If the officer's salary is not below £400 and not above £589 .. .. . | 19 6                   | 1 5 0                       |
| If the officer's salary is not below £280 and not above £399 .. .. . | 17 6                   | 1 0 0                       |
| If the officer's salary is £279 or under .. .. .                     | 10 0                   | 0 12 6                      |



(2.) Subject to these Regulations, an officer who is required to attend a meeting or conference convened by the League of Nations or the International Labour Office which is attended by a Minister, the High Commissioner or other representative appointed by the Commonwealth Government shall be paid a travelling allowance at the rate specified in the following table opposite to the description of the status with which, or the capacity in which, the officer attends the meeting or conference:—

|                                                                                   |    |    |    | Rate per day. |    |    |
|-----------------------------------------------------------------------------------|----|----|----|---------------|----|----|
|                                                                                   |    |    |    | £             | s. | d. |
| Delegate or Substitute Delegate                                                   | .. | .. | .. | 1             | 11 | 6  |
| Secretary to Delegation or Adviser (other than a Delegate or Substitute Delegate) | .. | .. | .. | 1             | 5  | 0  |
| Officer attending in any capacity not specified above                             | .. |    |    | 0             | 10 | 0  |

(3.) In addition to the travelling allowance payable under sub-regulation (2.) of this regulation, an officer required to attend a conference or meeting of the description to which that sub-regulation relates shall, on production by him of a properly receipted hotel account, be paid a sum equal to the cost of his board and lodging.

(4.) An officer who is required to attend an international conference or meeting held outside the United Kingdom, other than a conference or meeting of the description to which sub-regulation (2.) of this regulation relates, shall, on production by him of a properly receipted hotel account, be paid a sum equal to the cost of his board and lodging together with travelling allowance at such rate (not being in excess of the rate prescribed by sub-regulation (2.) of this regulation in the case of an officer of similar status) as the High Commissioner approves.

(5.) Travelling allowance shall be payable from the time of the departure of the train, steamer or other conveyance by which the officer is authorized to travel to the time of his return to the authorized point of departure.

(6.) Where any allowance under this regulation is payable in respect of any period of less than one day, the amount payable shall be computed on an hourly basis. The hourly rate shall be one twenty-fourth part of the daily rate prescribed by, or approved in pursuance of, this regulation, as the case may be.

(7.) For the purpose of ascertaining any rate of travelling allowance prescribed by this regulation according to an officer's salary, his salary shall be deemed not to be affected or varied under the provisions of regulation 12 of these Regulations.

(8.) Where an allowance under this regulation has been paid to an officer in respect of his temporary residence in any one locality for a continuous period of eight weeks, the Official Secretary shall submit the case to the High Commissioner for review. Upon review, the High Commissioner may, if he considers the amount of allowance excessive in the circumstances of the case, direct that its payment be discontinued or that the rate be reduced to such amount as he determines, and may also direct that the matter be submitted for further review from time to time.

Allowances payable when subsistence and lodging are provided.

**51.**—(1.) Where an officer is required to attend at some place other than his permanent head-quarters for duty and is there provided with—

- (a) subsistence without lodging,
- (b) lodging without subsistence, or
- (c) subsistence and lodging,

the High Commissioner shall reduce the rate of travelling allowance which would otherwise be payable to the officer under regulation 50 of these Regulations to such rate as he considers reasonable in the circumstances of the particular case.

(2.) When an officer is authorized to travel by steamer or by railway and the fare paid includes subsistence, one-quarter of the rate of travelling allowance which would otherwise have been payable to that officer shall be allowed.

Allowance in the case of illness while away from head-quarters.

**52.**—(1.) When an officer absent from his permanent head-quarters on duty is forced by illness not due to his own fault to take sick leave, and he is unable to return to his usual place of residence, he may be paid an allowance to the extent of the proved costs to him of the illness but not exceeding the amount of travelling allowance which would have been payable to him if he had remained on duty for the period involved.

(2.) Where the officer returns to his usual place of residence on sick leave, he shall not be eligible for payment of any allowance from the time of his departure from his temporary station until his return thereto, if he is required to return, but the cost of the fare to his usual place of residence and, if he is required to return to his temporary station, of the fare thereto, shall be borne by the Commonwealth.

Circumstances in which travelling allowances or expenses are payable.

**53.** Travelling allowance shall not be payable under these Regulations in any case where an officer is not required to be absent from his usual place of residence overnight, but any officer who is required to attend for duty at some place other than his permanent head-quarters may, if not eligible for travelling allowance, be reimbursed for any travelling expenses necessarily incurred.

Variation of rate of allowance.

**54.** Upon proof to the satisfaction of the High Commissioner that, in any particular case, the amount of any travelling allowance payable under these Regulations is either insufficient to cover, or in excess of, expenses reasonably incurred, the High Commissioner may vary the rate of allowance to such rate as he considers reasonable.

Cost of conveyance.

**55.** Any travelling allowance payable under these Regulations shall be in addition to the cost of conveyance of an officer by the authorized means of transport.

Fares.

**56.**—(1.) Where an officer is authorized to travel by railway, a first class fare, if he is an officer of the First Class, or a third class fare, in any other case, shall be allowed:

Provided that in special circumstances the High Commissioner may allow a first class fare to any officer.

(2.) Where an officer is authorized to travel by a mode of conveyance other than a railway, the High Commissioner shall determine the class of accommodation to be provided.

(3.) An officer who is authorized to travel by railway or steamer and who desires to use the parlour car on the train or a deck cabin on the steamer, as the case may be, may do so if he bears the expense of the difference between the cost thereof and the cost of the fare allowable to him under this regulation.

**57.** An officer shall not be entitled to claim inclusion in his travelling expenses of such items as gratuities paid by him for services rendered to him personally or payments to porters for handling his personal effects. Personal services rendered to an officer, while travelling.

**58.—(1.)** Where officers are required to make journeys on official business, cab or motor car fares shall not, except with the approval of the Official Secretary, be allowed if the distance can be travelled by the ordinary mode of conveyance, such as tram, train or bus, and in any event no amount exceeding 5s. for cab or car hire shall be reimbursed unless the officer concerned submits a proper receipt. Cab or motor car hire.

(2.) Where an officer is required to attend for duty at a place other than his permanent head-quarters, any claim by him for hire of a cab or motor car between his usual place of residence and the authorized point of his departure from and return to head-quarters shall be refused, unless upon investigation it is found that—

- (a) a more economical means of transport was not available;
- (b) the quantity of baggage carried made it difficult from the point of view of time and convenience to utilize an alternative to cab or car hire; or
- (c) the status of the officer or the duties upon which he was engaged rendered the use of a cab or car desirable.

**59.—(1.)** Any officer who uses his own motor car or cycle for official purposes or when travelling on public business, or any officer whose motor car or cycle is used for such purposes, shall, subject to the next succeeding sub-regulation, be allowed, in respect of such use, payment of an allowance therefor at such rate as is determined by the High Commissioner. Car or cycle allowances.

(2.) An officer shall not be entitled to an allowance under this regulation unless it is shown to the satisfaction of the High Commissioner that the use of a motor car or cycle results in greater efficiency and saving than would be the case were other means of conveyance employed.

**60.—(1.)** Where an officer whose ordinary hours of duty are between 7.30 a.m. and 6 p.m. is required to attend for duty before 6.30 a.m. or to remain on duty after 6.30 p.m., or where an officer is required to commence duty at least two hours before the usual time, or to remain on duty at least two hours beyond the usual time, and that attendance necessitates his obtaining a meal away from his usual place of residence, he shall, subject to the succeeding provisions of this regulation, be granted a meal allowance at the rate specified according to his salary in the following table:— Meal allowance.

|                     | Salary. |    |    |    |    |    | Allowance. |    |
|---------------------|---------|----|----|----|----|----|------------|----|
|                     |         |    |    |    |    |    | s.         | d. |
| £750 and over       | ..      | .. | .. | .. | .. | .. | 4          | 0  |
| £500 and under £750 | ..      | .. | .. | .. | .. | .. | 3          | 0  |
| £400 and under £500 | ..      | .. | .. | .. | .. | .. | 2          | 6  |
| Under £400          | ..      | .. | .. | .. | .. | .. | 2          | 6  |

\* \* \* \* \*

**Sub-reg. (2.)**  
omitted by  
1944, No. 172.

(3.) Payment of meal allowance shall be restricted to cases where the performance of extra duty renders it necessary for an officer to incur expense in obtaining a meal away from his usual place of residence.

(4.) The provisions of this regulation shall apply only in cases where an officer is working at his permanent head-quarters. Expenditure incurred in the purchase of meals during an officer's absence from his head-quarters, but not overnight, shall be dealt with under the provisions of regulation 53 of these Regulations.

Proficiency  
allowances.  
Inserted by  
1948, No. 58.

**60A.**—(1.) If an officer designated Stenographer (Grade 1, Grade 2 or Grade 3) satisfies the High Commissioner, by passing a test or other sufficient evidence, as to her efficiency as a shorthand writer at the rate of 120 words per minute, she shall be entitled to payment of a proficiency allowance at the rate of £12 per annum.

(2.) If an officer, designated Stenographer (Grade 1, Grade 2 or Grade 3), Typex Operator (Grade 1, Grade 2 or Grade 3) or Typist, satisfies the High Commissioner, by passing a test or other sufficient evidence, as to her efficiency as a typist at the rate of 50 words per minute, she shall be entitled to payment of a proficiency allowance at the rate of £12 per annum.

Higher  
duties  
allowance.  
Sub-reg. (1.)  
substituted by  
1948, No. 58.

**61.**—(1.) When an officer temporarily performs, to the satisfaction of the High Commissioner, the whole of the duties of an office higher than that in which he is classified, he shall be paid an allowance to raise his salary to the minimum salary of the higher office for all time temporarily served in that office in excess of twelve working days in each calendar year:

Provided that an officer who, as at the first day of January in any year, has acted continuously in a higher office during the whole of the preceding calendar year shall not be required to serve a further period of twelve days without payment of allowance so long as the acting service is continuous:

Provided further that, where the salary ranges of the office held by the acting officer and of the higher office temporarily occupied by him overlap, the allowance payable to the acting officer shall be such allowance as would raise his total remuneration, while so acting, to the amount he would have received if he had been permanently promoted to the higher office.

(2.) Where an officer performs higher duty in a continuous period, and such duty is at least the equivalent of one full day, even though the duty extends from one day to the next day, he shall be credited with, or paid for, as the case may be, the full period of acting service. Duty performed in a higher office on a Sunday shall count in the same way as duty in that office on any other day of the week.

(3.) An officer called upon to occupy a higher office temporarily shall be entitled to increments as though he had been permanently promoted to such office:

Provided that, in the case of the first increment, the officer shall have performed the higher duties for twelve months (continuously or in broken periods) during the preceding two years:

Provided further that the officer shall be entitled to receive a second increment, if he has performed the higher duties for two years (continuously or in broken periods) during the preceding four years, and subsequent increments shall be granted on a corresponding basis.

(4.) In the event of an officer, while acting in a higher office, being permanently promoted to that office, he shall not suffer any reduction of salary or increments, and shall receive increments in the same manner as he would have received them had his acting appointment been permanent. In the event of an officer who has previously acted in a higher office being permanently promoted to that office at a time when he is not temporarily performing the duties of such office, he shall be credited with past higher duties service, but his eligibility for payment of increments shall be subject to compliance with the conditions governing the granting of higher duties allowance increments prescribed in sub-regulation (3.) of this regulation. In the event of an officer being permanently promoted to an office the maximum salary allotted to which is lower than the maximum salary allotted to an office in which he has been acting, his remuneration on promotion shall be equivalent to the amount he would have received had the period of his acting service been in the lower position.

*Division IV.—Offences.*

**62.**—(1.) If any officer whose appointment has been confirmed— Offences.

- (a) wilfully disobeys or disregards a lawful order made or given by any person having authority to make or give the order;
- (b) is negligent or careless in the discharge of his duties;
- (c) is inefficient or incompetent through causes which appear to be within his own control;
- (d) uses intoxicating liquors or drugs to excess;
- (e) is guilty of any disgraceful or improper conduct, either in his official capacity or otherwise;
- (f) commits any breach of the provisions of these Regulations;
- (g) having made or subscribed an oath or affirmation as prescribed in regulation 17 of these Regulations, does or says anything in violation of that oath or affirmation; or
- (h) has wilfully supplied to any officer or other person acting on behalf of the Commonwealth incorrect or misleading information in connexion with his appointment to the Service,

he shall be guilty of an offence, and shall be liable to such punishment as is determined in accordance with the provisions of this regulation.

(2.) If the Official Secretary has any reason to believe that an officer has committed a minor offence, he may call on the officer for an explanation as to the alleged offence, and if, on consideration of the explanation, he is of opinion that the offence has been committed, he may caution or reprimand the offending officer, or fine him a sum not exceeding Five shillings.

(3.) If the Official Secretary has reason to believe that any officer has committed an offence other than a minor offence punishable under the provisions of the preceding sub-regulation action may be taken as follows:—

- (a) He may charge the officer, and may, if he considers that the offence is of such a serious nature that the charged officer should not continue in the performance of his duty, suspend the officer from duty.

- (b) Suspension may be effected prior to or at the time of, or subsequent to, the laying of the charge, and may be removed at any time by the Official Secretary pending determination of the charge or, in any case where the charge has not been sustained, immediately upon a finding to that effect.
- (c) Upon a charge being laid against an officer, the Official Secretary shall forthwith furnish the officer with a copy of the charge and require him to state in writing whether he admits or denies the truth of the charge, and to give any explanation he desires in regard thereto. If a reply is not made by the officer within seven days of his receipt of the copy of the charge, the officer shall be deemed to deny the truth of the charge.
- (d) If the officer admits the truth of the charge or, if the High Commissioner, after consideration of reports relating to the offence and charge and the reply and explanation (if any) of the officer charged, and such further reports (if any) as the High Commissioner considers necessary, is of opinion that the charge has been sustained, the High Commissioner may—
  - (i) fine the officer any sum not exceeding Five pounds;
  - (ii) reduce his salary;
  - (iii) reduce him to a lower class, or position, and salary;
  - (iv) transfer him to some other position which transfer may be in addition to fine or reduction; or
  - (v) recommend to the Minister the dismissal of the officer from the Service.
- (e) If the High Commissioner recommends to the Minister the dismissal of an officer from the Service he shall at the same time forward to the Minister a report furnishing full particulars of the case, together with the documents referred to in the last preceding paragraph, and the Minister may impose any other punishment specified in the last preceding paragraph, or may recommend to the Governor-General that the officer be dismissed and the Governor-General may dismiss the officer.
- (f) Where an officer is suspended for an offence and the finding of the High Commissioner is that the charge has not been sustained, the officer shall be allowed full pay for the period of suspension.

Officer  
convicted of  
criminal  
offence.

**63.**—(1.) Where an officer is charged in any Court with having committed any criminal offence, punishable either on indictment or on summary conviction, he may be suspended by an officer authorized in that regard.

(2.) If, upon the hearing of the charge by any Court, the officer is found guilty of the offence, the High Commissioner may (whether the officer has been suspended or not) recommend to the Minister that the officer be dismissed from the Service, or he may reduce the officer to a lower class or position and salary, or reduce his salary, or inflict such other punishment of the punishments specified in paragraph (d) of sub-regulation (3.) of the last preceding regulation as he thinks fit.

(3.) Any officer who is suspended or dismissed in accordance with this regulation shall, unless the High Commissioner otherwise directs, not receive any salary from the date upon which or for the period during which, he ceased to perform the duties of his office.

(4.) The Official Secretary may at any time remove the suspension of any officer suspended under this regulation, whether before or after conviction.

(5.) This regulation shall not prevent an officer from being dealt with under some other provision in these Regulations, but an officer shall not be punished under these Regulations twice in respect of the same offence or matter.

**64.** The Official Secretary shall immediately advise the Minister of any punishment imposed under the provisions of these Regulations, except fines of an amount of Two pounds or less and punishments imposed for minor offences. Return of punishments.

**65.** The Official Secretary shall cause a record to be kept of all punishments of officers, but, in any case where an officer has been punished by caution, reprimand, or fine not exceeding Five shillings, a record of that punishment shall be not kept for a longer period than two years, and in any matter affecting the officer no record, report, or other matter relating to a caution, reprimand, or fine not exceeding Five shillings of over two years' standing shall be taken into consideration. Record of punishments.

#### *Division V.—Retirement.*

**66.—(1.)** If an officer appears to the High Commissioner to be inefficient or incompetent or unfit to discharge or incapable of discharging the duties of his office efficiently, the High Commissioner may recommend to the Minister that the officer be transferred to some other office or that he be retired from the Service. Incapacity of officers.

(2.) Upon receipt of the High Commissioner's recommendation, the Minister may transfer the officer to some other office with salary appropriate to such office, or may recommend to the Governor-General that the officer be retired from the Service and the Governor-General may thereupon retire him from the Service from such date as is specified in the instrument of retirement.

**67.—(1.)** If at any time the High Commissioner finds that the number of officers of a particular classification employed in the Service is greater than is necessary for the efficient working of the office, he shall report to the Minister accordingly. Excess officers.

(2.) The Minister may transfer to an office of lower classification and salary any officer who, in the opinion of the High Commissioner, is in excess of requirements, or, if no suitable office is available, may recommend to the Governor-General that the officer be retired from the Service and the Governor-General may thereupon retire the officer from the Service.

Retirement of  
officers on  
account of age.

**68.**—(1.) Every officer having attained the age of sixty years shall be entitled to retire from the Service, if he desires so to do; but any such officer may (unless retired in pursuance of sub-regulation (2.) of this regulation) continue in the Service until he attains the age of sixty-five years.

(2.) If any officer continues in the Service after he has attained the age of sixty years, he may at any time before he attains the age of sixty-five years be retired from the Service by the Governor-General upon recommendation by the Minister.

*Division VI.—Miscellaneous.*

Gazettal of  
appointments,  
&c.

Amended by  
1948, No. 58.

**69.** Notice of all appointments, promotions, retirements and dismissals of officers made under the Act and these Regulations shall be published in the *Gazette*.

Married  
women.

**70.**—(1.) A married woman shall not be eligible for employment, unless the High Commissioner certifies that there are special circumstances which make her employment desirable.

(2.) A female officer shall be deemed to have retired from the Service upon her marriage, unless the High Commissioner certifies that there are special circumstances which make her employment desirable.

(3.) There shall be payable to any female officer who has completed not less than five years' service, who is deemed to have retired from the Service upon her marriage, and who is not eligible for, or has not been granted, leave, or pay in lieu of leave, under regulation 41 or 42 of these Regulations, a sum equivalent to salary in accordance with the following scale:—

| Length of Service.                            |    |    | Sum equivalent to<br>salary for— |
|-----------------------------------------------|----|----|----------------------------------|
| Not less than 5 years but less than 8 years   | .. | .. | One month                        |
| Not less than 8 years but less than 12 years  | .. | .. | Two months                       |
| Not less than 12 years but less than 20 years | .. | .. | Three months                     |

**PART IV.—OFFICERS OF THE THIRD CLASS.**

Conditions of  
employment.

**71.** The provisions of Part III. of these Regulations shall not apply to officers of the Third Class:

Provided that, unless the Minister otherwise determines in relation to any particular matter or class of matters, the provisions of that Part which relate to recreation leave, accident leave, overtime and the performance of duty on holidays and Sundays and payment therefor and meal allowances shall apply to and in relation to officers of the Third Class.

Oath to be  
taken by  
officers of  
Third Class.  
Inserted by  
1950, No. 45.

**71A.**—(1.) The High Commissioner shall require every person who—

(a) is employed as an officer of the Third Class at the date of commencement of this regulation; or

(b) is appointed to be an officer of the Third Class after the date of commencement of this regulation,

to take and subscribe an oath in the form in the Third Schedule to these Regulations and every such person, upon being so required, shall comply with that requirement.



(2.) The Official Secretary or an officer thereto authorized in writing by the High Commissioner may administer the oath referred to in sub-regulation (1.) of this regulation.

72. The services of an officer of the Third Class may be terminated at any time by the High Commissioner. Termination of services.

73.—(1.) Subject to the provisions of this regulation, the Official Secretary may, if he is satisfied that an absence from duty of an officer of the Third Class is due to illness arising from causes beyond the officer's own control, grant the officer leave of absence. Sick leave.

(2.) If an officer is unable to attend duty owing to illness, he shall apply in writing for leave of absence, stating the reason of his absence.

(3.) An application for leave with pay shall be supported by the certificate of a qualified medical practitioner, if the period of the officer's absence exceeds one day or if the officer during the preceding twelve months has been absent through illness for a period or periods amounting in the aggregate to two days.

(4.) During the first twelve months of continuous service the sick leave which an officer may be granted under this regulation shall not exceed twenty-four days and shall be without pay.

(5.) After an officer has completed twelve months' continuous service he may be granted sick leave at the rate of one day with pay and two days without pay for every twenty-six days' service:

Provided that the total leave so granted in any period of twelve months shall not exceed twelve days with pay and twenty-four days without pay.

(6.) Notwithstanding anything contained in sub-regulations (4.) and (5.) of this regulation, an officer who, having been retired from the First or the Second Class of the Service in accordance with regulation 68 or regulation 70 of these Regulations, is employed as an officer of the Third Class may, subject to sub-regulations (1.), (2.) and (3.) of this regulation, be granted leave of absence as specified in the following table:— Added by 1943, No. 300.

| Qualifying period of service as an officer of the Third Class.                                 | Total period of leave allowable. |
|------------------------------------------------------------------------------------------------|----------------------------------|
| After the date of his commencing duty and during the period of his first two years' service    | Twenty-four days on full pay     |
| After the date of his completion of two years' service and during the year following that date | Twelve days on full pay          |
| During each succeeding year of service .. .. .                                                 | Twelve days on full pay          |

Any leave of absence allowable under this sub-regulation which is not availed of by an officer during the period in respect of which it accrues shall be allowed to accumulate.

(7.) If, at the expiration of the total period of leave of absence allowable to him under this regulation, an officer does not resume his duties, his services shall be terminated by the High Commissioner. Added by 1943, No. 300.

Officers with  
prior service.  
Inserted by  
1943, No. 300.

**73A.** Where a person is appointed to be an officer of the Third Class and his services as such an officer have previously been terminated—

(a) in accordance with sub-regulation (7.) of the last preceding regulation; or

(b) owing to the requirements of the Service,

the continuity of his service shall be deemed not to have been broken, for the purposes of sick leave, recreation leave or incremental advancement, if, during a period not exceeding fourteen months prior to that leave or advancement, he was employed for a total period of twelve months.

#### PART V.—ATTENDANCE, HOURS OF DUTY AND HOLIDAYS.

Hours of  
attendance.  
Substituted by  
1948, No. 58.

**74.**—(1.) Except as otherwise provided in this regulation, the hours of attendance of officers shall be from 9 a.m. to 5.21 p.m. from Monday to Friday, inclusive, with an interval of one hour for luncheon.

(2.) Such officers as the High Commissioner considers necessary may be rostered for duty on Saturdays, but any officer who performs such duty shall, so far as practicable, be granted a period of time off duty equivalent to the period of duty performed on the Saturday during the following week.

(3.) Messengers, porters, lift attendants, office cleaners, and any officer engaged in the maintenance of essential services shall observe such hours of attendance as the High Commissioner directs.

Records of  
attendance.

**75.** Such means of recording the attendance of officers as are approved by the Official Secretary shall be provided. The officer in charge of each section of the office provided with means of record of attendance shall be responsible for their use in accordance with these Regulations and such directions as are given him by the Official Secretary.

Obligation  
to record  
attendance.

**76.**—(1.) Every officer, unless specially exempted by the High Commissioner, shall record daily in an attendance book, or other means of record approved by the Official Secretary, the actual times of his arrival at the office and of his departure therefrom.

(2.) The exemption of any officer from the obligation to record his attendance shall not be deemed to authorize that officer to absent himself from duty or to leave his office except on official business within his hours of duty.

Accessibility  
of attendance  
record.

**77.** The approved means of record of attendance shall be accessible at the ordinary time of arrival of officers, and shall be made available at the ordinary time of ceasing duty and not before.

Late  
attendances.

**78.** An officer arriving on duty later than ten minutes after the ordinary time of commencing duty shall not record his attendance, but shall report himself to the officer in charge, by whom the record shall be made, together with the officer's explanation for late attendance.

Reports of late  
attendances.

**79.** Where a satisfactory explanation of late attendances is not furnished, or where the officer—

(a) is frequently late in arrival after the ordinary hour of commencing duty, whether or not such attendances are ten minutes late;

- (b) leaves duty without authority before the ordinary time of departure;
- (c) absents himself without authority during office hours; or
- (d) records incorrectly the time of his arrival or departure,

it shall be the duty of the officer in charge to report the conduct of the officer to the Official Secretary as a breach of these Regulations.

**80.**—(1.) An officer shall not be allowed to leave the office during office hours, except on official business or by express permission of the Official Secretary, and the period of such absence, if not on official business, shall be duly recorded in the record of attendances by the officer in charge. Absence from duty during office hours.

(2.) At the discretion of the Official Secretary, leave for such absence may be granted with or without pay, or may be deducted from recreation leave. Amended by 1950, No. 45.

**81.**—(1.) An officer shall not absent himself from duty without proper authority, unless reasonable cause is shown. Absence from duty in case of illness or emergency.

(2.) If an officer is prevented by illness or other emergency from attending to duty, he shall immediately report the fact through the head of his branch to the Official Secretary.

**82.**—(1.) The following days, or any days prescribed by the law of the United Kingdom to be observed in lieu thereof, shall be observed as holidays:— Holidays.

- The first day of January.
- The twenty-sixth day of January.
- Christmas Day and Boxing Day.
- Good Friday and the following Saturday and Monday.
- The anniversary of the birthday of the Sovereign.
- The twenty-fifth day of April.

(2.) In addition to the days specified in sub-regulation (1.) of this regulation, there may be observed as public holidays or half-holidays such additional days or half-days, not exceeding in the whole four days in any one calendar year, as are authorized by the High Commissioner.

#### PART VI.—MISCELLANEOUS.

**83.** When any officer attains the age of sixty years, the High Commissioner shall forthwith report to the Minister as to the willingness and fitness of the officer to continue to perform the duties of his office. Report as to officers attaining 60 years.

**84.**—(1.) The High Commissioner shall furnish the Minister, in the month of April each year, with a return of officers who have attained the age of sixty years, together with a report in each case as to whether the officer is able and willing to continue to perform his duties. Return of officers over 60 years of age.

(2.) If the High Commissioner is of the opinion that any such officer should be retired on account of inability to perform his duties, he shall take action in accordance with these Regulations for termination of the officer's services.

Amounts to be read as in sterling.

**85.** Any reference in these Regulations to any amount of salary or allowance payable to, or any amount by way of fine or penalty imposed on, officers shall be read as a reference to that amount in sterling.

Insolvent officers.

**86.**—(1.) If the estate of an officer is sequestrated either voluntarily or compulsorily for the benefit of his creditors, the officer shall apply, as soon as he may legally do so, to a Court of Bankruptcy or Insolvency for a certificate of discharge.

(2.) If the officer does not apply as aforesaid for a certificate of discharge, or if he applies, and it is shown that the officer has been guilty of fraud, dishonorable conduct, or extravagance, the officer shall be deemed to have committed an offence and may be charged and dealt with in the manner prescribed by regulation 62 of these Regulations.

Outside employment.

**87.** An officer shall not accept or engage in any paid employment other than in connexion with the duties of his office unless the permission of the Minister in writing has first been obtained.

Solicitation or acceptance of gifts.

**88.** An officer shall not, either directly or indirectly, solicit or accept gifts or presents from any member of the public concerned, either directly or indirectly, with any matter connected with the duties of the officer or in which the Commonwealth is interested.

Monetary transactions between officers.

**89.** Any monetary transaction between officers, either as principals or agents, whereby any interest or other return in money or kind is charged or paid, or money is borrowed by senior officers from their subordinates, is forbidden.

Obligations arising from confidential nature of duties.

**90.** An officer shall not—

- (a) publicly comment on the administration of the Office; or
- (b) use for any purpose, other than for the discharge of his official duties, any information gained by, or conveyed to, him through his connexion with the Office.

Officers summoned as jurors.

**91.**—(1.) An officer summoned as a juror shall at once notify the Official Secretary.

(2.) Any officer so summoned shall be granted leave of absence for the period necessary for his attendance upon the Court, and the leave shall be with full pay, subject to deduction of a sum equal to any amount received by the officer as compensation for his attendance as juror.

Accounts and public moneys.

**92.** In the matter of accounts and the collection and payment of public moneys, officers shall conform strictly to the provisions of the *Audit Act 1901-1934* and any regulation made thereunder.

Deduction of pecuniary penalty from salary.

**93.**—(1.) On receipt of notice of any pecuniary penalty imposed upon, or any order for the payment of money made against, any officer under the authority of these Regulations, the officer who pays the salary, wages or pay of the officer so punished or against whom the order is

made, shall deduct from any salary, wages or pay payable to the officer the amount of the penalty, or the sum ordered to be paid, as the case may be, unless he is satisfied that payment has been made by the officer.

(2.) The deduction may be made by instalments equal as nearly as practicable to one-fourth of the salary wages or pay due from time to time to the officer.

(3.) All fines or penalties imposed under these Regulations shall be paid into and form part of the Consolidated Revenue.

**94.** All officers shall acquaint themselves with the provisions of the Act and these Regulations. Acquaintance with Act and Regulations.

**95.—(1.)** Every officer shall obey promptly all instructions given to him by the officers under whose control or supervision he is placed. Obedience to instructions.

(2.) If an officer has ground of complaint arising out of any instructions given him by a superior officer, or from any other cause whatsoever, he may appeal in regard thereto, through his immediate superior, to the Official Secretary, who shall deal with the appeal and advise the officer of his decision.

(3.) If the officer is still dissatisfied, he may appeal through the Official Secretary to the High Commissioner.

(4.) The officer shall, nevertheless, as far as possible, carry out any instructions which may be given to him until they are countermanded by competent authority.

**96.** Whenever a person objects to take the oath prescribed by regulation 17 or regulation 71A of these Regulations and states, as the ground of his objection, either 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 the form in the Third Schedule to these Regulations instead of taking the oath. Affirmation instead of oath.  
Added by 1950, No. 45.

|   |   |   |   |   |   |   |   |                                           |
|---|---|---|---|---|---|---|---|-------------------------------------------|
| * | * | * | * | * | * | * | * | First Schedule repealed by 1948, No. 58.  |
| * | * | * | * | * | * | * | * | Second Schedule repealed by 1948, No. 58. |

### THE THIRD SCHEDULE.

Amended by 1950, No. 45.

Regulations 17, 71A and 96.

#### OATH.

I, *A.B.*, do swear that I will be faithful and bear true allegiance to the King, and will loyally as in duty bound uphold the Constitution of the Commonwealth of Australia established under the Crown of the United Kingdom. *So help me, God!*

#### AFFIRMATION.

I, *A.B.*, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to the King, and will loyally as in duty bound uphold the Constitution of the Commonwealth of Australia established under the Crown of the United Kingdom.

## IMMIGRATION ACT 1901-1949

## IMMIGRATION REGULATIONS.\*

Short title.

1. These Regulations may be cited as the Immigration Regulations.\*

Definition.

Sub-reg. (1.)  
amended by  
1952, No. 53.2.—(1.) In these Regulations “the Act” means the *Immigration Act* 1901-1949.

(2.) Any reference in these Regulations to a Form shall be read as a reference to a Form in the Schedule to these Regulations.

Detention for  
medical  
examination.

3. The detention referred to in section 31 of the Act may be in such place and in such custody as the officer thinks fit, and for such time as may, in his opinion, be necessary for the complete examination of the immigrant.

Immigrants  
to furnish  
statement.  
Sub-reg. (1.)  
substituted by  
1947, No. 161.

4.—(1.) A passenger shall, on arrival at the first airport or port of call in Australia, furnish to an officer a passenger card, duly completed and signed, in accordance with a form approved by the Minister.

Sub-reg. (2.)  
amended by  
1947, No. 161.

(2.) The passenger shall, on demand by an officer, acknowledge his signature and state whether the particulars contained in the passenger card are true and correct.

Substituted by  
1947, No. 161.

(3.) A passenger who makes a false statement in supplying information required by a passenger card, or presents to an officer a passenger card which is false in any particular, shall be guilty of an offence against these Regulations.

Amended by  
1947, No. 161.

(4.) This regulation shall not apply to—

(a) a foreign Consular Officer or a public officer of a foreign State duly accredited to the Commonwealth; and

\* \* \* \* \*

(c) a child under sixteen years of age accompanying his or her parent.

(5.) In any prosecution for an offence against this regulation; the production of a paper purporting to be a declaration made and signed by the defendant shall be evidence that the declaration was made by the defendant and presented by him to an officer if the officer producing the declaration proves that it was presented to him by the defendant, and that the defendant either signed the declaration in his presence or acknowledged to the officer that it had been signed by him.

\* The Immigration Regulations, in force under the *Immigration Act* 1901-1949, comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|---------------------|------------------------------------------|-----------------------|
| 1932, No. 103 .. .. | 29th September, 1932 .. ..               | 1st October, 1932     |
| 1933, No. 128 .. .. | 30th November, 1933 .. ..                | 30th November, 1933   |
| 1940, No. 144 .. .. | 25th July, 1940 .. ..                    | 25th July, 1940       |
| 1941, No. 66 .. ..  | 27th March, 1941 .. ..                   | 27th March, 1941      |
| 1946, No. 20 .. ..  | 29th January, 1946 .. ..                 | 29th January, 1946    |
| 1947, No. 161 .. .. | 27th November, 1947 .. ..                | 27th November, 1947   |
| 1949, No. 45 .. ..  | 28th July, 1949 .. ..                    | 28th July, 1949       |
| 1952, No. 53 .. ..  | 19th June, 1952 .. ..                    | 19th June, 1952       |
| 1955, No. 6 .. ..   | 13th January, 1955 .. ..                 | 13th January, 1955    |
| 1956, No. 108 .. .. | 14th December, 1956 .. ..                | 14th December, 1956   |

**4A.** A declaration by an intending immigrant under sub-section (2.) of section 3 of the Act shall be in accordance with Form A and shall be made and subscribed before an officer.

Form of declaration under section 3 (2.).

Inserted by 1949, No. 45.

**5.—(1.)** Any officer thereto authorized in writing by the Minister may issue a landing permit to any person whose landing in the Commonwealth has been authorized by or on behalf of the Minister.

Landing permits.

Substituted by 1933, No. 128.

(2.) Subject to the next succeeding sub-regulation, a landing permit shall remain in force for such period, not exceeding three years, as is specified therein, and may be extended from time to time.

Sub-reg. (2.) amended by 1946, No. 20.; and 1947, No. 161.

(2A.) The Minister may, if he thinks fit, cancel a landing permit at any time.

Inserted by 1947, No. 161.

(3.) During the currency of a landing permit the holder thereof may, on production of the permit, and subject to the Act and these Regulations and the conditions specified in the permit, be permitted to enter the Commonwealth.

\* \* \* \* \*

Sub-reg. (4.) omitted by 1946, No. 20.

**6\*.—(1.)** The Minister may, in such circumstances as he thinks fit, require a maintenance guarantee to be given in relation to a person seeking to enter the Commonwealth.

Maintenance guarantees.

Substituted by 1955, No. 6.

(2.) A maintenance guarantee shall be given in such form and for such period as the Minister determines.

(3.) Where, during the period for which a maintenance guarantee under this regulation has been given, the funds of the Commonwealth or of a State, or of a public or charitable institution, are, by reason of—

- (a) the infirmity of mind or body of the person in relation to whom the maintenance guarantee is given;
- (b) the insufficiency of means of that person to support himself; or
- (c) any other cause,

expended, either directly or indirectly, in the maintenance of that person, an amount equal to the amount of the funds so expended is a debt due and payable, by the person who gave the maintenance guarantee, to the Commonwealth, the State or the institution, as the case may be.

(4.) A debt due and payable to the Commonwealth, to a State or to an institution under the last preceding sub-regulation may be sued for and recovered in any court of competent jurisdiction by the Commonwealth, the State or the institution, as the case may be, or by a person authorized by the Commonwealth, the State or the institution, as the case may be, to sue for and recover debts due and payable under the last preceding sub-regulation to the Commonwealth, the State or the institution, as the case may be.

(5.) For the purposes of this regulation, the maintenance of a person includes—

- (a) the provision of medical, surgical or dental treatment of that person; and

\* This regulation was substituted by sub-regulation (1.) of regulation 1 of Statutory Rules 1955, No. 6. Sub-regulation (2.) of that regulation reads as follows:—

“(2.) A maintenance guarantee given under regulation 6 of the Immigration Regulations and in force immediately before the commencement of these Regulations shall continue to have effect as if these Regulations had not come into operation.”.

- (b) the payment to that person of any age, invalid or widow's pension or of any unemployment, sickness or rehabilitation benefit or of any other allowance for the maintenance of that person.

Conveyance of prohibited immigrants for purposes of deportation.  
Sub-reg. (1.) amended by 1952, No. 53.

7.—(1.) Upon the arrival in Australia, in an overseas ship, of any person who is a prohibited immigrant under section 3 of the Act, the Commonwealth Migration Officer for the State in which the immigrant arrives may make an order authorizing an officer to convey the immigrant to another ship, either in the same port or at another port in Australia, for the purpose of deporting him from Australia.

(2.) This regulation shall not affect the liability of any person under section 9 of the Act.

Searching vessels for prohibited immigrants.

8. An officer may, at any time, enter into or upon any vessel, other than a public vessel of any Government, and may search, or cause a search to be made, in every part of the vessel, for the purpose of determining whether any prohibited immigrant is on board.

Searching premises for documents relating to immigration of prohibited immigrants.  
Amended by 1952, No. 53.

9. Any officer authorized in that behalf by the Minister, or by the Secretary to the Department of Immigration, may, at any reasonable hour in the day time, enter and search any building, premises, or place in which he has reasonable ground for believing that there are documents, books, or papers relating to the immigration of prohibited immigrants, and may seize any such documents, books, or papers and impound and retain them for such time as he thinks necessary.

Authorized officer may search building for exempted persons.

10. Any officer authorized in that behalf by the Minister may, at any reasonable hour in the day time, enter and search any building, premises, or place in which he has reasonable ground for believing that any person, who would in the opinion of the officer be a prohibited immigrant but for the exception contained in paragraph (h) or paragraph (k) of section 3 of the Act, is engaged in the performance of work or duties of a kind different from those which he was expressly permitted to enter the Commonwealth to perform.

Production of passport certificates or credentials.

11. Any immigrant, or person coming to Australia, who claims to be—

- (a) possessed of a passport, or certificate of identity in lieu of a passport;
- (b) possessed of a landing permit, or re-entry permit;
- (c) possessed of a certificate of exemption;
- (d) possessed of a certificate exempting from the dictation test;
- (e) possessed of a certificate of naturalization, as defined in section 12B of the Act;
- (f) possessed of a certificate of birth, as defined in section 12B of the Act; or
- (g) duly accredited to the Government of the Commonwealth by the Imperial or any other Government, or sent by any Government on any special mission,

shall, when required by an officer, produce the passport, certificate, permit, or his credentials, as the case may be.



**12.**—(1.) Any person desiring a certificate under section 4B of the Act may make application therefor in accordance with Form B to the Commonwealth Migration Officer for the State in which he resides, or to an officer authorized in that behalf by the Minister.

Certificate exempting from dictation test.  
Sub-reg. (1.) amended by 1952, No. 53.

(2.) The applicant shall furnish with his application, certificates of character by at least two reputable citizens of the Commonwealth, and six unmounted and unretouched photographs of himself—three of his full face and three of his profile.

(3.) The certificate shall contain all matters necessary in the opinion of the Commonwealth Migration Officer, or the authorized officer, as the case may be, for the identification of the holder, and may be in accordance with Form C.

Amended by 1952, No. 53.

(4.) The certificate shall be in duplicate, and one part shall be delivered to the applicant and the other part shall be retained.

(5.) The fee for issue of the certificate shall be One pound.

**13.**—(1.) Any person resident in Australia who, being eligible to remain in the Commonwealth, is about to leave Australia temporarily and who wishes to guard against any difficulty in returning to the Commonwealth, may make application in accordance with Form F for a Re-entry Permit.

Re-entry Permits.

(2.) Any officer thereto authorized in writing by the Minister may issue Re-entry Permits to applicants of a class approved by the Minister. The Permit may be in accordance with Form G.

Amended by 1947, No. 161.

\* \* \* \* \*

Sub-reg. (3.) omitted by 1947, No. 161.

**14.** Officers are empowered to determine whether any person is a prohibited immigrant or an immigrant, and for that purpose any officer may put such questions as are, in his opinion, necessary, and may remove such persons from place to place or take such other action as is, in the officer's opinion, necessary or desirable, to assist him in arriving at his determination; and every person shall answer all questions which are put to him by an officer and which are, in the officer's opinion, necessary for determining whether he or any other person is a prohibited immigrant or an immigrant.

Powers of officers to determine whether a person is a prohibited immigrant, &c.

**15.**—(1.) Any person who—

(a) refuses to answer any question lawfully put to him by an officer; or

(b) makes or presents to an officer any statement or document which is false in any particular,

shall be guilty of an offence.

Persons refusing to answer questions or making false statements.

(2.) In any proceedings for an offence against this regulation, the burden of proving the truth of the statement in respect of which the proceedings have been instituted, or the genuineness of the document presented, shall rest on the person accused.

(3.) Proceedings under this regulation may be taken before a court of summary jurisdiction, and may be commenced at any time within three years after the commission of the offence.

Interpreters.

**16.** Any interpreter who misleads or attempts to mislead an officer examining any person with a view to determining whether he is a prohibited immigrant shall be guilty of an offence against these Regulations.

Unlawful transfer of passports, certificates, identification cards, &c.

**17.** Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, transfers or delivers up to any other person any passport, certificate, permit, credentials, or identification card, referred to in the Act or these Regulations, shall be guilty of an offence against these Regulations.

Unlawful possession of certificates, passports, identification cards, &c.

**18.** Any person who, with intent to contravene or evade the Act, or these Regulations, or without just cause or excuse, has in his possession—

- (a) a certificate of exemption which does not relate to him; or
- (b) any passport, certificate, permit, credentials, or identification card, referred to in the Act or in these Regulations, and not relating to him; or
- (c) any such passport, certificate, permit, credential or identification card which is forged or false,

shall be guilty of an offence against these Regulations.

Persons obstructing officers.

**19.** Any person who obstructs or hinders an officer in the carrying out of the Act or of these Regulations shall be guilty of an offence against these Regulations.

Proceedings under section 8AA or 8AB of the Act.

**20.—(1.)** A summons under section 8AA or 8AB of the Act shall specify the place at which the person summoned is required to appear before the Board.

**(2.)** The person summoned may appear either personally or by counsel.

Power to summon witnesses and require production of documents.

**21.** A member of a Board appointed under section 8AA or 8AB of the Act may, by writing under his hand, summon any person to attend the Board at a time and place named in the summons and then and there to give evidence and to produce any books, documents, or writings in his custody or control which he is required by the summons to produce.

Power to examine upon oath.

**22.** A member of any such Board may administer an oath to any person appearing as a witness before the Board, whether the witness has been summoned or appears without having been summoned, and may examine the witness upon oath.

Affirmation in lieu of oath.

**23.—(1.)** Where any witness to be examined before any such Board conscientiously objects to take an oath, he may make an affirmation that he conscientiously objects to take an oath, and that he will state the truth, the whole truth, and nothing but the truth, to all questions that may be asked of him.

**(2.)** An affirmation so made shall be of the same force and effect, and shall entail the same liabilities, as an oath.

**24.**—(1.) If any person served with a summons to attend any such Board, whether the summons is served personally or by being left at his usual place of abode, fails without reasonable excuse to attend the Board, or to produce any documents, books, or writings in his custody or control which he was required by the summons to produce, he shall be guilty of an offence.

Penalty for failing to attend or produce documents.

(2.) It shall be a defence to a prosecution under this regulation for failing without reasonable excuse to produce any documents, books, or writings if the defendant proves that the documents, books, or writings were not relevant to the inquiry.

**25.** If any person appearing as a witness before any such Board refuses to be sworn or to make an affirmation or to answer any questions relevant to the inquiry put to him by any member of the Board, he shall be guilty of an offence.

Penalty for refusing to be sworn or to give evidence.

**26.** Every witness who has been summoned to attend any such Board shall appear and report himself from day to day unless excused by the Chairman of the Board, or until he is released from further attendance by the Chairman.

Duty of witness to continue in attendance.

**27.** Any such Board may inspect any documents, books, or writings produced before it, and may retain them for such reasonable period as it thinks fit, and may make copies of such matter as is relevant to the inquiry or take extracts therefrom.

Power of Board in relation to documents produced.

**28.** Any witness appearing before any such Board shall be paid such reasonable sum for the expenses of his attendance as is fixed by the Chairman of the Board.

Witnesses to be paid expenses.

**29.** Any witness before a Board who knowingly gives false testimony touching any matter material in the inquiry being made by the Board, shall be guilty of an offence.

Giving false testimony.

Penalty: One hundred pounds or imprisonment for six months.

**30.**—(1.) The master of a vessel, other than a public vessel of a Government, arriving at any port in the Commonwealth, from parts beyond the Commonwealth, with any passengers on board for that port, shall, before making entry at the Customs, deliver to an officer a list of all the passengers for the port, specifying, to the best of his knowledge, the name, age, sex, nationality, race, port of embarkation, and calling or occupation of each of those passengers.

Master to supply information regarding passengers.

(2.) The master and the medical officer (if any) of the vessel shall make and sign a statement in writing on the list stating, to the best of their knowledge and belief, as to each of the passengers, whether he or she is insane, idiotic, deaf and dumb, blind, infirm, or destitute, or is suffering from any infectious or contagious disease of a loathsome or dangerous character, or is suffering from any other disease or mental or physical defect likely to cause him or her to become a charge upon any public or charitable institution.

(3.) The master or medical officer of a vessel who refuses or neglects to make and sign the statement required by this section, or who makes or signs any statement under this section which is incorrect in any material particular, shall be guilty of an offence against these Regulations.

Amended by  
1952, No. 53.

(4.) The furnishing by the master of a vessel of a list of incoming passengers in accordance with the *Navigation Act* 1912-1950, and by the master and medical officer (if any) of Health Reports in accordance with the requirements of the *Quarantine Act* 1908-1950, shall be deemed to be a sufficient compliance with this regulation.

Master to  
supply  
information  
regarding crew.

**31.**—(1.) The master of every vessel, other than a public vessel of any Government, arriving at a port in the Commonwealth from parts beyond the Commonwealth, shall, if required by an officer, deliver to an officer a list showing the number and names of the crew, and their nationality and race, and produce the vessel's articles.

(2.) The master of the vessel shall, if required by an officer, deliver to an officer at her first port of entry in the Commonwealth a list showing the respective names and nationalities of all aliens on board who are not bona fide passengers (in the case of a ship which carries passengers) or who are not seamen whose names appear on the vessel's articles as seamen for discharge at a port beyond the Commonwealth.

(3.) The master of the vessel shall, if required by an officer, deliver to an officer at any port in the Commonwealth, a certificate stating whether all the alien members of the crew who were on board on the vessel's arrival at the first port of call in Australia, are still on board, and giving the names of any who may be absent and the reasons for such absence.

Master to  
facilitate work  
of officers.

**32.** The master of every vessel shall afford to an officer every facility for performing his duties.

Master to  
produce  
deportee if  
requested.

**33.** Where any person has been placed on board a vessel for the purpose of deportation from the Commonwealth pursuant to an order issued by the Minister under the Act, the master of the vessel shall, if so requested by an officer, produce the deportee to the officer prior to the vessel's departure from the last port of call in Australia.

Offences by  
master of  
vessel.

Amended by  
1955, No. 6.

**34.** The master of a vessel who—

- (a) refuses or neglects to afford all reasonable facilities to an officer for the performance of his duties; or
- (b) refuses or neglects to comply with a requirement of an officer under regulation 31 of these Regulations; or
- (c) delivers to an officer any list or statement which is incorrect in any material particular; or
- (d) refuses or neglects to comply with a request made by an officer in pursuance of regulation 33 of these Regulations,

shall be guilty of an offence against these Regulations.

Service of  
summons on  
master.

**35.** Any summons directed to the master of any vessel upon an information for any offence against the Act or these Regulations shall be deemed to be duly served on the master if the summons is delivered to a person authorized by the master to accept service of process on his behalf.

Members of  
crews not  
producing  
identification  
cards.

**36.**—(1.) Any officer may prevent any member of the crew of a vessel, other than a public vessel of a Government, arriving at any port in the Commonwealth from parts beyond the Commonwealth,

from landing during the vessel's stay at that port unless the identification card of that member has been produced to the officer on demand, and may without warrant arrest any member who attempts to land before his identification card has been so produced.

(2.) In any case where any such member whose identification card has not been produced to the officer on demand lands at any Australian port the master of the vessel and the member of the crew shall each be guilty of an offence against these Regulations.

**37.**—(1.) Any officer may prevent any member of the crew of a vessel, other than a public vessel of a Government, arriving at any port in the Commonwealth from parts beyond the Commonwealth, from landing during the vessel's stay at such port unless he is satisfied that such member of the crew is free from a communicable disease; and to enable the officer to become so satisfied, he may make any physical examination, either personally or with the assistance of a Quarantine Officer or medical practitioner, and may ask such questions as are in his opinion necessary in connexion with the matter.

Members of crews suffering from communicable diseases.

(2.) In any case where any such member of the crew who has been found to be suffering from a communicable disease lands at any Australian port without permission from an officer, the master of the vessel and such member of the crew shall be guilty of an offence against these Regulations.

**38.** The following diseases and disabilities are prescribed for the purposes of paragraph (g) of sub-section (1.) of section 3 of the Act:—

Prescribed diseases, &c.

cancer and other malignant growths;  
chronic alcoholism;  
chronic rheumatism;  
paralysis;  
scabies.

Substituted by 1952, No. 53; amended by 1956, No. 108.

**39.**—(1.) The certificate of exemption referred to in paragraph (h) of section three and in section four of the Act may be in accordance with Form D.

Certificate of exemption.

(2.) Every person to whom a certificate of exemption is issued shall retain such certificate while he remains in the Commonwealth, but shall return it to an officer forthwith when it expires or is cancelled or immediately prior to his departure from the Commonwealth, whichever is the earliest.

Added by 1940, No. 144.

**40.** The identification card mentioned in the proviso to paragraph (k) of section three of the Act, may be in accordance with Form E.

Identification card.

**41.** In any proceedings under the Act before any Court with respect to any person who is alleged to have been convicted of a crime within the meaning of paragraph (ga) or (gb) of section three of the Act, fingerprint records, photographs, and documents shall be admissible in evidence in proof of such conviction, provided that such records, photographs, and documents—

Evidence in proof of previous conviction.

(a) are produced out of the custody of a police or prison officer of a State of the Commonwealth or a territory under the authority of the Commonwealth; and

(b) purport to be certified under the hand of any police or prison officer, or like authority, in any place beyond the Commonwealth.

Persons aiding,  
&c.,  
commission  
of offences  
against  
regulations.

**42.** Any person who aids, abets, counsels, or procures, or is in any way, directly or indirectly, knowingly concerned in or privy to the commission of any offence against these Regulations, shall be deemed to have committed that offence, and shall be punishable accordingly.

Reg. 43  
repealed by  
1952, No. 53.

\* \* \* \* \*

Repeal.

**44.** The *Immigration Regulations*, being Statutory Rules 1926, No. 185, as amended by Statutory Rules 1927, Nos. 62 and 150 by Statutory Rules 1929, No. 108, and Statutory Rules 1930, No. 51, are hereby repealed.

Application  
under section  
14H.

Added by  
1949, No. 45.

**45.** An application for registration as a registered agent shall be in accordance with a form approved by the Minister and shall be forwarded to the Secretary to the Department of Immigration or to the Commonwealth Migration Officer in the capital city of the State in which the applicant carries on business.

Fee for  
application.

Added by  
1949, No. 45.

**46.** An application for registration as a registered agent shall be accompanied by a lodgment fee of One pound.

Certificate of  
registration.

Added by  
1949, No. 45.

**47.** A certificate of registration as a registered agent shall be in accordance with Form H.

Application for  
extension.

Added by  
1949, No. 45.

**48.** An application for an extension of the period of registration of an agent shall be in accordance with a form approved by the Minister and shall, at least fourteen days before the expiration of the period of registration specified in the certificate of registration, be forwarded together with the certificate of registration, to the Secretary to the Department of Immigration or to the Commonwealth Migration Officer in the capital city of the State in which the applicant carries on business as a registered agent.

Cancellation of  
registration.

Added by  
1949, No. 45.

**49.** Where the Minister or an authorized officer cancels the registration of a registered agent he shall notify the person to whom the certificate of registration was issued that his registration has been cancelled.

Return of  
certificate of  
registration  
upon  
cancellation or  
expiration.

Added by  
1949, No. 45.

**50.**—(1.) Where the registration of a registered agent is cancelled, he shall, within fourteen days after the date of the notification of the cancellation of his registration, forward the certificate of registration to the Commonwealth Migration Officer in the capital city of the State in which he carried on business as a registered agent.

(2.) Where the period specified in a certificate of registration expires and is not extended, the person to whom the certificate was issued shall, within fourteen days after the date upon which the certificate ceased to be in force, return the certificate to the Commonwealth Migration Officer in the capital city of the State in which he carried on business as a registered agent.

THE SCHEDULE.

COMMONWEALTH OF AUSTRALIA.

FORM A.

Omitted by  
1947, No. 161;  
inserted by  
1949, No. 45;  
amended by  
1952, No. 53.

*Immigration Act 1901-19*

DECLARATION BY INTENDING IMMIGRANT.

I \_\_\_\_\_ of \_\_\_\_\_, being an intending immigrant into the Commonwealth of Australia, do hereby declare that I am not a person who advocates the overthrow by force or violence of the established government of the Commonwealth or of any State or of any other civilized country, or of all forms of law, or who advocates the abolition of organized government, or who advocates the assassination of public officials or who advocates or teaches the unlawful destruction of property, or who is a member of or affiliated with any organization which entertains and teaches any of the doctrines and practices specified in this declaration.

Signature of declarant.

Made and subscribed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me by the above-named declarant who, before subscribing the above declaration, acknowledged to me that he understood the purport of that declaration.

Signature of Officer.

COMMONWEALTH OF AUSTRALIA.

FORM B.

Amended by  
1940, No. 144;  
and  
1952, No. 53.

*Immigration Act 1901-19*

APPLICATION FOR CERTIFICATE EXEMPTING FROM DICTATION TEST.

Sir,

I hereby apply for a certificate under section 4B of the *Immigration Act 1901-19*, and the Immigration Regulations, and I forward herewith a Statutory Declaration in support of my application.

I wish to visit \_\_\_\_\_ for \_\_\_\_\_ months.

I attach \_\_\_\_\_ certificates of my character, and six unmounted and unretouched photographs of myself (three full face and three profile).

I undertake and intend not to bring with me or to introduce into the Commonwealth on my return to the Commonwealth any relative who is not possessed of an unexpired and unrevoked certificate, excepting him or her from the provisions of paragraph (a) of section 3 of the above Act, and I also undertake and intend not to be directly or indirectly privy to the bringing to or introduction into the Commonwealth of any such relative.

If my application is granted, please intimate the fact to me at the above address.

Yours faithfully,

The Commonwealth Migration Officer.

NOTE.—The Statutory Declaration should set out the length of residence in Australia and should verify all documents accompanying the application, and should be in the form required by the Statutory Declarations Act.

## IMMIGRATION ACT

Amended by  
1940, No. 144;  
and  
1952, No. 53.

COMMONWEALTH OF AUSTRALIA.

FORM C.

—  
*Immigration Act 1901-19* .

## CERTIFICATE EXEMPTING FROM THE DICTATION TEST.

I, \_\_\_\_\_ the Commonwealth Migration Officer for the State of \_\_\_\_\_  
in the said Commonwealth, hereby certify that  
hereinafter described, who is leaving the  
Commonwealth temporarily, will be exempted from the provisions of paragraph  
(a) of section 3 of the Act if he returns to the Commonwealth within a period of  
from the date of departure shown below.

Date

Commonwealth Migration Officer.

*Description.*

Nationality—

Birthplace—

Age—

Complexion—

Height—

Hair—

Build—

Eyes—

Particular marks—

(For thumb prints see back of this document.)

*Photographs.*

Full face.

Profile.

Date of Departure—

Port of embarkation—

Ship—

Destination—

Date of Return—

Ship—

Port—

Immigration Officers.

Substituted by  
1940, No. 144;  
amended by  
1952, No. 53.

COMMONWEALTH OF AUSTRALIA.

FORM D.  
No.

—  
*Immigration Act 1901-19* .

Issued at

State of

Date of issue

19 .

## CERTIFICATE OF EXEMPTION.

This is to certify that \_\_\_\_\_ who is described  
hereunder, is authorized to enter or remain in the Commonwealth without being  
subject to any of the provisions of the *Immigration Act 1901-19* restricting  
entry into or stay in the Commonwealth.

This certificate shall be in force for a period of \_\_\_\_\_ months  
from the \_\_\_\_\_ day of \_\_\_\_\_, 19 .  
Nationality \_\_\_\_\_ Birth place \_\_\_\_\_ Age \_\_\_\_\_

Particular marks

Occupation

Signature of person exempted

Signature of Minister (or an officer authorized  
by the Minister).



FORM E.

## IDENTIFICATION CARD.

| Identification Card. |             | Photographs.  |              |
|----------------------|-------------|---------------|--------------|
| Ship                 |             | Full face.    | Side face.   |
| Name of person       |             |               |              |
| No. on Articles      |             |               |              |
| Employed as          |             |               |              |
| Nationality          |             |               |              |
| Age      Height      |             |               |              |
| Particular Marks     |             | Thumb Prints. | Right thumb. |
|                      | Left thumb. |               |              |
| Master's signature.  |             |               |              |

## COMMONWEALTH OF AUSTRALIA.

FORM F.      Amended by  
1947, No. 161;  
and  
1952, No. 53.

Immigration Act 1901-19 .

## APPLICATION FOR RE-ENTRY PERMIT.

The Commonwealth Migration Officer,

(To be forwarded to the Commonwealth Migration Officer in the  
capital city of the State where applicant resides.)

1. My full name is.....
2. Address.....
3. Occupation.....
4. Birthplace.....
5. Date of birth.....
6. Nationality (if a naturalized citizen of any country, give particulars)  
.....
7. I arrived in Australia from.....on the.....day of.....  
per s.s.....and landed at.....
8. I am      married.  
             not married.  
If married, the following particulars should be furnished:—  
(a) Wife's maiden name..... Birthplace.....  
Husband's name..... Present address.....  
(b) Children (give names and respective ages and present address).
9. I intend leaving Australia to proceed to.....for the purpose  
of.....and expect to be absent from Australia for  
a period of.....
10. I shall be accompanied by.....  
(Full names and ages of members of family.)
11. I propose to leave about..... 19...., per s.s....., sailing  
from the port of.....
12. I hold Passport No.....issued by.....at.....  
on....., 19....

NOTE.—If national Passport is not held, but a document in lieu of a Passport  
such as "Certificate of Identity" or "Permit to Leave Australia", alter the word  
"Passport" accordingly.

13. The following are particulars regarding myself:—  
Height in ordinary boots.....feet.....inches.  
Colour of hair.....  
Complexion.....  
Colour of eyes.....  
Build.....  
Particular marks.....

14. I enclose two unmounted photographs\* of myself.

\* The photographs should be of head and  
shoulders only, taken without hat and with  
plain background. They should be about 3  
inches by 3½ inches in size. The witness to the  
signature should certify on the back of one of  
the photographs that it is a genuine photograph  
of the applicant.

(Signature).....

(Date).....

## IMMIGRATION ACT

## CERTIFICATE REGARDING APPLICANT.

NOTE.—The following persons are authorized to furnish this certificate:—

All special, Stipendiary or Police Magistrates of the Commonwealth or of a State or of the Northern Territory; all Justices of the Peace; all legally qualified Medical Practitioners; all Ministers of Religion; all Bank Managers (whose recommendations should bear the stamp of bank); and all persons or classes of persons approved by the Minister for Immigration.

I, ..... of .....  
have known personally the above-named applicant for a period of .....  
and believe <sup>him</sup><sub>her</sub> to be of good character and a proper person to receive a Permit.

To the best of my knowledge and belief the above statements of the applicant are true.

I have certified on the back of one of the photographs furnished by the applicant that it is a genuine photograph.

Specimen signature of applicant—

..... (Signature) .....  
..... (Title) .....  
Date ..... 19....

Amended by  
1940, No. 144;  
and  
1952, No. 53.

COMMONWEALTH OF AUSTRALIA.

FORM G.

*Immigration Act 1901-19* .

## RE-ENTRY PERMIT.

No..... Port of Issue.....  
Valid until..... Date.....

THIS IS TO CERTIFY that the bearer, M....., a resident of Australia who is proceeding abroad temporarily, will be permitted to re-enter Australia within.....year from the date hereof, subject to being in possession of a valid passport or equivalent document.

NOTE.—This Permit should be retained by the bearer for production and delivery to the Immigration Officer at port of examination on return to Australia. It does not, however, establish the holder's right to land in Australia if he should become liable to restrictions for reasons of health, character or other cause.

Signature of Bearer—

.....

*Description.*

Date and place of birth.....  
Nationality claimed.....  
Height.....  
Eyes.....  
Hair.....  
Particulars of Passport or other document  
in lieu of Passport held at time of depart-  
ure from Australia—

PHOTOGRAPH.

..... No.....  
issued by.....  
at.....on.....19....

.....  
Commonwealth Migration Officer,.....  
on behalf of—  
.....

**EXTENSION.**

Secretary,  
Department of Immigration,  
Canberra, A.C.T.

Returned per s.s.....  
Date.....  
.....  
Immigration Officer.  
port of.....

FORM H.  
Certificate number  
COMMONWEALTH OF AUSTRALIA.

Added by  
1949, No. 45;  
amended by  
1952, No. 53.

CERTIFICATE OF REGISTRATION AS REGISTERED AGENT UNDER  
IMMIGRATION ACT 1901-19

This is to certify that [name in full and occupation or profession] of [address] is registered as a Registered Agent under section 14H of the *Immigration Act 1901*-19

This registration shall be in force from the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

19

Authorized Officer.

# IMMIGRATION (GUARDIANSHIP OF CHILDREN) ACT 1946-1952

## IMMIGRATION (GUARDIANSHIP OF CHILDREN) REGULATIONS.\*

## Citation.

1. These Regulations may be cited as the Immigration (Guardianship of Children) Regulations.\*

Commence-  
ment.

2. These Regulations shall come into operation on the thirtieth day of December, 1946.

## Definitions.

Amended by  
1952, No. 70;  
and  
1956, No. 117.

3. In these Regulations, unless the contrary intention appears—

“authority” means—

- (a) in relation to the State of New South Wales—the Director of the Child Welfare Department of that State;
- (b) in relation to the State of Victoria—the Director of the Children’s Welfare Department of that State;
- (c) in relation to the State of Queensland—the Director of the State Children Department of that State;
- (d) in relation to the State of South Australia—the Children’s Welfare and Public Relief Board of that State;
- (e) in relation to the State of Western Australia—the Assistant Director of the Child Welfare Department of that State;
- (f) in relation to the State of Tasmania—the Director of Social Services of that State;
- (g) in relation to the Australian Capital Territory—the Secretary, Department of the Interior; and
- (h) in relation to the Northern Territory—the Administrator of the Northern Territory;

\* The Immigration (Guardianship of Children) Regulations, in force under the *Immigration (Guardianship of Children) Act* 1946-1952, comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|---------------------|------------------------------------------|-----------------------|
| 1946, No. 195 .. .. | 19th December, 1946 .. ..                | 30th December, 1946   |
| 1952, No. 70 .. ..  | 14th August, 1952 .. ..                  | 14th August, 1952     |
| 1956, No. 117 .. .. | 24th December, 1956 .. ..                | 24th December, 1956   |

“Child Welfare laws” means—

- (a) in relation to the State of New South Wales—the Child Welfare Act, 1939 of that State;
- (b) in relation to the State of Victoria—the Children’s Welfare Acts of that State;
- (c) in relation to the State of Queensland—*The State Children Acts*, 1911 to 1943 of that State;
- (d) in relation to the State of South Australia—the *Maintenance Act*, 1926-1937 of that State;
- (e) in relation to the State of Western Australia—the *Child Welfare Act*, 1907-1927, the *Child Welfare Act Amendment Act*, 1936 and the *Child Welfare Act Amendment Act*, 1941 of that State;
- (f) in relation to the State of Tasmania—the *Infants’ Welfare Act* 1935 to 1940 of that State;
- (g) in relation to the Australian Capital Territory—the *Neglected Children and Juvenile Offenders Act*, 1905 of the State of New South Wales, in its application to the Territory (as amended by the *Juvenile Offenders Ordinance* 1941), the *Juvenile Offenders (Probation) Ordinance* 1940 and the *Juvenile Offenders Ordinance* 1941; and
- (h) in relation to the Northern Territory—the State Children Acts, 1895 to 1909 of the State of South Australia, as amended in its application to the Territory by the *State Children Ordinance* 1934,

and includes, in relation to any State or Territory, the regulations under the Child Welfare laws of that State or Territory and also includes any laws amending or in substitution for any of those laws;

“State” includes the Australian Capital Territory and the Northern Territory;

“the Act” means the *Immigration (Guardianship of Children) Act* 1946-1952;

“welfare and care” includes custody, control, maintenance, education, training and employment.

**3A.** For the purposes of section 4A of the Act, each of the following is a prescribed officer:—

- (a) the Director of the Child Welfare Department of the State of New South Wales;
- (b) the Director of the Children’s Welfare Department of the State of Victoria;
- (c) the Director of the State Children Department of the State of Queensland;
- (d) the Chairman of the Children’s Welfare and Public Relief Board of the State of South Australia;
- (e) the Assistant Director of the Child Welfare Department of the State of Western Australia;
- (f) the Director of Social Services of the State of Tasmania;
- (g) the Secretary to the Department of the Interior, Australian Capital Territory; and
- (h) the Administrator of the Northern Territory.

Prescribed officer for the purposes of section 4A of the Act.

Inserted by 1952, No. 70; amended by 1956, No. 117.

Effect of  
Child Welfare  
laws.  
Amended by  
1952, No. 70.

4. The provisions of the Child Welfare laws of any State under which children may be committed to the custody or care of any person or authority, or may become wards or State children, or wards or children of the State or of any department or authority of the State, shall not apply in relation to any immigrant child in respect of whom the Minister has delegated his powers and functions under section six of the Act to an authority of any State but, in the case of any such child, a Minister of State of the State or of the Commonwealth, and the authority of the State, respectively, shall have, in relation to the child, the rights and powers exercisable by him or it in relation to a child who, in pursuance of those laws, is committed to the custody and care of any person or authority or becomes a ward or State child or a ward or child of the State or of any department or authority of the State.

Acknowledg-  
ment by  
custodians.

5. Where, in pursuance of the Act, the Minister, or a delegate of the Minister, places an immigrant child in the custody of a custodian, the custodian shall thereupon furnish to the Minister or delegate, as the case may be, an acknowledgment in writing of the acceptance by him of responsibility for the welfare and care of that child.

Duties of  
custodians.

6.—(1.) A custodian shall provide for the welfare and care of every immigrant child of whom he is the custodian.

(2.) Without limiting the operation of the last preceding sub-regulation, the duties and obligations of a custodian in relation to any such immigrant child shall be of the like kind to those of a person in relation to a child who is committed to his care, or of whom he becomes the guardian or foster parent, in pursuance of the Child Welfare laws of the State in which the custodian is resident.

Custodian to  
retain custody  
of children.  
Inserted by  
1952, No. 70.

6A.—(1.) The custodian of an immigrant child shall not, without the consent of the authority of the State in which the custodian is resident, place the child in the care of another person.

(2.) A person in whose care an immigrant child has been placed by the custodian of the child shall afford to the authority of the State in which he resides, or a person authorized by that authority, all reasonable facilities for inspecting the conditions under which the child is living and for ascertaining whether the duties and obligations of the custodian are being fulfilled.

Register of  
Custodians.

7. An authority in respect of any State shall, in relation to immigrant children in that State, keep a Register of Custodians in which he shall enter—

- (a) the name, address, occupation and religion of every custodian;
- (b) the name of every child in the custody of each custodian;
- (c) the age, sex and religion of each such child;
- (d) the names, addresses and occupations of the parents or guardians of the child in the United Kingdom;
- (e) the date of arrival of the child in Australia, and the name of the ship in which the child arrived; and
- (f) such other particulars as the Minister determines.

8.—(1.) If a custodian proposes to change his place of abode within the State in which he is resident, he shall notify the proposed change to the authority of the State in which he is registered, if practicable, at least seven days before the change is effected.

Notification of change of address of custodian.

(2.) If it is not practicable for the custodian so to notify the proposed change, he shall notify the proposed change, or the change (if it has taken place) at the earliest practicable time.

9.—(1.) Except with the consent of the authority of the State in which he is registered, the custodian of an immigrant child shall not remove or send the child out of that State, or permit the child to go or be removed out of that State.

Consent to removal out of State or Territory.  
Sub-reg. (1.) substituted by 1952, No. 70.

(2.) The authority of the State from which an immigrant child is removed in pursuance of any such consent shall forthwith note the removal in the Register of Custodians and, if the child is removed to another State, forward to the authority of that other State, for entry in the Register of Custodians kept by him, particulars relating to the custodian and the immigrant child.

10. If an immigrant child—

- (a) absconds or is removed from the custody of his custodian;
- (b) becomes seriously ill, or meets with a serious accident; or
- (c) dies,

Notice to be given if child absconds, &c.

the custodian shall immediately give notice of the fact to the authority of the State in which the custodian is resident, and do all such further acts and things in relation to the child as are directed by that authority.

11. If an immigrant child—

- (a) has absconded;
- (b) has been unlawfully removed from the custody of his custodian; or
- (c) without the consent of the authority of the State in which his custodian is registered, has been removed from, or has left, that State,

Child absconding, &c. to another State or Territory.  
Substituted by 1952, No. 70.

and is found anywhere in Australia, a member of the Police Force of a State or Territory of the Commonwealth, or a person authorized by an authority to act under this regulation, may apprehend the child, hold him in custody and hand him over to a person or authority entitled to custody of the child.

11A. The master, owner or agent of a vessel or aircraft who has reason to suspect that a passenger or intending passenger by the vessel or aircraft for a place outside the Commonwealth is an immigrant child and is leaving the State in which his custodian is registered without the consent of the authority of that State shall, before the departure of the vessel or aircraft, give notice in writing to that authority stating the name of the passenger or intending passenger and his reason for suspecting that the passenger or intending passenger is such an immigrant child.

Notice where child suspected to be leaving the Commonwealth without consent.  
Inserted by 1952, No. 70.

12. A person shall not contravene or fail to comply with any provision of these Regulations which is applicable to him.

Penalty: Twenty pounds.

Offences.

# INCOME TAX AND SOCIAL SERVICES CONTRIBUTION ASSESSMENT ACT

## INCOME TAX AND SOCIAL SERVICES CONTRIBUTION ASSESSMENT ACT 1936-1956

### INCOME TAX AND SOCIAL SERVICES CONTRIBUTION REGULATIONS.\*

#### PART I.—PRELIMINARY.

Short title.

Amended by  
1950, No. 101.

1. These Regulations may be cited as the Income Tax and Social Services Contribution Regulations.\*

\* The Income Tax and Social Services Contribution Regulations in force under the *Income Tax and Social Services Contribution Assessment Act 1936-1956* comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in <i>Gazette</i> . | Date of Commencement.   |
|---------------------|------------------------------------------|-------------------------|
| 1936, No. 94 .. ..  | 9th July, 1936 .. ..                     | 9th July, 1936          |
| 1939, No. 6 .. ..   | 9th February, 1939 .. ..                 | 9th February, 1939      |
| 42 .. ..            | 25th July, 1939 .. ..                    | 25th May, 1939          |
| 1940, No. 138 .. .. | 18th July, 1940 .. ..                    | 18th July, 1940         |
| 289 .. ..           | 17th December, 1940 .. ..                | 17th December, 1940     |
| 1941, No. 120 .. .. | 28th May, 1941 .. ..                     | 1st August, 1941        |
| 327 .. ..           | 31st December, 1941 .. ..                | 31st December, 1941     |
| 1942, No. 339 .. .. | 30th July, 1942 .. ..                    | 1st August, 1942        |
| 553 .. ..           | 31st December, 1942 .. ..                | 31st December, 1942     |
| 1943, No. 80 .. ..  | 29th March, 1943 .. ..                   | 1st April, 1943         |
| 127 .. ..           | 13th May, 1943 .. ..                     | 13th May, 1943          |
| 151 .. ..           | 2nd June, 1943 .. ..                     | 2nd June, 1943          |
| 1944, No. 90 .. ..  | 8th June, 1944 .. ..                     | <i>See Note 1 below</i> |
| 124 .. ..           | 24th August, 1944 .. ..                  | 24th August, 1944       |
| 1945, No. 12 .. ..  | 8th February, 1945 .. ..                 | 8th February, 1945      |
| 85 .. ..            | 5th June, 1945 .. ..                     | 1st July, 1945          |
| 169 .. ..           | 1st November, 1945 .. ..                 | 1st November, 1945      |
| 192 .. ..           | 6th December, 1945 .. ..                 | 1st January, 1946       |
| 1946, No. 135 .. .. | 9th August, 1946 .. ..                   | 1st September, 1946     |
| 1947, No. 77 .. ..  | 13th June, 1947 .. ..                    | <i>See Note 2 below</i> |
| 173 .. ..           | 22nd December, 1947 .. ..                | 22nd December, 1947     |
| 1948, No. 115 .. .. | 9th September, 1948 .. ..                | 1st October, 1948       |
| 162 .. ..           | 23rd December, 1948 .. ..                | 23rd December, 1948     |
| 1949, No. 25 .. ..  | 19th May, 1949 .. ..                     | 1st July, 1949          |
| 50 .. ..            | 18th August, 1949 .. ..                  | 18th August, 1949       |
| 1950, No. 63 .. ..  | 9th October, 1950 .. ..                  | 9th October, 1950       |
| 101 .. ..           | 15th December, 1950 .. ..                | <i>See Note 3 below</i> |
| 1951, No. 136 .. .. | 1st November, 1951 .. ..                 | <i>See Note 4 below</i> |
| 157 .. ..           | 12th December, 1951 .. ..                | 12th December, 1951     |
| 1952, No. 89 .. ..  | 26th September, 1952 .. ..               | 1st October, 1952       |
| 90 .. ..            | 9th October, 1952 .. ..                  | 9th October, 1952       |
| 102 .. ..           | 11th December, 1952 .. ..                | 11th December, 1952     |
| 1953, No. 55 .. ..  | 5th June, 1953 .. ..                     | 5th June, 1953          |
| 88 .. ..            | 30th October, 1953 .. ..                 | 1st November, 1953      |
| 1954, No. 11 .. ..  | 16th February, 1954 .. ..                | 16th February, 1954     |
| 99 .. ..            | 24th September, 1954 .. ..               | 1st October, 1954       |
| 112 .. ..           | 15th November, 1954 .. ..                | 15th November, 1954     |
| 1955, No. 23 .. ..  | 6th April, 1955 .. ..                    | 6th April, 1955         |
| 1956, No. 34 .. ..  | 19th April, 1956 .. ..                   | 19th April, 1956        |
| 96 .. ..            | 14th December, 1956 .. ..                | 14th December, 1956     |

Statutory Rules 1956, No. 35, by which these Regulations were also amended, were repealed by Statutory Rules 1956, No. 96 as from 10th May, 1956.

NOTE.—1. Regulation 1 of Statutory Rules 1944, No. 90, reads as follows:—

“1.—(1.) Subject to this regulation, these Regulations shall come into operation on the first day of July, 1944.

“(2.) Regulation 16 of these Regulations (in so far as it inserts regulations 54E, 54F and 54N in the Income Tax Regulations) shall come into operation on the date on which these Regulations are notified in the *Gazette*.”

2. Regulation 1 of Statutory Rules 1947, No. 77, reads as follows:—

“1. Regulations 3, 4, 5, 6 and 14 of these Regulations shall come into operation on the first day of July, 1947.”

3. Regulation 1 of Statutory Rules 1950, No. 101 reads as follows:—

“1. Regulations 6, 7 and 8 of these Regulations shall take effect from the first day of January, 1951.”

4. Regulation 1 of Statutory Rules 1951, No. 136 reads as follows:—

“1. Regulations 2 and 4 of these Regulations shall come into operation on the first day of November, 1951.”



**2.** These Regulations are divided into Parts, as follows:—

Parts.  
Substituted by  
1956, No. 96.

Part I.—Preliminary (Regulations 1-3).

Part II.—Administration (Regulation 4).

Part III.—Liability to Taxation (Regulations 4AA-8).

Part IV.—Returns and Assessments (Regulations 9-33).

Part V.—Objections and Appeals (Regulations 34-43).

Part VI.—Collection and Recovery of Tax.

Division 1.—General (Regulations 44-54).

Division 2.—Collection of Income Tax and Social Services  
Contribution by Instalments—

Sub-division A.—Rates of Deductions from Salaries or  
Wages of Employees (Regulations  
54AA-54DA).

Sub-division B.—Group Employers (Regulations 54E-  
54N).

Sub-division C.—Employers other than Group Em-  
ployers (Regulations 54X-54Z).

Division 3.—Provisional Tax and Contribution (Regulation  
54ZE).

Part VII.—Penal Provisions and Prosecutions (Regulations  
55-58).

Part VIIA.—Registration of Tax Agents (Regulations 58A-58S).

Part VIII.—Miscellaneous (Regulations 59-66).

**3.**—(1.) In these Regulations—

Interpretation.

“The Act” means the *Income Tax Assessment Act* 1936, and,  
when considered in relation to any time, means that Act, or,  
if it has been amended, that Act as amended as in force at  
that time;

“Prescribed delegate of the Commissioner” means a person  
appointed by the Commissioner to be a prescribed delegate  
of the Commissioner for the purposes of these Regulations.

(2.) In these Regulations, unless the contrary intention appears,  
any reference to a regulation shall be read as a reference to a regulation  
contained in these Regulations, and any reference to a Form shall be  
read as a reference to a Form contained in the First Schedule to these  
Regulations.

## PART II.—ADMINISTRATION.

**4.** The Oath or Declaration which an officer may be required to  
make in pursuance of sub-section (6.) of section 16 of the Act shall be in  
accordance with Form 1 or Form 2, as the case may be.

Oath or  
Declaration by  
Officers.

\* \* \* \* \*

Reg. 4AD  
added by  
1952, No. 90;  
repealed by  
1956, No. 96.

## PART III.—LIABILITY TO TAXATION.

Prescribed metals and minerals for purposes of sections 23 (p) and 23A.

Inserted by 1947, No. 77; substituted by 1955, No. 23.

**4AA.\*** The following metals and minerals are—

- (a) specified as metals and minerals in respect of which paragraph (p) of section 23 of the Act applies; and
- (b) prescribed metals and minerals for the purposes of section 23A of the Act:—

|                                          |            |
|------------------------------------------|------------|
| Asbestos                                 | Ores of    |
| Bauxite                                  | Antimony   |
| Chromite                                 | Arsenic    |
| Emery                                    | Beryllium  |
| Fluorspar                                | Bismuth    |
| Graphite                                 | Cobalt     |
| Ilmanite                                 | Columbium  |
| Kyanite                                  | Copper     |
| Magnesite                                | Lithium    |
| Manganese Oxides                         | Mercury    |
| Mica                                     | Molybdenum |
| Monazite                                 | Nickel     |
| Pyrite                                   | Osmiridium |
| Quartz Crystals (piezo-electric quality) | Platinum   |
| Radio-active Ores                        | Selenium   |
| Rutile                                   | Strontium  |
| Sillimanite                              | Tantalum   |
| Vermiculite                              | Tellurium  |
| Zircon                                   | Tin        |
|                                          | Tungsten   |
|                                          | Vanadium   |

Organizations prescribed for purposes of s. 23 (x).

Inserted by 1947, No. 77; substituted by 1949, No. 25; amended by 1950, Nos. 63 and 101.

**4AB.†** For the purposes of paragraph (x) of section 23 of the Act, the following organizations are prescribed as organizations the income of which shall be exempt from income tax, viz:—

- (a) The international organization known as the United Nations established by the Charter signed at San Francisco on the twenty-sixth day of June, 1945, including the principal organs specified in Article 7 of the Charter, but, subject to this regulation, not including any specialized agency brought into relationship with the United Nations under Articles 57 and 63 of the Charter;
- (b) The United Nations Relief and Rehabilitation Administration;
- (c) The International Refugee Organization;
- (d) The South Pacific Commission;
- (e)‡ The International Civil Aviation Organization;
- (f) The International Labour Organization;
- (g) The United Nations Educational, Scientific and Cultural Organization;
- (h) The Food and Agriculture Organization of the United Nations;

\* Regulations 4AA and 4A were substituted by regulations 1 and 2 respectively of Statutory Rules 1955, No. 23. Regulation 4 of those Statutory Rules reads as follows:—

"4. The amendments effected by regulations 1 and 2 of these Regulations apply for the purposes of assessments in respect of income of the year of income that commenced on the first day of July, 1954, and in respect of income of subsequent years."

† This regulation was substituted by sub-regulation (1.) of regulation 3 of Statutory Rules 1949, No. 25. Sub-regulation (2.) of that regulation reads as follows:—

"(2.) The regulation inserted by this regulation shall be deemed to have applied in respect of income derived on or after the first day of July, 1946."

‡ This paragraph was inserted by sub-regulation (1.) of regulation 1 of Statutory Rules 1950, No. 63. Sub-regulation (2.) of that regulation reads as follows:—

"(2.) The regulation amended by this regulation shall be deemed to have applied, as so amended, in respect of income derived on and after the first day of July, 1946."

- (i) The Universal Postal Union;
- (j) The International Telecommunications Union;
- (k) The World Meteorological Organization;
- (l) The International Bank for Reconstruction and Development;
- (m) The International Monetary Fund; and
- (n) The World Health Organization.

**4AC.\***—(1.) For the purposes of paragraph (y) of section 23 of the Act, the following organizations are prescribed:—

- (a) United Nations;
- (b) South Pacific Commission;
- (c) International Refugee Organization;
- (d) International Civil Aviation Organization;
- (e) International Monetary Fund; and
- (f) International Bank for Reconstruction and Development.

Organizations prescribed for purposes of section 23 (y).  
Inserted by 1950, No. 101; substituted by 1952, No. 90.

(2.) The official salary and emoluments of an official of an organization specified in the last preceding sub-regulation are, in accordance with paragraph (y) of section 23 of the Act, exempt from income tax and social services contribution—

- (a) in the case of an official of the United Nations—to the extent that Australia is bound by an international convention or agreement to exempt from taxation his official salary and emoluments;
- (b) in the case of an official of an organization specified in paragraph (b), (c) or (d) of the last preceding sub-regulation—
  - (i) where the official is not an Australian citizen and came to Australia solely for the purpose of performing his official duties—to the extent that the official salary and emoluments are for services rendered in Australia; or
  - (ii) where the official is a resident of Australia appointed for service out of Australia with that organization—to the extent that the official salary and emoluments are for services rendered out of Australia; and
- (c) in the case of an official of an organization specified in paragraph (e) or (f) of the last preceding sub-regulation—
  - (i) where the official is not an Australian citizen and came to Australia solely for the purpose of performing his official duties—to the extent that the official salary and emoluments are for services rendered in Australia; and
  - (ii) where the official is a resident of Australia—to the extent that the official salary and emoluments are for services rendered out of Australia,subject to the condition that the official salary and emoluments are paid in respect of services which include services in relation to which the official receives instructions from the Government of one or more members of the organization of which the official is an official.

\* This regulation was substituted by sub-regulation (1.) of regulation 1 of Statutory Rules 1952, No. 90. Sub-regulation (2.) of that regulation reads as follows:—

“(2.) The regulation inserted by the last preceding sub-regulation applies in relation to income of the year of income which commenced on the first day of July, 1951, and of all subsequent years.”.

# INCOME TAX AND SOCIAL SERVICES CONTRIBUTION ASSESSMENT ACT

Prescribed  
Life Tables  
for purposes  
of section 26AA.  
Inserted by  
1942, No. 553;  
substituted by  
1955, No. 23.

**4A.\*** The Australian Life Tables, 1946-1948, published by the Commonwealth Statistician, are the prescribed Life Tables for the purposes of paragraph (a) of sub-section (2.) of section 26AA of the Act.

Wine and  
spirit stocks.  
Inserted by  
1953, No. 55.

**4B.—(1.)** An election under sub-section (2.) of section 31A of the Act—

- (a) shall be in writing and signed by the taxpayer;
- (b) shall be delivered to the Commissioner at the place where, under these Regulations, the return of income of the taxpayer for the year of income in relation to which the election is made is required to be furnished; and
- (c) shall be so delivered on or before the date on which the taxpayer furnishes that return.

**(2.)** For the purposes of sub-section (2.) of section 31A of the Act—

- (a) the prescribed unit of a class of trading stock specified in Column 1 of the table in this sub-regulation is the unit specified opposite to that class in Column 2 of that table; and
- (b) the prescribed minimum value in respect of a unit so specified is the amount specified in Column 3 of that table opposite to that unit.

| COLUMN 1.<br>Class of Trading Stock. |    |    | COLUMN 2.<br>Prescribed Unit. |    |    | COLUMN 3.<br>Minimum Value. |           |
|--------------------------------------|----|----|-------------------------------|----|----|-----------------------------|-----------|
|                                      |    |    |                               |    |    | <i>s.</i>                   | <i>d.</i> |
| Unfortified wines                    | .. | .. | Liquid gallon                 | .. | .. | 1                           | 6         |
| Fortified wines                      | .. | .. | Liquid gallon                 | .. | .. | 2                           | 6         |
| Brandy                               | .. | .. | Proof gallon                  | .. | .. | 6                           | 0         |
| Grape spirit                         | .. | .. | Proof gallon                  | .. | .. | 6                           | 0         |

Livestock.  
Sub-reg. (1.)  
amended by  
1951, No. 157.

**5.—(1.)** The option which may be exercised in pursuance of section 32 of the Act, and the selection which may be made in pursuance of paragraph (b) of sub-section (1.) of section 34 of the Act, may be notified on the return of the taxpayer, or by a separate notification in writing signed by the taxpayer, which may be in accordance with Form 3 or Form 4, as the case may be.

Substituted by  
1941, No. 327.

**(2.)** The separate notification shall be delivered to the Commissioner at the place where, under these Regulations, the return is to be furnished, on or before the date of the furnishing of the first return in which the value of live-stock is taken into account, or within such extended time as the Commissioner allows for the exercise of that option, or the making of that selection, as the case may be.

Substituted by  
1951, No. 157.

**(3.)** For the purposes of paragraph (b) of sub-section (1.) of section 34 of the Act, the minimum cost price in respect of livestock of a class specified in the following table is the price specified in that table opposite to that class:—

|        |    |    |    |    |    | £ | <i>s.</i> | <i>d.</i> |
|--------|----|----|----|----|----|---|-----------|-----------|
| Sheep  | .. | .. | .. | .. | .. |   | 4         | 0         |
| Cattle | .. | .. | .. | .. | .. | 1 | 0         | 0         |
| Horses | .. | .. | .. | .. | .. | 1 | 0         | 0         |
| Pigs   | .. | .. | .. | .. | .. |   | 5         | 0         |

\* See footnote \* on p. 2538.

6. The notice of agreement which may be given in pursuance of the proviso to sub-section (2.) of section 37 of the Act shall be in writing, signed by the trustee of the estate of the deceased and the beneficiaries (if any) who are liable to be assessed in respect of the income of the business, or of a share in that income, and shall be given to the Commissioner at the place where, under these Regulations, the first return by the trustee of the estate of the deceased is to be furnished, on or before the date of the furnishing of that return, or within such extended time as the Commissioner allows for the giving of that notice of agreement.

Agreement by trustee and beneficiaries.

\* \* \* \* \*

Reg. 6A inserted by 1939, No. 6; repealed by 1939, No. 42.

7.—(1.) The option which may be exercised in pursuance of paragraph (b) of sub-section (1.) of section 56 of the Act shall be notified in accordance with Form 6, and shall be signed by the taxpayer, and delivered to the Commissioner at the place where, under these Regulations, the return is to be furnished, on or before the date of the furnishing of the first return to which the option applies.

Option as to method of depreciation.

(2.) The notification shall apply to all units of property in respect of which depreciation is allowable under the Act.

\* \* \* \* \*

Reg. 7A inserted by 1942, No. 553; repealed by 1956, No. 96.

\* \* \* \* \*

Reg. 7B inserted by 1943, No. 80; repealed by 1956, No. 96.

8. For the purposes of paragraph (a) of sub-section (1.) of section 87 of the Act, the rate of interest shall be Five pounds per centum per annum, and the instalment referred to therein may be calculated by reference to the Table in the Second Schedule.

Improvements on leased land.

#### PART IV.—RETURNS AND ASSESSMENTS.

9.—(1.) Except as otherwise prescribed, every return under the Act shall—

Returns. Sub-reg. (1.) amended by 1944, No. 90.

- (a) be made and furnished in such of the forms provided by the Commissioner for the purpose as is applicable;
- (b) contain the information and particulars mentioned or referred to in that form;
- (c) be verified by declaration as therein set forth; and
- (d) be accompanied by all such balance-sheets, profit and loss accounts, statements and other documents, as are mentioned in the form or as are requisite.

(2.) In the case of a non-resident, the declaration set forth in the form of return may be altered so as to exclude any reference to income derived from sources out of Australia.

Added by 1944, No. 90.

10. The form of return applicable in the case of persons other than companies shall—

Returns by persons other than companies. Amended by 1940, No. 289; 1941, No. 327; 1942, No. 339; and 1943, No. 127.

- (a) itemise the income derived from various sources and the deductions and concessional rebates claimed;

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(b) provide for separate Parts as follows:—

Part A—Income from Personal Exertion (when Part C or Part D is unsuitable);

Part B—Income from Property;

Part C—Income from a profession, trade, business, manufacture or concern, not shown in Part A or Part B;

Part D—Income of a farmer, pastoralist or horticulturist, &c., not shown in Part A or Part B;

(c) provide in each Part for particulars to be supplied under separate headings relating to income derived and deductions claimed;

(d) provide for the following particulars or such modifications or extensions thereof as the Commissioner from time to time requires, namely:—

Sources of Information and Certificate to be signed by Tax Agents;

Live stock schedule;

Statement of wool and wheat produced and sold or otherwise disposed of;

Statement of salaries, wages, and Commission paid, and allowances to employees;

Statement by trustee or partnership;

Statement of dividends received;

Statement of interest received;

Statement of concessional allowances subject to rebate of tax; and

(e) provide for a declaration by the person making the return that the particulars shown therein and also those stated in the accompanying statements are true and correct in every particular and disclose without reservation or exception a full and complete statement of the total income derived during the year of income from all sources in and out of Australia.

Returns by  
companies.

Sub-reg. (1.)  
amended by  
1943, No. 127;  
and  
1944, No. 124.

**11.**—(1.) The form of return applicable in the case of companies shall provide for—

(a) a statement reconciling the net profit as per the profit and loss account with the net taxable income;

(b) a statement of dividends paid or credited during the period to be specified on the form;

(ba) a statement of particulars of advances or loans made by a private company to its shareholders, or of payments made on behalf of, or for the individual benefit of, any of its shareholders and of the dates of such advances, loans or payments;

(c) a statement of particulars relating to sources of information and a certificate to be signed by Tax Agents;

(d) a statement of interest received on Government Loans &c.;

(e) a statement of remuneration of directors and shareholders;

(f) a statement of salaries, wages and commission paid and allowances to employees; and

- (g) a declaration by the Public Officer that the particulars shown in the return and also those stated in the accompanying statements are true and correct in every particular and disclose without reservation or exception a full and complete statement of the total income derived during the year of income from all sources in and out of Australia.

(2.) Every return by a company shall be accompanied (in addition to any other documents required under these Regulations) by statements showing the following particulars or such of those particulars or such modifications of those particulars as the Commissioner from time to time requires, namely:—

Amended by  
1942, No. 339;  
and  
1943, No. 127.

- (a) the names and addresses of all shareholders, and the amount of dividend (if any) paid to each shareholder during the year preceding the year of tax;
- (b) the names and addresses of all persons to whom interest in excess of Fifty pounds was paid or credited during the year preceding the year of tax, and the amount so paid or credited to each person;
- (c) the total amount of interest paid or credited, during the year of income, to non-resident depositors and debenture-holders on money secured by debentures of the company and used in Australia, or used in acquiring assets for use or disposal in Australia, and on money lodged at interest in Australia with the company, after deducting—
  - (i) interest paid or credited outside Australia to non-residents on debentures issued outside Australia;
  - (ii) unless the Commissioner otherwise directs—interest paid or credited to a non-resident company carrying on business in Australia, which has a public officer duly appointed under the Act; and
  - (iii) in the case of interest (not included in sub-paragraph (i) or (ii) of this paragraph) paid or credited to any non-resident not being a company—
    - (A) where the interest exceeds One hundred and four pounds—the amount of One hundred and four pounds; or
    - (B) where the interest does not exceed One hundred and four pounds—the amount of the interest;
- (d) the total amount of interest paid or credited during the year of income in respect of debentures payable to bearer, the names and addresses of the holders of which are not supplied to the Commissioner by the company;
- (e) the names and addresses of all holders of debentures payable to bearer which the company is in a position to furnish (whether residents or non-residents), together with the amount of interest paid or credited, during the year preceding the year of tax, to each of such holders of debentures.

11A. Notwithstanding anything contained in Regulations 10 and 11, the Commissioner may provide forms of returns which omit any of the items, parts, particulars or statements specified in those regulations.

Simplified  
return forms.  
Inserted by  
1944, No. 90.

Statement to  
be furnished  
by employers.

**12.**—(1.) Every employer of labour shall, when called upon by the Commissioner either by general notice published in the *Gazette* or by direct notice to the employer, furnish to the Commissioner a statement showing—

- (a) the names and addresses of all persons employed by him during the period mentioned in the notice;
- (b) the capacity in which each person was employed;
- (c) the total amount of remuneration paid to each person during that period; and
- (d) the value of board, residence, or other allowance made to each person during that period.

(2.) Each statement shall be furnished to the Commissioner at the place where, under these Regulations, the return of the employer is to be furnished, unless the Commissioner otherwise directs.

Returns by  
partnerships.

**13.**—(1.) A return setting forth a full and complete statement of the income derived by every partnership during the year of income shall, if required by the Commissioner by notice published in the *Gazette*, be made and furnished by the partners resident in Australia or by any one of them.

(2.) When there is no partner resident in Australia, the return shall be made and furnished by the agent in Australia for the partnership.

Separate  
returns by  
partners.

**14.**—(1.) Every partner in a partnership shall furnish a separate return of his total individual income (including income from the partnership and other sources) in every case in which he would be required to furnish a return if the same total income had been derived by him from sources other than the partnership.

(2.) The return shall state the income derived respectively from—

- (a) the partnership; and
- (b) from other sources.

Returns by  
trustees.

**15.**—(1.) A return setting forth a full and complete statement of the income derived by every trust during the year of income shall, if required by the Commissioner by notice published in the *Gazette*, be made and furnished by the trustees resident in Australia or by any one of them.

(2.) When there is no trustee resident in Australia, the return shall be made and furnished by the agent in Australia for the trustees.

Returns by  
agents.

**16.** Every person liable to furnish a return as agent for any person shall furnish a separate return for each person for whom he is agent, in addition to his own individual return.

Not sole agent.

**17.** If an agent is not the sole agent in Australia for a person for whom he is required to furnish a return, he shall set forth in that return particulars of all his transactions as agent for that person.

Special returns.

**18.** Returns required by the Commissioner otherwise than by notice published in the *Gazette* shall be made and furnished in the form required by the Commissioner.

Substantially  
similar form.

**19.** The Commissioner may at any time accept a return or form which is substantially in accordance with a prescribed form or a form provided by the Commissioner.



**20.** Any balance sheet, profit and loss account and any other statement, document, list, or information, accompanying any return, shall be signed by the person making and furnishing the return, and shall bear an endorsement so that it may be identified as so accompanying the return.

Identification of statements accompanying returns.

**21.**—(1.) Where—

(a) the income from sources in Australia is derived wholly within one State; or

(b) the only income derived by a resident of a State from sources outside that State consists of earnings, salaries or wages,

the return of income shall be furnished to the Commissioner at the office of the Deputy Commissioner in that State.

Furnishing of returns.

Sub-reg. (1.) substituted by 1940, No. 138.

(2.) Where the income from sources in Australia is derived not wholly within any one State, or where the income is derived wholly from sources out of Australia, the return shall subject to the last preceding sub-regulation be furnished to the Commissioner at the office of the Deputy Commissioner, Central Office, Melbourne.

Amended by 1940, No. 138.

(3.) Notwithstanding anything contained in this regulation, the return of income derived by any person resident in the Australian Capital Territory and the return of income of any person whose income from sources in Australia is derived wholly within that Territory shall be furnished to the Commissioner at his office in Canberra.

Substituted by 1940, No. 138.

**22.** Where part of the income consists of dividends on shares in companies and the remainder of the income from sources in Australia has been derived wholly within one State, the return may be furnished to the Commissioner at the office of the Deputy Commissioner in that State.

Lodging of returns when income partly of dividends.

**22A.**—(1.) Notwithstanding anything contained in the last two preceding regulations, the return of income of any person enlisted in, appointed to, or called up for service with, the Defence Force shall be furnished—

Furnishing of returns by members of Defence Force. Inserted by 1942, No. 553.

(a) where the income includes income (other than earnings, salaries, wages or dividends on shares in companies) derived in a State other than that in which the person enlisted in, or was appointed to or called up for service with, the Defence Force—to the Commissioner at the office of the Deputy Commissioner, Central Office, Melbourne; and

(b) in all other cases—to the Commissioner at the office of the Deputy Commissioner in the State where the person enlisted in, or was appointed to or called up for service with, the Defence Force.

(2.) For the purposes of this regulation the Australian Capital Territory shall be deemed to be in the State of New South Wales.

**23.**—(1.) Income consisting of interest received under a mortgage shall be deemed to have been derived from a source within the State in which the mortgaged property is situated.

Source of mortgage interest.

(2.) If the mortgaged property is situated in more than one State, the income shall be deemed to have been derived from sources within more than one State.

**24.** For all purposes of this Part—

Territories.

(a) the Territory of Papua shall be deemed to be in the State of Queensland; and

(b) the Northern Territory shall be deemed to be a separate State.

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When return  
deemed to be  
furnished.

**25.** A return shall not be deemed to have been duly furnished to the Commissioner unless and until—

- (a) the proper form signed as required by the Act and Regulations and containing a full, true and complete statement of all matters and things required to be stated therein by the Act and Regulations, the Commissioner, and the form itself; and
- (b) all balance-sheets, profit and loss accounts, statements, notices, and other documents which, by the Act, the Regulations, or the Commissioner, are required to accompany the return—

have at the place where under these Regulations the return is to be furnished, been received by an officer authorized by the Commissioner to receive returns.

Persons to  
take necessary  
steps for due  
furnishing of  
return.

**26.** Whenever a person is required by the Act, the Regulations, or the Commissioner, to furnish a return to the Commissioner, it shall be the duty of that person to make the required return and to take all steps necessary to ensure that the return is received by the Commissioner at the place where, under these Regulations, the return is to be furnished.

Notice of  
address.

**27.** Every person who furnishes a return shall, in the return, give an address in Australia for service.

Notice of  
change of  
address.

**28.** Every person who has given an address for service and who subsequently changes his address shall, within one month after the change, give to the Commissioner, at the place where he furnished his return, notice in writing of his new address in Australia for service.

Address for  
service.

**29.** The address for service last given to the Commissioner by any person shall, for all purposes under the Act and Regulations, be his address for service, but where no address for service has been given to the Commissioner, or where the departmental records disclose that such person has subsequently changed his address and he has not notified the Commissioner, either in the return or by separate written advice, of such change, then the address of the person, as described in any record in the custody of the Commissioner, shall be his address for service.

Last known  
place of  
business or  
abode.

**30.** The address for service as prescribed in the last preceding Regulation shall, for all purposes under the Act and Regulations, be deemed to be the last known place of business or abode in Australia of any person.

Failure to  
notify change  
of address.

**31.** Any person who changes his address and fails to give to the Commissioner notice of his new address in Australia for service shall not be permitted to plead such change of address as a defence in any proceedings (whether civil or criminal) instituted against him under the Act or Regulations.

Annotations  
on returns.

**32.—(1.)** The Commissioner may cause or permit his officers to make on any return such marks, figures and annotations as the Commissioner thinks fit.

(2.) The marks, figures and annotations shall be made in ink of a colour different from that of the ink used in the return.

**33.**—(1.) Every person who charges, directly or indirectly, any fee for preparing or assisting in the preparation of any return shall furnish information in accordance with Form 7 as to—

Particulars relating to sources of information.

- (a) what books of account, if any, are kept by or on behalf of the taxpayer;
- (b) the name and address of the person by whom those books are kept;
- (c) whether the books are audited each year, and, if so, the name and address of the person by whom they are audited;
- (d) whether the return is in accordance with those books;
- (e) if the return is not in accordance with those books, the basis upon which, and the information upon which, the return has been prepared; and
- (f) whether he has satisfied himself, and if so, in what manner, that the books of account or other sources of information upon which the return is based are correct and disclose the whole of the taxpayer's income from all sources,

and shall sign the certificate contained in that Form.

(1A.) The agent's certificate shall be deemed to be duly signed, in the case of a partnership or a company which is registered as a tax agent in pursuance of Part VIIA. of the Act, if it is signed in the name of the partnership or the company, as the case requires, by a person who is registered as a nominee of the partnership or the company for the purpose of that Part, and that person's name is also appended, and not otherwise.

Inserted by 1943, No. 127.

(2.) Every person carrying on business who does not furnish with his return an agent's certificate shall furnish the particulars referred to in paragraphs (a) to (e) (inclusive) in sub-regulation (1.) of this regulation.

Amended by 1945, No. 189.

(3.) In the case of a return by a company, Form 7 shall be altered by omitting the words—

“B. Every person carrying on business who does not furnish with his return an agent's certificate.”

and inserting in their stead the words—

“B. Every company carrying on business which does not furnish with its return an agent's certificate.”.

#### PART V.—OBJECTIONS AND APPEALS.

**34.**—(1.) An objection against an assessment under section 185 of the Act may be made in accordance with Form 8.

Form of objection.

(2.) The objection shall be posted to, or lodged with, the Commissioner at the address from which notice of the assessment objected to was issued.

**35.**—(1.) The Commissioner, in referring a decision to a Board of Review in accordance with sub-section (1.) of section 188 of the Act or section 189 of the Act, shall furnish the Board with a printed or type-written statement, in quadruplicate, containing—

Particulars to be supplied by Commissioner.

- (a) the name and address of the taxpayer;
- (b) full details of the taxpayer's claim as made to the Commissioner; and
- (c) the Commissioner's reasons for disallowing the taxpayer's claim.

(2.) The Commissioner shall at the same time furnish the taxpayer with a copy of the statements referred to in sub-paragraphs (b) and (c) of the last preceding sub-regulation.

Notice of  
Review.

**36.**—(1.) The Chairman of a Board shall cause notices to be served upon the Commissioner and the taxpayer of the date on which the review is to take place.

(2.) Notice of a review shall be given not less than fourteen days prior to the date on which the review is to take place.

(3.) A notice under this regulation may be served either personally or by post, and if served by post, service shall be effected by properly addressing, prepaying and posting the notice as a letter, and, unless the contrary is proved, service shall be deemed to have been effected at the time when the letter would have been delivered in the ordinary course of post.

Order, place  
and time of  
review.

**37.**—(1.) All references for the purpose of review by a Board shall be numbered consecutively and, unless the Chairman of the Board otherwise directs, the reviews shall take place in the order in which the references are received in respect of each State.

(2.) The sittings of a Board for the purpose of reviews shall be held in such place or places and at such time or times as are fixed by the Chairman of the Board.

(3.) A Board shall not be required to sit on public holidays or during a yearly vacation commencing on the twenty-fifth day of December and ending on the twenty-first day of January.

Conduct of  
review.

**38.**—(1.) Subject to this Part, reviews by a Board shall be conducted as the Chairman from time to time directs.

(2.) All reviews shall take place *in camera* unless the taxpayer otherwise requires.

(3.) Where a review takes place in public the decision shall be given at a public meeting of the Board.

(4.) Either party to a review may nominate a person to represent him at the review.

(5.) The Chairman of a Board may adjourn any review from time to time as he thinks fit.

Evidence.

Sub-reg. (1.)  
amended by  
1942, No. 553;  
and  
1943, No. 127.

**39.**—(1.) Subject to the next succeeding sub-regulation, a Board—

(a) shall take all oral evidence on oath or affirmation, and for that purpose the Chairman of the Board, or, in the absence of the Chairman, the Acting Chairman, shall have power to administer oaths and affirmations;

(aa) may receive, without formal proof, a copy, duly certified as correct by any responsible officer of a bank, of any person's account with that bank, and may take into consideration any entry or particular contained therein;

(ab) may receive, without formal proof, a copy, duly certified as correct by any responsible officer of any Government or of any public, municipal or other local body or authority within the Commonwealth, of any document in the possession of that Government, body or authority, as the case may be, and may take into consideration any statement or particular contained therein; and

(b) may receive, without formal proof, any other document containing any statement or particular which, in the opinion of the Board, is relevant to the question in issue in the review (not being a document which has been brought into existence solely for the purpose of the review) and may take into consideration such statement or particular.

(2.) The Chairman of a Board may, by notice in writing, require any person— Amended by  
1944, No. 90.

(a) to furnish the Board with such information as, in the opinion of the Chairman, is necessary for the purpose of a review by the Board;

(b) to attend and give evidence before the Board, or before any officer authorized by the Chairman of the Board in that behalf, concerning his or any other persons' income or assessment, and may require him to produce all books, documents and other papers whatever in his custody or under his control relating thereto;

and the Chairman of the Board may require the information or evidence to be given on oath, and either verbally or in writing, and for that purpose the Chairman or the officer authorized by him shall have power to administer oaths.

(2A.) A person shall not, without just cause or excuse shown by him, refuse or neglect to comply with a requirement made on him under this regulation, or to answer fully and truly any questions put to him by the Chairman of a Board in connexion with a review. Inserted by  
1944, No. 90.

(3.) The expenses to be allowed to any person required to attend and give evidence under this regulation shall be as prescribed by regulation 64: Amended by  
1940, No. 138;  
and  
1944, No. 90.

Provided that no expenses shall be allowed in pursuance of this regulation to a person who is so required to attend in consequence of a request made by or on behalf of the taxpayer.

**40.—(1.)\*** A Board shall forward copies of its decision on each review to the Commissioner and to the taxpayer, and the Commissioner shall, unless the decision has been appealed from, give effect to the decision within sixty days after the receipt thereof. Decisions of  
Board.

(2.) The Board may, from time to time, compile and publish summaries of its decisions.

**41.** Subject to sub-regulation (3.) of regulation 37 the members of a Board shall be in attendance on all week days at such place as is from time to time appointed by the Chairman for the performance of their duties. Attendance  
of members.

**42.** Communications to a Board may be addressed to the Chairman of the Board in the care of the Federal Deputy Commissioner of Taxation in the State in which the taxpayer resides. Communi-  
cations to  
Board.

**43.†** Where the Commissioner has, in pursuance of paragraph (a) of sub-section (2.) of section 170 of the Act, amended an assessment, the production in any proceedings on appeal against the assessment as so amended, of a certificate in writing signed by the Commissioner or the Second Commissioner, stating that he is of opinion that the avoidance of tax was due to fraud or evasion, shall be conclusive evidence that the Commissioner or the Second Commissioner, as the case may be, was of opinion as stated in the said certificate. Evidence on  
Appeal.

\* As to the duties imposed on the Commissioner by former reg. 45, which is substantially reproduced by this regulation, see *Federal Commissioner of Taxation v. West Australian Trustee Executor and Agency Co. Ltd.* (1929) 43 C.L.R. 20; 35 A.L.R. 301.

† Held by the High Court (*Fullagar, J.*) that the effect of this regulation is to preclude the Court from deciding questions which, by the provisions of the *Income Tax and Social Services Contribution Assessment Act* relating to objections and appeals, are committed to the Court for decision, and the regulation is, accordingly, invalid: *Australasian Jam Co. Pty. Ltd. v. Federal Commissioner of Taxation* 88 C.L.R. 23; 22 A.L.J. 408; (1953) A.L.R. 855. Held also that even if s. 46 of the *Acts Interpretation Act* could be applied to read down reg. 43 so as to make a certificate of an opinion that there had been fraud or evasion *prima facie* evidence that such opinion was entertained, it would not to that extent be valid: *ibid.*

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## PART VI.—COLLECTION AND RECOVERY OF TAX.

### *Division 1.—General.*

Sub-heading  
inserted by  
1944, No. 90.

How tax may  
be paid.

Amended by  
1940, Nos. 138  
and 289; and  
1947, No. 173.

**44.** A taxpayer may pay income tax—

- (a) by delivery of cash, bank notes, cheques, group certificates or tax stamps at the office of the Commissioner or of any Deputy Commissioner or of the High Commissioner of the Commonwealth of Australia in the United Kingdom or of the Australian Government Trade Commissioner in the United States of America;
- (b) by remitting the tax to the Commissioner or any Deputy Commissioner by bank draft, or cheque, or postal money order or postal note payable in the city to which the remittance is sent or group certificates, or tax stamps; or
- (c) by depositing the net amount of the tax to the credit of the Commissioner or a Deputy Commissioner at any branch of the Commonwealth Bank of Australia.

Post Office  
to be agent of  
remitter.

Amended by  
1944, No. 90.

**45.** When a remittance is posted by any person addressed to the Commissioner or a Deputy Commissioner, the Post Office shall be deemed to be the agent of the remitter, and payment shall not be deemed to have been made until the remittance has been received by the addressee.

Payment by  
cheque.

Amended by  
1944, No. 90.

**46.** When a cheque has been delivered or remitted to the Commissioner or a Deputy Commissioner in payment of any amount payable to the Commissioner, that amount shall (notwithstanding and receipt given therefore) not be deemed to have been paid until the amount for which the cheque is drawn has been collected.

Receipts to  
be issued.

Amended by  
1944, No. 90.

**47.** Receipts for amounts paid to the Commissioner shall be issued by such persons as the Commissioner or a Deputy Commissioner may authorize.

Part payment  
of tax.

Amended by  
1944, No. 90.

**48.** Except with the express consent of the Commissioner, or a Deputy Commissioner, no money shall be accepted on account or in part payment of any amount payable to the Commissioner.

Postage to be  
prepaid.

**49.** The postage on every return, statement, communication, remittance, or other matter sent by post, addressed to the Commissioner, the Second Commissioner or a Deputy Commissioner shall be fully prepaid by the sender.

Deficient  
postage.

**50.** When any sum is received as payment of income tax, the Commissioner or Deputy Commissioner, as the case may be, shall first deduct therefrom the amount of postage and surcharge (if any) paid upon any unstamped or insufficiently stamped matter received through the post from the taxpayer and shall credit in payment of tax only the net amount then remaining.

Notice to the  
Common-  
wealth  
or a State.

**51.—(1.)** The person upon whom notice may be served in pursuance of sub-section (7.) of section 218 of the Act shall be the Paying Officer of any Department of the Commonwealth or a State, as the case may be.

**(2.)** For the purposes of this regulation, "Paying Officer" means any officer of the Commonwealth or a State who, by any law, regulation, or appointment, is charged with the duty of disbursing or who does actually disburse any public monies.

**52.** The order which may be issued in pursuance of sub-section (5.) of section 220 of the Act shall be in accordance with Form 9. Where no administration of estate.

**53.** In any action against a person for the recovery of income tax a certificate in writing, signed by the Commissioner, the Second Commissioner, a Deputy Commissioner, or a prescribed delegate of the Commissioner, certifying that— Certificate as to service of notice of assessment, &c.

- (a) the person named in the certificate is a taxpayer;
- (b) an assessment of income tax was duly made against him in respect of the year mentioned in the certificate;
- (c) the particulars of the assessment are as stated in the certificate;
- (d) notice of the assessment was duly served upon him;
- (e) the sum named in the certificate was at the date of the certificate due by him to the King on behalf of the Commonwealth in respect of income tax,

shall be *prima facie* evidence of the facts stated in the certificate.

**54.** In any action for the recovery of any amount payable to the Commissioner, evidence may be given by affidavit, but the Court may require the deponent to attend for the purpose of being cross-examined. Evidence by affidavit.  
Amended by 1944, No. 90.

\* \* \* \* \*

Heading  
Part VIA.  
inserted by  
1940, No. 289;  
omitted by  
1944, No. 90.

## Division 2.—Collection of Income Tax and Social Services Contribution by Instalments.

Heading  
inserted by  
1944, No. 90;  
substituted by  
1945, No. 169;  
amended by  
1947, No. 173.

### Sub-division A.—Rates of Deductions from Salaries or Wages of Employees.

**54AA.** In this Sub-division, unless the contrary intention appears— Definitions.  
Inserted by  
1950, No. 101.

“deduction value”, in relation to a dependant, means the maximum amount in respect of which a concessional deduction in respect of a dependant of that class could be allowed under section 82B, 82C or 82D of the Act in the assessment of any taxpayer in respect of income of the year of income during which the declaration is furnished;

“specified deduction value” means an amount equal to one of the amounts set out at the heads of the sub-columns of column 2 of the Third Schedule to these Regulations.

**54A.** Subject to these Regulations, the prescribed rate at which deductions are to be made, for the purposes of section 221c of the Act, from the salary or wages of an employee in respect of a week or part of a week is— Rates of deduction where employee does not claim in respect of dependants.

- (a) where the salary or wages does not exceed Thirty pounds ten shillings—the rate specified in sub-column (i) of column 2 of Table A in the Third Schedule to these Regulations opposite to the limits, specified in Column 1 of that Table, within which the salary or wages is included; Inserted by  
1940, No. 289;  
substituted by  
1952, No. 89;  
amended by  
1953, No. 88;  
and  
1954, No. 99.

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- (b) where the salary or wages exceeds Thirty pounds ten shillings but does not exceed One hundred and fifty pounds ten shillings—the rate specified in Column 2 of Table B in the Third Schedule to these Regulations opposite to the limits, specified in Column 1 of that Table, within which the salary or wages is included; or
- (c) Where the salary or wages exceeds One hundred and fifty pounds ten shillings—Sixty-one pounds fifteen shillings plus an amount of Twelve shillings for each pound or part of a pound by which the salary or wages exceeds One hundred and fifty pounds ten shillings.

Rates of deduction where employee claims in respect of dependants.  
Inserted by 1940, No. 289; substituted by 1952, No. 89.

**54B.**—(1.) Where an employee has furnished to his employer a declaration in accordance with regulation 54c, the prescribed rate at which deductions are to be made, for the purposes of section 221c of the Act, from the salary or wages of that employee in respect of a week or part of a week at any time up to—

- (a) the last payment of salary or wages before the first day of July next following the date on which the declaration is furnished; or
- (b) the close of the first pay period which ends after the date on which a further declaration is furnished to his employer by the employee,

whichever is the earlier, is—

- (c) where the salary or wages does not exceed Thirty pounds ten shillings and the total deduction value of dependants as set out in the declaration is a specified deduction value—the rate specified, opposite to the limits specified in Column 1 of Table A in the Third Schedule to these Regulations within which the salary or wages is included, in the sub-column of Column 2 of that Table which has that deduction value at its head;
- (d) where the salary or wages does not exceed Thirty pounds ten shillings and the total deduction value of dependants as set out in the declaration is not a specified deduction value—the amount which would be required to be deducted in accordance with paragraph (c) of this sub-regulation if the total deduction value were the specified deduction value next lower in amount and if the amount of salary or wages were reduced by Ten shillings for every Twenty-six pounds by which the total deduction value is so reduced; or
- (e) where the salary or wages exceeds Thirty pounds ten shillings—the amount which would be required to be deducted under regulation 54A if the amount of salary or wages were reduced by an amount ascertained by dividing the total deduction value of dependants as set out in the declaration by fifty-two.



(2.) The employer shall not be required to give effect to a declaration furnished in accordance with regulation 54c in making deductions from salary or wages paid before the close of the first pay period which commences after the furnishing of the declaration.

\* \* \* \* \*

Reg. 54BA  
inserted by  
1951, No. 136;  
repealed by  
1952, No. 89.

**54c.**—(1.) A declaration for the purposes of regulation 54B shall be in a form provided by the Commissioner or a Deputy Commissioner, shall be signed by the employee and shall set out particulars of such of the dependants of the employee at the time of making the declaration as the employee desires to be taken into account for the purposes of that regulation, the deduction value of each such dependant (in the column of the form headed “Allowance Claimed (*See back*)”) and the total deduction value of all such dependants (in the space in the form opposite the words “Total Concessional Allowance Claimed”).

Form of  
declaration as  
to dependants.  
Inserted by  
1940, No. 289.  
Sub-reg. (1.)  
substituted by  
1950, No. 101;  
amended by  
1951, No. 136.

(2.) Where the Commissioner is satisfied that, by reason of circumstances connected with the employment of an employee, it is or will be impracticable for the employee to furnish to his employer a declaration for the purpose of regulation 54B, the employee may furnish that declaration to the Commissioner, and the Commissioner may issue to the employee a certificate specifying the deduction value of the dependants of that employee who are named in the declaration.

Amended by  
1947, No. 173;  
1950, No. 101;  
and  
1951, No. 136.

(3.) After the issue of such a certificate and until the date specified in the certificate as the date on which it expires, the rates at which an employer, who employs that employee for not less than four days in any week and to whom the certificate is exhibited in that week, shall make deductions, from the salary or wages of that employee in respect of that week, shall, notwithstanding the provisions of sub-regulation (2.) of regulation 54B, be the same as if the total deduction value of dependants as shown in the certificate were the total deduction value set out in a declaration duly furnished to the employer at the time the certificate is exhibited.

Amended by  
1947, No. 173;  
1950, No. 101;  
and  
1951, No. 136.

(4.) Where, after an employee has furnished to his employer or to the Commissioner a declaration in accordance with this regulation, any person described in that declaration ceases to be a dependant of the employee, the employee shall, within fourteen days after the date upon which that person so ceases, furnish a further declaration to his employer or to the Commissioner, as the case may be, and, where the further declaration is furnished to the Commissioner, return to the Commissioner the certificate issued by him.

(5.) Subject to the next two succeeding sub-regulations, for the purposes of this regulation a person is a dependant of an employee at any time when the facts and circumstances which exist are such that, if they existed unchanged during the whole of the year of income of the employee, the employee would be entitled, in his assessment in respect of the income of that year of income, to a deduction in respect of that person under section 82B, 82c or 82D of the Act and not otherwise.

Substituted by  
1950, No. 101;  
amended by  
1953, No. 88.

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Substituted by  
1953, No. 88.

(6.) A person is not a dependant of an employee at any date by reference to section 82B or 82C of the Act if—

- (a) in the case of a spouse of the taxpayer or a daughter-house-keeper—the person is, at that date, in receipt of a separate net income at a rate exceeding One pound five shillings per week;
- (b) in the case of a child less than sixteen years of age—the person is, at that date, in receipt of separate net income exceeding One pound per week; or
- (c) in the case of a student child, an invalid relative or a parent—the person is deriving income at that date,

or, if the person has, since the thirtieth day of June last preceding that date, derived a separate net income, or derived income, as the case may be, of such an amount that the employee would not be entitled, in his assessment in respect of the income of that year of income, to a deduction in respect of that person by virtue of section 82B or 82C of the Act.

Inserted by  
1953, No. 88.

(6A.) Where, for a period in any year of income, a person is not a dependant of an employee by reason of the operation of paragraph (a), (b) or (c) of the last preceding sub-regulation, but the facts and circumstances which have existed for that period are such that, if they continued unchanged for the whole of that year of income, the employee would be entitled, in his assessment in respect of his income of that year of income, to a deduction in respect of that person reduced in accordance with sub-section (3.) or sub-section (4.) of section 82B of the Act or sub-section (3.) or sub-section (4.) of section 82C of the Act, that person is, notwithstanding anything contained in those paragraphs, a dependant of the employee in that year of income for a period equal to the number of weeks ascertained in accordance with the next succeeding sub-regulation.

Inserted by  
1953, No. 88.

(6B.) The number of weeks for which a person is a dependant of an employee under the last preceding sub-regulation is—

- (a) in the case of a spouse, daughter-housekeeper or parent—the number ascertained by dividing the number of pounds in the amount of the deduction, so reduced, to which the employee would be entitled by two and one-half;
- (b) in the case of one child less than sixteen years of age, a student child or an invalid relative—the number ascertained by dividing the number of pounds in the amount of the deduction, so reduced, to which the employee would be entitled by one and one-half; or
- (c) in the case of any other child—the number equal to the number of pounds in the amount of the deduction, so reduced, to which the employee would be entitled.

Added by  
1947, No. 77;  
amended by  
1950, No. 101.

(7.) Where a declaration on a form which bears a reference at the head thereof to a particular financial year is furnished to an employer or to the Commissioner before the first day of that financial year, these Regulations (other than sub-regulation (2.) of regulation 54B and sub-regulation (4.) of this regulation) shall apply as if that declaration had been declared, dated and furnished on the first day of that financial year.

**54D.** Within fourteen days after the end of the financial year referred to at the head of a declaration furnished to an employer by an employee, the employer shall countersign the declaration in the place provided on the form and shall forward the declaration to the Deputy Commissioner for the State or Territory in which the declaration is furnished.

Employer to forward declarations to Deputy Commissioner.  
Inserted by 1940, No. 289; substituted by 1944, No. 90; amended by 1947, No. 173.

**54DA.\*—(1.)** Where any salary or wages of an employee in respect of any week or part of a week is paid in any area described in Part I. of the Second Schedule to the Act, the amount of the deduction (if any) to be made by the employer shall be the amount which would be required to be deducted in accordance with these Regulations if the amount of that salary or wages were reduced by an amount calculated at the rate of Three pounds nine shillings per week.

Rates of deductions for any area described in Part I. of Second Schedule.  
Inserted by 1945, No. 85. Sub-reg. (1.) amended by 1947, No. 77; and 1956, No. 96. Sub-reg. (2.) amended by 1956, No. 96.

(2.) Where any salary or wages of an employee in respect of any week or part of a week is paid in any area described in Part II. of the Second Schedule to the Act, the amount of the deduction (if any) to be made by the employer shall be the amount which would be required to be deducted in accordance with these Regulations if the amount of that salary or wages were reduced by an amount calculated at the rate of Eleven shillings and sixpence per week.

#### Sub-division B.—Group Employers.

Heading inserted by 1944, No. 90; amended by 1945, No. 169.

**54E.** An application for registration as a group employer shall be signed by the applicant and shall be made—

Application for registration as a group employer.  
Inserted by 1944, No. 90.

- (a) in the case of an applicant who carries on business in Australia—at the office of the Deputy Commissioner for each State or Territory in which the applicant has an established place of business at or from which salaries or wages are paid;
- (b) in the case of an applicant who is a resident and who does not carry on business in Australia—at the office of the Deputy Commissioner for the State or Territory in which he has his principal place of residence;
- (c) in the case of an applicant who is not a resident and who does not carry on business in Australia—at the office of the Deputy Commissioner for the State or Territory in which the salaries or wages are paid or, if the salaries or wages are paid in more than one State or Territory, at the office or offices of such Deputy Commissioner or Deputy Commissioners as the Commissioner directs; and
- (d) in any other case—at the office or offices of such Deputy Commissioner or Deputy Commissioners as the Commissioner directs.

**54F.—(1.)** The Commissioner may register all employees or any class of employees of a group employer as a group for the purposes of these Regulations, and allot a registration number in respect of the group, and shall notify the group employer accordingly, indicating the State or Territory in which the group is registered.

Groups.  
Inserted by 1944, No. 90.

\* By virtue of regulation 5 (2.) of Statutory Rules 1956, No. 96, the amendments made to this regulation by those Statutory Rules commence on 1st January, 1957.

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(2.) The Commissioner may, at any time, by notice in writing to the employer concerned, cancel the registration of any group, and the class of employees included in that group shall thereupon cease to be a group for the purposes of these Regulations.

How amounts  
may be paid to  
Commissioner.

**54G.** A group employer required to pay any amount to the Commissioner may pay that amount—

Inserted by  
1944, No. 90.

- (a) by delivery of cash, bank notes or cheques at the office of the Commissioner or any Deputy Commissioner;
- (b) by remitting the amount to the Commissioner or any Deputy Commissioner by bank draft, cheque, postal money order or postal note payable in the State or Territory to which the remittance is sent; or
- (c) by depositing the amount to the credit of the Commissioner or a Deputy Commissioner at any branch of the Commonwealth Bank of Australia.

Remittance  
certificate.

Inserted by  
1944, No. 90.

**54H.** A group employer shall, at the time of paying to the Commissioner any amount deducted from the salaries or wages of employees included in any group, furnish to the Deputy Commissioner for the State or Territory in which the group is registered a certificate in a form authorized by the Commissioner, and signed by the employer, that the amount so paid is the total amount so deducted during the period specified in the certificate.

Annual  
statement of  
deductions.

Inserted by  
1944, No. 90;  
amended by  
1947, No. 173.

**54J.** The statement referred to in sub-paragraph (ii) of paragraph (f) of sub-section (5.) of section 221F of the Act shall be furnished, where the employees are in more groups than one, in separate parts, with one part in respect of each group, and the statement, or each part thereof, as the case may be, shall—

- (a) show the deductions in respect of the employees included in the group;
- (b) be furnished to the Commissioner at the office of the Deputy Commissioner for the State or Territory in which the group is registered;
- (c) reconcile the total of the amounts deducted as set out in the statement with the total of the sums paid to the Commissioner by the group employer on account of those amounts; and
- (d) include a certificate signed by the group employer certifying that the information contained therein is correct.

Issue of  
group  
certificates.

Inserted by  
1944, No. 90.

**54K.—(1.)** A group employer who is required to issue a group certificate to a person who is or has been an employee shall sign the certificate, and may issue it—

- (a) by causing it to be delivered to that person personally; or
- (b) by posting it by prepaid letter post addressed to that person at his last known postal address.

(2.) Where a group certificate which has been posted in accordance with this regulation is returned to the group employer undelivered, he shall forward the certificate to the Deputy Commissioner for the State or Territory in which the group is registered not later than—

(a) the thirty-first day of October next following the end of the financial year in which the deductions covered by the certificate were made; or

(b) seven days after the date of the return of the certificate, whichever is the later.

(3.) A group employer shall include in every group certificate issued by him particulars of—

(a) the total salary or wages paid to the person to whom the certificate is issued during the period covered by the certificate; and

(b) the value of board or residence provided for, or allowance made to, that person during that period.

\* \* \* \* \*

Sub-regs.  
(4.) and (5.)  
omitted by  
1947, No. 173.

\* \* \* \* \*

Regs.  
54L and 54M  
repealed by  
1947, No. 173.

**54N.**—(1.) Every document required by these Regulations to be signed by a group employer shall be signed—

(a) in the case of an individual—by that individual;

(b) in the case of trustees—by the senior active trustee resident in Australia, or, where there is no active trustee resident in Australia, by the agent in Australia of the trustees;

(c) in the case of a company—by the public officer of the company;

(d) in the case of the Crown in right of the Commonwealth or of a State—by any officer appointed for the purpose by the Commonwealth or the State, as the case may be; and

(e) in the case of a municipal corporation, local governing body or public authority—by any officer authorized by that corporation, local governing body or authority.

Signatures  
by or for  
group  
employers.  
Inserted by  
1944, No. 90.

(2.) Where it is not possible or practicable for the person specified in the last preceding sub-regulation personally to sign all such documents, that person may authorize, in writing, another person to sign any such documents.

(3.) A group employer shall forward to the Deputy Commissioner for the State or Territory in which the group is registered a specimen signature, on a form authorized by the Commissioner, of every person authorized by or under this regulation to sign documents in relation to any group, together with particulars of his name and of the capacity in which he acts, and any person so authorized shall not sign any document referred to in sub-regulation (1.) of this regulation until his specimen signature has been so furnished.

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(4.) The Commissioner or a Deputy Commissioner may, if he thinks fit, by notice in writing to the group employer, disapprove of the authorization of any person under sub-regulation (2.) of this regulation, and thereafter that person shall not sign any document referred to in sub-regulation (1.) of this regulation.

(5.) Where a person authorized by or under this regulation to sign documents in relation to any group ceases (otherwise than in pursuance sub-regulation (4.) of this regulation) to be so authorized, the group employer shall, within fourteen days thereafter, notify the Deputy Commissioner for the State or Territory in which the group is registered accordingly.

Heading  
inserted by  
1944, No. 90;  
amended by  
1945, No. 169;  
and  
1947, No. 173.

## Sub-division C.—Employers other than Group Employers.

Regs.  
54P, 54Q, 54R,  
54S, 54T, 54U,  
54V and 54W  
inserted by  
1944, No. 90;  
repealed by  
1947, No. 173.

\* \* \* \* \*

Manner of  
delivery.

Inserted by  
1944, No. 90.  
Sub-reg. (1.)  
amended by  
1947, No. 173.

**54x.**—(1.) An employer who is required to deliver a tax stamps sheet to an employee may deliver it—

- (a) by causing it to be delivered to him personally; or
- (b) by posting it by pre-paid letter post addressed to him at his last-known postal address.

(2.) Where a tax stamps sheet which has been posted in accordance with this regulation is returned to the employer undelivered, he shall forward it, not later than seven days after the date of its return, to the Deputy Commissioner for the State or Territory in which the salary or wages referred to in the sheet were paid.

Tax check  
sheets to be  
forwarded to  
Deputy  
Commissioner  
with summary.  
Inserted by  
1944, No. 90;  
substituted by  
1947, No. 173.

**54y.** An employer who is required to forward tax check sheets to the Commissioner shall forward such of those sheets as relate to employees to whom salaries or wages were paid in each State or Territory to the Deputy Commissioner for that State or Territory, together with a summary, in a form authorized by the Commissioner, signed by the employer, of the salaries or wages referred to in the sheets.

Requests  
for tax  
stamps and  
deduction  
sheets.

Inserted by  
1944, No. 90.

**54z.** Subject to these Regulations, a person shall not obtain—

- (a) any tax stamps; or
- (b) any book containing forms of tax deduction sheets,

unless he has first delivered to the person issuing the stamps or book an application, in a form authorized by the Commissioner, signed by the applicant.

Regs. 54AA,  
54AB, 54AC,  
54AD, 54AE and  
54AF inserted by  
1944, No. 90;  
repealed by  
1947, No. 173.

\* \* \* \* \*

## Division 3.—Provisional Tax and Contribution.

Division 3  
added by  
1945, No. 169;  
substituted by  
1950, No. 101.\*

\* \* \* \* \*

Regs. 54ZA,  
54ZB, 54ZC and  
54ZD  
repealed by  
1956, No. 96.†

**54ZE.** The provisional tax and contribution payable, but for this regulation, by a taxpayer in accordance with the provisions of section 221YC of the Act in respect of the income of the year of income ending on the thirtieth day of June, 1955, shall be decreased to the amount that would be payable if the references in sub-section (1.) of that section, in its application in respect of that provisional tax and contribution, to the income tax assessed in respect of the year next preceding that year of income were read as references to the income tax so assessed, reduced by the amount by which the tax imposed by sub-section (1.) of section 6 of the *Income Tax and Social Services Contribution Act 1953* on a taxable income equal to the taxable income of the next preceding year of income exceeds the tax imposed by sub-section (1.) of section 6 of the *Income Tax and Social Services Contribution Act 1954* on a taxable income equal to that amount.

Provisional tax  
and  
contribution  
for year of  
income  
1954-1955.  
Inserted by  
1954, No. 112.

## PART VII.—PENAL PROVISIONS AND PROSECUTIONS.

**55.** In any proceedings against a person for failing or neglecting to duly furnish a return, a certificate in writing signed by the Commissioner, the Second Commissioner, a Deputy Commissioner, or a prescribed delegate of the Commissioner, certifying that no return has been received from that person by any officer authorized by the Commissioner to receive returns at the place where, under the Regulations, the return should have been furnished, shall be *prima facie* evidence that the defendant has failed or neglected to duly furnish a return.

Certificate as  
to failure to  
furnish a  
return.

**56.** An Order made by a Court in pursuance of section 225 of the Act may be served in the manner prescribed for the serving of notices by regulation 59.

Order to  
comply with  
requirement.

**57.—(1.)** The election which may be exercised by a defendant in pursuance of section 234 of the Act shall be so exercised by serving on the Commissioner (or the Deputy Commissioner, if the prosecution has been instituted by a Deputy Commissioner) and filing in the Court in which the prosecution was instituted a notice in accordance with Form 10.

Right of trial  
in superior  
Court.

\* Division 3, comprising regulations 54AG (added by Statutory Rules 1945, No. 169); 54AH (inserted by Statutory Rules 1946, No. 135); 54AJ (inserted by Statutory Rules 1947, No. 77); 54AK (inserted by Statutory Rules 1948, No. 162); and 54AL (inserted by Statutory Rules 1949, No. 50), was repealed by sub-regulation (1.) of regulation 9 of Statutory Rules 1950, No. 101. Sub-regulation (2.) of that regulation reads as follows:—

“(2.) Notwithstanding the repeal effected by the last preceding sub-regulation, the provisions of each of the repealed regulations shall continue to apply in relation to provisional tax in respect of income of the year of income to which the regulation related.”

† Regulations 54ZA (inserted by Statutory Rules 1950, No. 101); 54ZB (inserted by Statutory Rules 1951, No. 157); 54ZC (inserted by Statutory Rules 1952, No. 102); and 54ZD (inserted by Statutory Rules 1953, No. 88) were repealed by sub-regulation (1.) of regulation 3 of Statutory Rules 1956, No. 96. Sub-regulation (2.) of that regulation reads as follows:—

“(2.) Notwithstanding the last preceding sub-regulation, the provisions of each of the regulations repealed by that sub-regulation shall continue to apply in relation to provisional tax and contribution in respect of income of the year of income to which the regulation related.”

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(2.) The Commissioner shall exercise his option under section 234 of the Act by serving on the defendant and filing in the Court in which the prosecution was instituted a notice specifying the Court to which the case is to be removed.

(3.) The proper officer of the Court in which the prosecution was instituted shall, forthwith after the Commissioner has exercised his option in accordance with sub-regulation (2.) of this regulation, forward all documents relating to the prosecution to the Court to which the prosecution is to be removed.

Enforcement  
of orders for  
payment.

**58.**—(1.) Where an order for the payment of a sum of money by any person to the Commissioner is made under Part VII. of the Act by a Court of Summary Jurisdiction, the Commissioner may obtain from the Clerk or other proper officer of the Court a certificate under section 249 of the Act.

(2.) The certificate shall be in accordance with Form 11, and shall contain the following particulars:—

- (a) The name and location of the Court making the order;
- (b) The name and address of the defendant; and
- (c) The date and amount of the order and the section of Part VII. of the Act under which the order was made.

(3.) Upon production of the certificate to the prothonotary, registrar, or other proper officer of a Court having jurisdiction to entertain civil proceedings to the amount of the order, that officer shall register the certificate by entering the particulars thereof in a book to be kept by him.

(4.) A certificate shall not be registered after the lapse of twelve months from the date of the order to which it relates unless leave in that behalf has first been obtained from the Court in which it is proposed to register the certificate.

Heading  
inserted by  
1943, No. 127.

## PART VIIA.—REGISTRATION OF TAX AGENTS.

Definitions.  
Inserted by  
1943, No. 127;  
amended by  
1956, No. 96.

**58A.** In this Part, unless the contrary intention appears—

- “applicant” means an applicant for registration as a tax agent;
- “Board” means a Tax Agents’ Board constituted, or deemed to be constituted, under Part VIIA. of the Act;
- “the secretary”, in relation to a Board, means the secretary of that Board, or, in his absence, any officer for the time being performing the duties of the secretary.

Appointment  
of secretary.  
Inserted by  
1943, No. 127.

**58B.**—(1.) Each Board shall have a secretary, who shall be an officer of the Taxation Branch of the Department of the Treasury appointed for the purpose by the Commissioner.

(2.) The secretary shall attend all meetings of the Board and shall keep a record of the proceedings of the Board.

(3.) Any certificate or other instrument given or issued by a Board shall be sufficiently authenticated if signed by the secretary on behalf of the Board.

Communi-  
cations  
to Board.  
Inserted by  
1943, No. 127.

**58C.** All correspondence to a Board, including applications under the Act or these Regulations, shall be addressed to the secretary in the care of the Federal Deputy Commissioner of Taxation in the State for which the Board is constituted.



**58D.**—(1.) An application for registration as a tax agent shall state—

Applications for registration.  
Inserted by 1943, No. 127.

(a) the full name and address of the applicant and, in addition, if the applicant is a partnership, the full name and address of each partner;

(b) an address for service;

(c) in the case of an application by a partnership or a company, the full name and address of, and an address for service for, each partner or person whom it is desired to register as a nominee or additional nominee of the tax agent;

(d) the qualifications of the applicant, or, in the case of an application by a partnership or a company, of each partner or person referred to in the last preceding paragraph;

(e) whether the applicant and—

(i) in the case of an application by a partnership—any partner; or

(ii) in the case of an application by a company—any person on behalf of the company, is registered as a tax agent under any State Act relating to income tax, and, if so, shall state particulars of the registration;

(f) whether the applicant, and, in the case of an application by a partnership or a company, any member of the partnership whatsoever, or any person whom it is desired to register as a nominee or additional nominee, has had his registration as a tax agent cancelled or refused under any Act or State Act relating to income tax;

(g) the name of the State or Territory of the Commonwealth, or the names of the States or Territories of the Commonwealth, in which the applicant proposes to carry on the business of tax agent; and

(h) if the applicant proposes to carry on business at more than one office, the address of the head office and of each branch office.

(2.) An applicant shall furnish to the Board such further information as the Board from time to time requires.

**58E.** An application for the registration of an additional or substituted nominee of a partnership or company which is already registered as a tax agent under the Act shall state—

Applications for registration of additional or substituted by nominees.  
Inserted by 1943, No. 127.

(a) the full name and address of the partnership or company making the application;

(b) the full name and address of, and an address for service for, each partner or person who is desired to register as an additional or substituted nominee;

(c) the qualifications of each partner or person referred to in the last preceding paragraph;

(d) whether the partner or person so referred to is registered as a tax agent under any State Act relating to income tax and, if so, shall state particulars of the registration;

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- (e) whether the partner or person so referred to has had his registration as a tax agent cancelled or refused under any Act or State Act relating to income tax; and
- (f) any further information required by the Board.

Application for exemption under section 251L.

Inserted by 1943, No. 127.

**58F.** An applicant for exemption from the operation of section 251L of the Act shall furnish to the Board his full name and address, an address for service and such further information as the Board from time to time requires.

Declaration by applicant.

Inserted by 1947, No. 77.

**58FA.** Every application referred to in any of the last three preceding regulations shall be supported by a declaration, signed by the person or the members of the partnership making the application, stating that the information contained in the application is true and correct in every particular.

Place of lodgment of applications.

Inserted by 1943, No. 127.

**58G.** An application for registration as a tax agent, for the registration of an additional or substituted nominee of a partnership or company, or for exemption under sub-section (2.) of section 251L of the Act, shall be lodged with the secretary of the Board constituted for the State in which the office, or if there is more than one office, the head office, of the applicant is situated.

Certificate of registration.

Inserted by 1943, No. 127.

**58H.** Where a Board registers a person or partnership as a tax agent under section 251J of the Act, the Board shall issue a certificate of registration to that person or partnership.

Board to notify Commissioner of registration.

Inserted by 1943, No. 127.

**58J.** Where a Board registers an applicant as a tax agent, or a person as a nominee, additional nominee or substituted nominee of a tax agent, the Board shall notify the Commissioner accordingly.

Publication of names of tax agents.

Inserted by 1943, No. 127; amended by 1947, No. 77.

**58K.** As soon as convenient after the thirtieth day of June in each year, the Commissioner shall publish in the *Gazette* the full names and addresses of persons and partnerships registered as tax agents.

Board to notify Commissioner of exemption of certain tax agents.

Inserted by 1943, No. 127.

**58L.** Where a Board exempts any person or partnership from the the operation of section 251L of the Act, the Board shall issue a certificate of exemption to that person or partnership and notify the Commissioner accordingly.

Return of certificates of registration and exemption.

Inserted by 1947, No. 77.

**58LA.**—(1.) The Board by which a person or partnership was registered as a tax agent or exempted from the operation of section 251L of the Act may, when the Board considers it necessary so to do—

- (a) by reason of the cancellation of the registration or the lapse of the exemption;
- (b) for the purpose of the issue of a new certificate in lieu of an existing certificate, or the alteration of an existing certificate; or
- (c) for any other purpose of the Act or of these Regulations,

by notice in writing, call upon that person or partnership, or, if that person has died, his personal representative, to return to the Board the certificate issued in pursuance of regulation 58H, regulation 58L or regulation 58S, as the case may be.

(2.) A person or partnership or personal representative on whom a notice under this regulation is served shall, within fourteen days after the service of the notice, return to the Board the certificate specified in the notice.

Penalty: Not less than Two pounds or more than Twenty pounds.

**58M.**—(1.) Every registered tax agent shall forthwith give notice in writing to the secretary of the Board by which he was registered of any change in the address for service of himself, and, in the case of a registered tax agent which is a company or a partnership, of any partner or person who is registered as a nominee, additional nominee or substituted nominee of the tax agent under section 251J of the Act.

Notification of  
change of  
address.  
Inserted by  
1943, No. 127.

(2.) Every person who is exempted by a Board from the operation of section 251L of the Act shall forthwith give notice in writing to the secretary of the Board of any change in his address for service.

**58N.** Any notice or other communication to any person or partnership by or on behalf of the Commissioner or a Board, in relation to any matter arising under Part VIIA. of the Act or of this Part of these Regulations, may be given to or served upon him or it personally, or by pre-paid letter post at his or its address for service under this Part.

Service of  
notices, &c.  
Inserted by  
1943, No. 127;  
amended by  
1944, No. 90.

**58P.** Where the registration of a person or a partnership as a tax agent is cancelled by a Board, the Board shall forthwith give notice of the cancellation to the tax agent, or, if the registration was cancelled by reason of the death of the tax agent, to his personal representative, and to the Commissioner, and, where the registration was cancelled by the Board in pursuance of sub-section (2.) of section 251K of the Act, the Commissioner shall, after the expiration of the period for appeal prescribed by regulation 58PA, cause notice of the cancellation to be published in the *Gazette*:

Cancellation  
of registration  
of tax agent.  
Inserted by  
1943, No. 127;  
amended by  
1947, No. 77.

Provided that where, in pursuance of sub-section (5.) of section 251K of the Act, the person or partnership duly institutes an appeal within the prescribed time against a Board's decision to cancel his or its registration, notice of that cancellation shall not be published unless and until—

- (a) the appeal has been withdrawn by the person or partnership;
- (b) the appeal has been determined against the person or partnership and the time prescribed for a further appeal in pursuance of sub-section (5A.) of that section has expired without any such further appeal having been instituted; or
- (c) a further appeal under that sub-section has been determined against, or withdrawn by, the person or partnership.

# INCOME TAX AND SOCIAL SERVICES CONTRIBUTION ASSESSMENT ACT

Appeals in  
connexion with  
cancellation  
of registration.  
Inserted by  
1947, No. 77.

**58PA.**—(1.) An appeal under sub-section (5.) of section 251K of the Act shall be instituted, not later than thirty days after service of the notice of cancellation given in pursuance of the last preceding regulation, by—

- (a) filing a notice of appeal in writing in the court to which the appeal is made; and
- (b) serving a copy of the notice of appeal on the Board which cancelled the registration.

Amended by  
1949, No. 25.

(2.) A appeal under sub-section (5A.) of section 251K of the Act—

- (a) may be instituted by the person or partnership, by the Board or by the Commissioner; and
- (b) shall be instituted, within thirty days after the date of the decision against the appeal is brought, by—
  - (i) filing a notice of appeal in writing in the Supreme Court to which the appeal is made; and
  - (ii) serving a copy of the notice of appeal—
    - (1) in the case of an appeal by the person or partnership or by the Board—on the Board or on the person or partnership, as the case may be; and
    - (2) in the case of an appeal by the Commissioner—on the Board and on the person or partnership.

(3.) A Board shall furnish to the Commissioner a copy of any notice of appeal served on the Board by a person or partnership, or served by the Board, in pursuance of this regulation.

(4.) On the hearing of any appeal under section 251K of the Act, the Commissioner may, if he so desires, be represented by counsel or (in the case of an appeal under sub-section (5.) of that section) by a solicitor, who may call, examine or cross-examine witnesses and address the Court.

Notification of  
person ceasing  
to be nominee  
of registered  
tax agent.  
Inserted by  
1943, No. 127.

**58Q.** Where a person ceases to be a nominee, additional nominee or substituted nominee of a partnership or a company which is registered as a tax agent, the Board shall notify the Commissioner accordingly.

Evidence.  
Inserted by  
1943, No. 127.

**58R.**—(1.) For the purposes of Part VIIA. of the Act, a Board—

- (a) may take oral evidence on oath or affirmation, and for that purpose the Chairman of the Board or, in the absence of the Chairman, the person acting as Chairman, shall have power to administer oaths and affirmations;
- (b) may permit evidence to be given by affidavit but may require the deponent to attend for the purpose of being cross-examined;
- (c) may receive, without formal proof, a copy, duly certified as correct by any responsible officer of a bank, of any person's account with that bank, and may take into consideration any entry or particular contained therein;

- (d) may receive, without formal proof, a copy, duly certified as correct by any responsible officer of any Government or of any public, municipal or other local body or authority within the Commonwealth, of any document in the possession of that Government, body or authority, as the case may be, and may take into consideration any statement or particular contained therein; and
- (e) may receive, without formal proof, any other document containing any statement or particular which, in the opinion of the Board, is relevant to the application or other matter under consideration (not being a document which has been brought into existence solely for the purpose of the application or other matter under consideration), and may take into consideration the statement or particular.

(2.) The Chairman of a Board may, by notice in writing, require any person— **Amended by 1945, No. 85.**

- (a) to furnish the Board with such information as is specified in the notice relating to any application or other matter before the Board;
- (b) to attend and give evidence before the Board, or before any member of the Board authorized by the Chairman in that behalf, concerning any application or other matter before the Board, and may require him to produce all books, documents and other papers whatever in his custody or under his control which, in the opinion of the Board or member of the Board, are likely to contain information or particulars relating to the application or matter,

and the person shall comply with the notice accordingly.

(3.) The Chairman of the Board may require the information or evidence to be given on oath, and either orally or in writing, and for that purpose the Chairman, or the member authorized by him, shall have power to administer an oath or affirmation.

(4.) The expenses to be allowed to any person required to attend and give evidence under this regulation shall be as prescribed by regulation 64 of these Regulations.

(5.) Where a person is required to attend in consequence of a request made by or on behalf of an applicant or a tax agent, the expenses of that person shall be payable by that applicant or tax agent.

**58s.—**(1.) Where a registered tax agent, or a person or partnership exempted under section 251L of the Act, removes his place of business, or, if he has more than one place of business, his principal place of business, from one State to another State, the Board in the first-mentioned State shall transmit to the Board in the other State all the documents relating to the registration or exemption of the person or partnership. **Removal of business to another State. Inserted by 1947, No. 77.**

(2.) A registered tax agent or a person or partnership referred to in the last preceding sub-regulation shall return to the Board in the first-mentioned State the certificate of registration or exemption issued

in pursuance of regulation 58H or regulation 58L, as the case may be, and thereupon the Board in the other State shall issue in lieu thereof a certificate of registration to that registered tax agent, or a certificate of exemption to that person or partnership, as the case may be.

PART VIII.—MISCELLANEOUS.

Service of  
Notices, &c.

**59.** Any notice or other communication by or on behalf of the Commissioner may be served upon any person—

- (a) by causing it to be personally served on him; or
- (b) by leaving it at his address for service; or
- (c) by posting it by pre-paid letter post, addressed to him at his address for service;

and in any case to which paragraph (c) of this regulation applies, unless the contrary is proved, service thereof shall be deemed to have been effected at the time when it would, in the ordinary course of post, have arrived at the place to which it was addressed.

Signatures.

**60.** Any notice to be given by the Commissioner may be given by any officer of the Commissioner duly authorized in that behalf; and any notice purporting to be signed by the authority of the Commissioner shall be as valid and effectual for all purposes as if signed by the Commissioner in person.

Appointment  
of prescribed  
delegate.

**61.** The Commissioner may, by notice published in the *Gazette*, appoint any person to be a prescribed delegate of the Commissioner for the purposes of these Regulations.

Signature  
deemed to  
be duly  
signed.

**62.**—(1.) Any certificate, notice, or other document, bearing the written, stamped or printed signature of the Commissioner, the Second Commissioner, a Deputy Commissioner, or a prescribed delegate of the Commissioner, shall, until the contrary is proved, be deemed to have been duly signed by the person by whom it purports to have been signed.

(2.) Judicial notice shall be taken of every such signature and of the fact that the person whose signature it purports to be holds or has held the office of Commissioner, Second Commissioner, Deputy Commissioner or prescribed delegate of the Commissioner, as the case may be.

Appointment  
of Public  
Officer.

**63.** Whenever the position of Public Officer of a company becomes vacant, and it is necessary for a new Public Officer to be appointed, the notice of appointment by the company of a new Public Officer shall be given to the Commissioner at the place where, under these Regulations, the return of the company is to be furnished.

Expenses of  
persons  
required to  
attend and  
give evidence.

**64.** Where a person (other than the taxpayer or a representative of the taxpayer concerning whom the evidence is required) is required under section 264 of the Act to attend and give evidence before the Commissioner or an officer authorized by him, there may be allowed to that person the sum (not exceeding in any case One pound per diem) actually and necessarily lost by him by reason of his attendance, and in addition (if he resides more than four miles from the place at which he is required to attend) such sum for travelling expenses (not exceeding the sum actually paid) as the person conducting the inquiry thinks reasonable.

**65.**—(1.) The penalty set out at the foot of any regulation or sub-regulation indicates that any person who commits—

- (a) the offence created by that regulation or sub-regulation; or
- (b) a breach of that regulation or sub-regulation, whether by act or omission—

shall be punishable upon conviction by a penalty not exceeding the penalty set out and not being less in any case than One pound.

(2.) Any contravention of these Regulations for which no other penalty is provided shall be punishable on conviction by a fine of not less than One pound or more than Twenty pounds.

**66.** Where application is made to a medical officer of the Department of Health for a certificate referred to in sub-section (5.) of section 82B of the Act, the following fee shall be paid in advance to that Department for the examination of the person:—

- (a) where the examination is made at the office or the surgery of the medical officer—the sum of Twenty-one shillings; or
- (b) where the examination is made at some other place—the sum of Twenty-five shillings.

Amount of  
Penalty.

Fee for  
medical  
examination.

Added by  
1943, No. 127;  
substituted by  
1950, No. 101;  
amended by  
1955, No. 23.

## THE FIRST SCHEDULE.

Form 1.

Sec. 16.  
Reg. 4.

COMMONWEALTH OF AUSTRALIA.

*Income Tax Assessment Act 1936.*

### OFFICER'S OATH OF SECRECY.

I, .....of.....in the State of....., in the Commonwealth of Australia, being an officer within the meaning of section 16 of the *Income Tax Assessment Act 1936*, do swear that I will not, either directly or indirectly, except as permitted under the said section, and either while I am, or after I cease to be, an officer, make a record of, or divulge or communicate to any person any information respecting the affairs of any other person, disclosed or obtained under the provisions of the *Income Tax Assessment Act 1936*, or of any amendment thereof, or of any Act substituted therefor, or of any previous law of the Commonwealth relating to Income Tax.

So HELP ME GOD.

.....  
Signature.

Sworn and subscribed at.....in the State of.....  
this.....day of.....19...., before me—

Justice of the Peace for the } .....  
State of..... } Signature.

# INCOME TAX AND SOCIAL SERVICES CONTRIBUTION ASSESSMENT ACT

## THE FIRST SCHEDULE—continued.

Form 2.

Sec. 16.  
Reg. 4.

COMMONWEALTH OF AUSTRALIA.

*Income Tax Assessment Act 1936.*

## OFFICER'S DECLARATION OF SECRECY.

I, ..... of ..... in the State of ....., in the Commonwealth of Australia, being an officer within the meaning of section 16 of the *Income Tax Assessment Act 1936*, do solemnly and sincerely declare that I will not, either directly or indirectly, except as permitted under the said section, and either while I am, or after I cease to be, an officer, make a record of, or divulge or communicate to any person any information respecting the affairs of any other person, disclosed or obtained under the provisions of the *Income Tax Assessment Act 1936*, or of any amendment thereof, or of any Act substituted therefor, or of any previous law of the Commonwealth relating to Income Tax.

.....  
Signature.

Declared at ..... in the State of .....  
this ..... of ..... 19...., before me—

Justice of the Peace for the }  
State of ..... }  
Commissioner for Declarations. }

.....  
Signature.

Form 3.

Sec. 32.  
Reg. 5.

COMMONWEALTH OF AUSTRALIA.

*Income Tax Assessment Act 1936.*

## NOTICE OF OPTION AS TO BASIS OF VALUATION OF LIVE STOCK.

I, ..... of ..... in the State of ....., hereby exercise the option granted by section 32 of the above-mentioned Act by requiring that the value of live stock to be taken into account shall be the \*cost price.  
\*market selling value.

Dated this ..... day of ..... 19....

.....  
Signature of Taxpayer.

\* Strike out whichever is not wanted.

Substituted by  
1951, No. 157.

Form 4.

Section 34.  
Regulation 5.

COMMONWEALTH OF AUSTRALIA.

*Income Tax and Social Services Contribution Assessment Act 1936-19*

## NOTICE OF SELECTION OF COST PRICE OF NATURAL INCREASE.

\* Insert name  
of State or  
Territory.

I, ..... of ..... in \* ....., in pursuance of section 34 of the abovementioned Act, hereby select, as the cost price of natural increase of each class of live stock to be taken into account, the value shown as the selected value opposite to that class, not being less than the value shown as minimum cost price.

|            |    |    |    |        |    | Minimum<br>cost price. |    |    | Selected<br>value. |    |    |
|------------|----|----|----|--------|----|------------------------|----|----|--------------------|----|----|
|            |    |    |    |        |    | £                      | s. | d. | £                  | s. | d. |
| Sheep      | .. | .. | .. | ..     | .. |                        | 4  | 0  | .....              |    |    |
| Cattle     | .. | .. | .. | ..     | .. | 1                      | 0  | 0  | .....              |    |    |
| Horses     | .. | .. | .. | ..     | .. | 1                      | 0  | 0  | .....              |    |    |
| Pigs       | .. | .. | .. | ..     | .. |                        | 5  | 0  | .....              |    |    |
| Dated this |    |    |    | day of |    |                        |    |    | , 19               |    |    |

.....  
Signature of Taxpayer.



## THE FIRST SCHEDULE—continued.

\* \* \* \* \*

Form 5  
omitted by  
1951, No. 157.

## Form 6.

Sec. 56.

Reg. 7.

COMMONWEALTH OF AUSTRALIA.

*Income Tax Assessment Act 1936.*NOTICE OF OPTION AS TO METHOD OF CALCULATION OF  
DEPRECIATION OF PROPERTY.

I, ..... of ..... in the State of .....  
hereby exercise the option referred to in section 56 (1) (b) of the above Act by  
requiring that the depreciation allowable under the Act in respect of any unit of  
property shall be the percentage fixed in pursuance of section 55 of the Act of the  
cost of that unit.

Dated this ..... day of ..... 19.....

.....  
Signature of Taxpayer.

## Form 7.

Sec. 165.

Reg. 33.

Amended by  
1943, No. 127;  
and by  
1944, No. 124.

COMMONWEALTH OF AUSTRALIA.

*Income Tax Assessment Act 1936.*

## PARTICULARS RELATING TO SOURCES OF INFORMATION.

To be given by—

- |                                                                                                                                                                                                                                            |   |                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--------------------------------------------------------|
| <p>A. Any person who charges directly or indirectly any fee for<br/>preparing or assisting to prepare this return.</p> <p>B. Every person <u>carrying on business</u> who does not furnish with<br/>his return an agent's certificate.</p> | } | <p>Cross out<br/>whichever<br/>does not<br/>apply.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--------------------------------------------------------|

| Question.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Answer. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <p>(1) What books of account, if any, are kept by or on behalf of the taxpayer?</p> <p>(2) By whom are those books of account kept? (State name and address.)</p> <p>(3.) Are those books of account audited each year? If so, by whom?</p> <p>(4) Is the return in accordance with those books?</p> <p>(5) If the return is not in accordance with those books, on what basis and upon what information has the return been prepared?</p> <p>* (6) Have you satisfied yourself and, if so, how, that the books of account, or other sources of information upon which the return is based, are correct and disclose the whole of the taxpayer's income from all sources?</p> <p>* To be answered only by the person mentioned in "A" above.</p> |         |

Certificate  
by Agent.

I, ....., having charged the taxpayer a fee for preparing or assisting in the preparation of this return, hereby certify that the answers set forth above in the second column in this statement opposite to the questions set forth in the first column thereof are true and correct in every particular.

Date

†Signature of Agent

Agent's Registered Number

† Where the agent is a partnership or a company, this certificate must be signed in the name of the partnership or company, as the case requires, by a person who is registered as a nominee of that partnership or company and that person's name must also be appended.

# INCOME TAX AND SOCIAL SERVICES CONTRIBUTION ASSESSMENT ACT

## THE FIRST SCHEDULE—continued.

Form 8.

Sec. 185.  
Reg. 34.

COMMONWEALTH OF AUSTRALIA.  
*Income Tax Assessment Act 1936.*

File No. ....

### NOTICE OF OBJECTION AGAINST ASSESSMENT.

I hereby object against the assessment of income tax based on income derived during the year ended.....and issued to me by notice of assessment dated....., and claim that the assessment should be reduced by—

- (a) the excision of the following amounts included in the assessable income:—
- (b) the allowance of the following amounts as deductions:—
- (c) the following items not covered by (a) and (b) (such as rebates of tax, calculation of special property tax, &c.):—

The grounds on which I rely are:—  
(Section 185 of the Act requires that the grounds be stated fully and in detail.)

Signature.....  
Address.....  
Date.....

Form 9.

Sec. 220.  
Reg. 52.

COMMONWEALTH OF AUSTRALIA.  
*Income Tax Assessment Act 1936.*

### ORDER.

To.....at.....

WHEREAS at the time of the death of.....of.....deceased, income tax had not been assessed and paid on the whole of the income derived by the said.....up to the date of his death:

AND WHEREAS probate has not been granted or letters of administration have not been taken out in respect of the estate of the said.....deceased.....

AND WHEREAS the amount of tax payable in respect of that income has been assessed by me as.....

THESE ARE THEREFORE to require and authorize you forthwith to levy the said sum of.....together with the costs of these presents by distress and sale of any property of the estate of the said.....found by you and that you certify to me on the.....day of.....what you shall do by virtue of this Order.

Dated this.....day of.....One thousand nine hundred and.....

.....  
Commissioner of Taxation.

Form 10.

Substituted by  
1951, No. 157.

Section 234.  
Regulation 57.

[Heading as in Form of Information.]

### NOTICE OF ELECTION BY THE DEFENDANT TO HAVE A TAXATION PROSECUTION TRIED IN A HIGHER COURT.

Notice is hereby given, in pursuance of section 234 of the *Income Tax and Social Services Contribution Assessment Act 1936-19*, that the Defendant in the above-named prosecution elects to have the case tried either in the High Court of Australia or in the Supreme Court of .....

\* Insert name  
of State or  
Territory.

Dated this.....day of....., 19.....

(Signature of Defendant or his  
Solicitor or Counsel.)

† Insert  
address.

To the above-named Court, and to the Commissioner of Taxation [or the Deputy  
Commissioner of Taxation.....†].

## THE FIRST SCHEDULE—continued.

Form 11.

Sec. 249.

Reg. 58.

## COMMONWEALTH OF AUSTRALIA.

CERTIFICATE OF ORDER UNDER THE INCOME TAX ASSESSMENT ACT  
1936.

In pursuance of section 249 of the *Income Tax Assessment Act* 1936, I,.....  
....., the \*Clerk of the (insert name and location of Court), hereby  
certify that on the.....day of....., 19...., the said  
Court, acting under section.....of that Act, ordered (insert name and address  
of defendant) to pay to the Commissioner of Taxation the sum of.....

Dated this.....day of....., 19....  
.....

\*Clerk of the Court.

\* If the Certificate is not granted by the Clerk of the Court, substitute title of the proper officer  
by whom it is granted.

## THE SECOND SCHEDULE.

Sec. 87.

Reg. 8.

## TABLE.

Showing the sum which, if invested annually at 5 per centum per annum compound  
interest, would amount to £1 at the end of any number of years from 1 to 99.

(Annual investment made at the commencement of each year.)

| Years.   | Amounts. | Years.   | Amounts. | Years.   | Amounts. |
|----------|----------|----------|----------|----------|----------|
|          | £        |          | £        |          | £        |
| 1 .. ..  | .952381  | 34 .. .. | .011195  | 67 .. .. | .001884  |
| 2 .. ..  | .464576  | 35 .. .. | .010545  | 68 .. .. | .001790  |
| 3 .. ..  | .302104  | 36 .. .. | .009937  | 69 .. .. | .001702  |
| 4 .. ..  | .220964  | 37 .. .. | .009371  | 70 .. .. | .001618  |
| 5 .. ..  | .172357  | 38 .. .. | .008842  | 71 .. .. | .001539  |
| 6 .. ..  | .140016  | 39 .. .. | .008348  | 72 .. .. | .001463  |
| 7 .. ..  | .116971  | 40 .. .. | .007884  | 73 .. .. | .001391  |
| 8 .. ..  | .099735  | 41 .. .. | .007450  | 74 .. .. | .001324  |
| 9 .. ..  | .086371  | 42 .. .. | .007043  | 75 .. .. | .001259  |
| 10 .. .. | .075719  | 43 .. .. | .006660  | 76 .. .. | .001197  |
| 11 .. .. | .067037  | 44 .. .. | .006301  | 77 .. .. | .001139  |
| 12 .. .. | .059833  | 45 .. .. | .005964  | 78 .. .. | .001084  |
| 13 .. .. | .053768  | 46 .. .. | .005646  | 79 .. .. | .001030  |
| 14 .. .. | .048594  | 47 .. .. | .005347  | 80 .. .. | .000981  |
| 15 .. .. | .044135  | 48 .. .. | .005065  | 81 .. .. | .000933  |
| 16 .. .. | .040257  | 49 .. .. | .004800  | 82 .. .. | .000888  |
| 17 .. .. | .036856  | 50 .. .. | .004550  | 83 .. .. | .000845  |
| 18 .. .. | .033853  | 51 .. .. | .004313  | 84 .. .. | .000804  |
| 19 .. .. | .031186  | 52 .. .. | .004090  | 85 .. .. | .000765  |
| 20 .. .. | .028803  | 53 .. .. | .003879  | 86 .. .. | .000728  |
| 21 .. .. | .026663  | 54 .. .. | .003680  | 87 .. .. | .000692  |
| 22 .. .. | .024734  | 55 .. .. | .003492  | 88 .. .. | .000659  |
| 23 .. .. | .022988  | 56 .. .. | .003314  | 89 .. .. | .000628  |
| 24 .. .. | .021401  | 57 .. .. | .003146  | 90 .. .. | .000597  |
| 25 .. .. | .019954  | 58 .. .. | .002987  | 91 .. .. | .000569  |
| 26 .. .. | .018632  | 59 .. .. | .002836  | 92 .. .. | .000541  |
| 27 .. .. | .017421  | 60 .. .. | .002693  | 93 .. .. | .000515  |
| 28 .. .. | .016308  | 61 .. .. | .002558  | 94 .. .. | .000490  |
| 29 .. .. | .015282  | 62 .. .. | .002430  | 95 .. .. | .000467  |
| 30 .. .. | .014334  | 63 .. .. | .002309  | 96 .. .. | .000444  |
| 31 .. .. | .013459  | 64 .. .. | .002194  | 97 .. .. | .000423  |
| 32 .. .. | .012648  | 65 .. .. | .002085  | 98 .. .. | .000403  |
| 33 .. .. | .011895  | 66 .. .. | .001982  | 99 .. .. | .000383  |

Added by  
1941, No. 327;  
substituted by  
1964, No. 90.

REGS. 54A, 54B.

THE THIRD SCHEDULE.  
TABLE A.—RATES OF DEDUCTIONS WHERE EMPLOYEE'S SALARY OR WAGES DOES NOT EXCEED THIRTY POUNDS TEN SHILLINGS IN RESPECT OF  
A WEEK OR PART OF A WEEK.

| COLUMN 1.                                           |                    | COLUMN 2.                                                        |              |                |               |              |               |                |                 |               |              |               |
|-----------------------------------------------------|--------------------|------------------------------------------------------------------|--------------|----------------|---------------|--------------|---------------|----------------|-----------------|---------------|--------------|---------------|
| Salary or wages in respect of week or part of week— |                    | Amount of deduction, where the deduction value of dependants is— |              |                |               |              |               |                |                 |               |              |               |
| Exceeding—                                          | But not exceeding— | Nil.<br>(i)                                                      | £78.<br>(ii) | £130.<br>(iii) | £182.<br>(iv) | £208.<br>(v) | £234.<br>(vi) | £260.<br>(vii) | £286.<br>(viii) | £312.<br>(ix) | £364.<br>(x) | £416.<br>(xi) |
| £ s. d.                                             | £ s. d.            | £ s. d.                                                          | £ s. d.      | £ s. d.        | £ s. d.       | £ s. d.      | £ s. d.       | £ s. d.        | £ s. d.         | £ s. d.       | £ s. d.      | £ s. d.       |
| 2 0 0                                               | 2 10 0             | 3                                                                | ..           | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 2 10 0                                              | 3 0 0              | 3                                                                | ..           | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 3 0 0                                               | 3 5 0              | 6                                                                | ..           | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 3 5 0                                               | 3 10 0             | 9                                                                | ..           | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 3 10 0                                              | 3 12 6             | 9                                                                | 3            | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 3 12 6                                              | 3 15 0             | 1 0                                                              | 3            | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 3 15 0                                              | 3 17 6             | 1 0                                                              | 3            | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 3 17 6                                              | 4 0 0              | 1 3                                                              | 3            | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 4 0 0                                               | 4 2 6              | 1 3                                                              | 3            | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 4 2 6                                               | 4 5 0              | 1 6                                                              | 3            | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 4 5 0                                               | 4 7 6              | 1 6                                                              | 3            | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 4 7 6                                               | 4 10 0             | 1 6                                                              | 3            | ..             | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 4 10 0                                              | 4 12 6             | 1 6                                                              | 6            | 3              | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 4 12 6                                              | 4 15 0             | 1 9                                                              | 6            | 3              | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 4 15 0                                              | 4 17 6             | 1 9                                                              | 9            | 3              | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 4 17 6                                              | 5 0 0              | 2 0                                                              | 9            | 3              | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 5 0 0                                               | 5 2 6              | 2 0                                                              | 9            | 3              | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 5 2 6                                               | 5 5 0              | 2 3                                                              | 1 0          | 3              | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 5 5 0                                               | 5 7 6              | 2 6                                                              | 1 0          | 3              | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |
| 5 7 6                                               | 5 10 0             | 2 9                                                              | 1 3          | 3              | ..            | ..           | ..            | ..             | ..              | ..            | ..           | ..            |

|   |    |   |   |    |   |    |   |   |   |   |   |    |    |    |    |    |    |
|---|----|---|---|----|---|----|---|---|---|---|---|----|----|----|----|----|----|
| 5 | 10 | 0 | 5 | 12 | 6 | 3  | 0 | 1 | 3 | 6 | 3 | .. | .. | .. | .. | .. | .. |
| 5 | 12 | 6 | 5 | 15 | 0 | 3  | 0 | 1 | 6 | 6 | 3 | .. | .. | .. | .. | .. | .. |
| 5 | 15 | 0 | 5 | 17 | 6 | 3  | 3 | 1 | 6 | 9 | 3 | .. | .. | .. | .. | .. | .. |
| 5 | 17 | 6 | 6 | 0  | 0 | 3  | 3 | 1 | 6 | 9 | 3 | .. | .. | .. | .. | .. | .. |
| 6 | 0  | 0 | 6 | 2  | 6 | 3  | 6 | 1 | 6 | 9 | 3 | 3  | .. | .. | .. | .. | .. |
| 6 | 2  | 6 | 6 | 5  | 0 | 3  | 9 | 1 | 9 | 1 | 0 | 3  | 3  | .. | .. | .. | .. |
| 6 | 5  | 0 | 6 | 7  | 6 | 4  | 0 | 1 | 9 | 1 | 0 | 3  | 3  | .. | .. | .. | .. |
| 6 | 7  | 6 | 6 | 10 | 0 | 4  | 3 | 2 | 0 | 1 | 3 | 3  | 3  | .. | .. | .. | .. |
| 6 | 10 | 0 | 6 | 12 | 6 | 4  | 6 | 2 | 0 | 1 | 3 | 6  | 3  | 3  | .. | .. | .. |
| 6 | 12 | 6 | 6 | 15 | 0 | 4  | 9 | 2 | 3 | 1 | 6 | 6  | 3  | 3  | .. | .. | .. |
| 6 | 15 | 0 | 6 | 17 | 6 | 4  | 9 | 2 | 6 | 1 | 6 | 9  | 3  | 3  | .. | .. | .. |
| 6 | 17 | 6 | 7 | 0  | 0 | 5  | 0 | 2 | 9 | 1 | 6 | 9  | 3  | 3  | .. | .. | .. |
| 7 | 0  | 0 | 7 | 2  | 6 | 5  | 3 | 3 | 0 | 1 | 6 | 9  | 6  | 3  | 3  | .. | .. |
| 7 | 2  | 6 | 7 | 5  | 0 | 5  | 6 | 3 | 0 | 1 | 9 | 1  | 0  | 6  | 3  | 3  | .. |
| 7 | 5  | 0 | 7 | 7  | 6 | 5  | 6 | 3 | 3 | 1 | 9 | 1  | 0  | 9  | 3  | 3  | .. |
| 7 | 7  | 6 | 7 | 10 | 0 | 5  | 9 | 3 | 3 | 2 | 0 | 1  | 3  | 9  | 3  | 3  | .. |
| 7 | 10 | 0 | 7 | 12 | 6 | 6  | 0 | 3 | 6 | 2 | 0 | 1  | 3  | 9  | 6  | 3  | 3  |
| 7 | 12 | 6 | 7 | 15 | 0 | 6  | 3 | 3 | 9 | 2 | 3 | 1  | 6  | 1  | 0  | 6  | 3  |
| 7 | 15 | 0 | 7 | 17 | 6 | 6  | 6 | 4 | 0 | 2 | 6 | 1  | 6  | 1  | 0  | 9  | 3  |
| 7 | 17 | 6 | 8 | 0  | 0 | 6  | 9 | 4 | 3 | 2 | 9 | 1  | 6  | 1  | 3  | 9  | 3  |
| 8 | 0  | 0 | 8 | 2  | 6 | 7  | 0 | 4 | 6 | 3 | 0 | 1  | 6  | 1  | 3  | 9  | 6  |
| 8 | 2  | 6 | 8 | 5  | 0 | 7  | 3 | 4 | 9 | 3 | 0 | 1  | 9  | 1  | 6  | 1  | 0  |
| 8 | 5  | 0 | 8 | 7  | 6 | 7  | 6 | 4 | 9 | 3 | 3 | 1  | 9  | 1  | 6  | 1  | 0  |
| 8 | 7  | 6 | 8 | 10 | 0 | 8  | 0 | 5 | 0 | 3 | 3 | 2  | 0  | 1  | 6  | 1  | 3  |
| 8 | 10 | 0 | 8 | 12 | 6 | 8  | 3 | 5 | 3 | 3 | 6 | 2  | 0  | 1  | 6  | 1  | 3  |
| 8 | 12 | 6 | 8 | 15 | 0 | 8  | 6 | 5 | 6 | 3 | 9 | 2  | 3  | 1  | 9  | 1  | 6  |
| 8 | 15 | 0 | 8 | 17 | 6 | 8  | 9 | 5 | 6 | 4 | 0 | 2  | 6  | 1  | 9  | 1  | 6  |
| 8 | 17 | 6 | 9 | 0  | 0 | 9  | 0 | 5 | 9 | 4 | 3 | 2  | 9  | 2  | 0  | 1  | 6  |
| 9 | 0  | 0 | 9 | 2  | 6 | 9  | 3 | 6 | 0 | 4 | 6 | 3  | 0  | 2  | 0  | 1  | 6  |
| 9 | 2  | 6 | 9 | 5  | 0 | 9  | 6 | 6 | 3 | 4 | 9 | 3  | 0  | 2  | 3  | 1  | 9  |
| 9 | 5  | 0 | 9 | 7  | 6 | 9  | 9 | 6 | 6 | 4 | 9 | 3  | 3  | 2  | 6  | 1  | 9  |
| 9 | 7  | 6 | 9 | 10 | 0 | 10 | 3 | 6 | 9 | 5 | 0 | 3  | 3  | 2  | 9  | 2  | 0  |

## THE THIRD SCHEDULE—continued.

| COLUMN 1.                                           |                    | COLUMN 2.                                                        |              |                |               |              |               |                |                 |               |              |               |
|-----------------------------------------------------|--------------------|------------------------------------------------------------------|--------------|----------------|---------------|--------------|---------------|----------------|-----------------|---------------|--------------|---------------|
| Salary or wages in respect of week or part of week— |                    | Amount of deduction, where the deduction value of dependants is— |              |                |               |              |               |                |                 |               |              |               |
| Exceeding—                                          | But not exceeding— | Nil.<br>(i)                                                      | £78.<br>(ii) | £130.<br>(iii) | £182.<br>(iv) | £208.<br>(v) | £234.<br>(vi) | £260.<br>(vii) | £286.<br>(viii) | £312.<br>(ix) | £364.<br>(x) | £416.<br>(xi) |
| £ s. d.                                             | £ s. d.            | £ s. d.                                                          | £ s. d.      | £ s. d.        | £ s. d.       | £ s. d.      | £ s. d.       | £ s. d.        | £ s. d.         | £ s. d.       | £ s. d.      | £ s. d.       |
| 9 10 0                                              | 9 12 6             | 10 6                                                             | 7 0          | 5 3            | 3 6           | 3 0          | 2 0           | 1 6            | 1 3             | 9             | 3            | ..            |
| 9 12 6                                              | 9 15 0             | 11 0                                                             | 7 3          | 5 6            | 3 9           | 3 0          | 2 3           | 1 9            | 1 6             | 1 0           | 3            | ..            |
| 9 15 0                                              | 9 17 6             | 11 3                                                             | 7 6          | 5 6            | 4 0           | 3 3          | 2 6           | 1 9            | 1 6             | 1 0           | 3            | ..            |
| 9 17 6                                              | 10 0 0             | 11 6                                                             | 8 0          | 5 9            | 4 3           | 3 3          | 2 9           | 2 0            | 1 6             | 1 3           | 3            | ..            |
| 10 0 0                                              | 10 2 6             | 11 9                                                             | 8 3          | 6 0            | 4 6           | 3 6          | 3 0           | 2 0            | 1 6             | 1 3           | 6            | 3             |
| 10 2 6                                              | 10 5 0             | 12 0                                                             | 8 6          | 6 3            | 4 9           | 3 9          | 3 0           | 2 3            | 1 9             | 1 6           | 6            | 3             |
| 10 5 0                                              | 10 7 6             | 12 3                                                             | 8 9          | 6 6            | 4 9           | 4 0          | 3 3           | 2 6            | 1 9             | 1 6           | 9            | 3             |
| 10 7 6                                              | 10 10 0            | 12 6                                                             | 9 0          | 6 9            | 5 0           | 4 3          | 3 3           | 2 9            | 2 0             | 1 6           | 9            | 3             |
| 10 10 0                                             | 10 12 6            | 12 9                                                             | 9 3          | 7 0            | 5 3           | 4 6          | 3 6           | 3 0            | 2 0             | 1 6           | 9            | 3             |
| 10 12 6                                             | 10 15 0            | 13 3                                                             | 9 6          | 7 3            | 5 6           | 4 9          | 3 9           | 3 0            | 2 3             | 1 9           | 1 0          | 3             |
| 10 15 0                                             | 10 17 6            | 13 6                                                             | 9 9          | 7 6            | 5 6           | 4 9          | 4 0           | 3 3            | 2 6             | 1 9           | 1 0          | 3             |
| 10 17 6                                             | 11 0 0             | 13 9                                                             | 10 3         | 8 0            | 5 9           | 5 0          | 4 3           | 3 3            | 2 9             | 2 0           | 1 3          | 3             |
| 11 0 0                                              | 11 2 6             | 14 3                                                             | 10 6         | 8 3            | 6 0           | 5 3          | 4 6           | 3 6            | 3 0             | 2 0           | 1 3          | 6             |
| 11 2 6                                              | 11 5 0             | 14 6                                                             | 11 0         | 8 6            | 6 3           | 5 6          | 4 9           | 3 9            | 3 0             | 2 3           | 1 6          | 6             |
| 11 5 0                                              | 11 7 6             | 14 9                                                             | 11 3         | 8 9            | 6 6           | 5 6          | 4 9           | 4 0            | 3 3             | 2 6           | 1 6          | 9             |
| 11 7 6                                              | 11 10 0            | 15 0                                                             | 11 6         | 9 0            | 6 9           | 5 9          | 5 0           | 4 3            | 3 3             | 2 9           | 1 6          | 9             |
| 11 10 0                                             | 11 12 6            | 15 6                                                             | 11 9         | 9 3            | 7 0           | 6 0          | 5 3           | 4 6            | 3 6             | 3 0           | 1 6          | 9             |
| 11 12 6                                             | 11 15 0            | 15 9                                                             | 12 0         | 9 6            | 7 3           | 6 3          | 5 6           | 4 9            | 3 9             | 3 0           | 1 9          | 1 0           |
| 11 15 0                                             | 11 17 6            | 16 3                                                             | 12 3         | 9 9            | 7 6           | 6 6          | 5 6           | 4 9            | 4 0             | 3 3           | 1 9          | 1 0           |
| 11 17 6                                             | 12 0 0             | 16 6                                                             | 12 6         | 10 3           | 8 0           | 6 9          | 5 9           | 5 0            | 4 3             | 3 3           | 2 0          | 1 3           |

|         |         |       |       |       |      |      |      |      |      |      |     |     |
|---------|---------|-------|-------|-------|------|------|------|------|------|------|-----|-----|
| 12 0 0  | 12 2 6  | 16 9  | 12 9  | 10 6  | 8 3  | 7 0  | 6 0  | 5 3  | 4 6  | 3 6  | 2 0 | 1 3 |
| 12 2 6  | 12 5 0  | 17 0  | 13 3  | 11 0  | 8 6  | 7 3  | 6 3  | 5 6  | 4 9  | 3 9  | 2 3 | 1 6 |
| 12 5 0  | 12 7 6  | 17 6  | 13 6  | 11 3  | 8 9  | 7 6  | 6 6  | 5 6  | 4 9  | 4 0  | 2 6 | 1 6 |
| 12 7 6  | 12 10 0 | 18 0  | 13 9  | 11 6  | 9 0  | 8 0  | 6 9  | 5 9  | 5 0  | 4 3  | 2 9 | 1 6 |
| 12 10 0 | 12 12 6 | 18 3  | 14 3  | 11 9  | 9 3  | 8 3  | 7 0  | 6 0  | 5 3  | 4 6  | 3 0 | 1 6 |
| 12 12 6 | 12 15 0 | 18 6  | 14 6  | 12 0  | 9 6  | 8 6  | 7 3  | 6 3  | 5 6  | 4 9  | 3 0 | 1 9 |
| 12 15 0 | 12 17 6 | 19 0  | 14 9  | 12 3  | 9 9  | 8 9  | 7 6  | 6 6  | 5 6  | 4 9  | 3 3 | 1 9 |
| 12 17 6 | 13 0 0  | 19 3  | 15 0  | 12 6  | 10 3 | 9 0  | 8 0  | 6 9  | 5 9  | 5 0  | 3 3 | 2 0 |
| 13 0 0  | 13 2 6  | 19 9  | 15 6  | 12 9  | 10 6 | 9 3  | 8 3  | 7 0  | 6 0  | 5 3  | 3 6 | 2 0 |
| 13 2 6  | 13 5 0  | 1 0 3 | 15 9  | 13 3  | 11 0 | 9 6  | 8 6  | 7 3  | 6 3  | 5 6  | 3 9 | 2 3 |
| 13 5 0  | 13 7 6  | 1 0 6 | 16 3  | 13 6  | 11 3 | 9 9  | 8 9  | 7 6  | 6 6  | 5 6  | 4 0 | 2 6 |
| 13 7 6  | 13 10 0 | 1 1 0 | 16 6  | 13 9  | 11 6 | 10 3 | 9 0  | 8 0  | 6 9  | 5 9  | 4 3 | 2 9 |
| 13 10 0 | 13 12 6 | 1 1 3 | 16 9  | 14 3  | 11 9 | 10 6 | 9 3  | 8 3  | 7 0  | 6 0  | 4 6 | 3 0 |
| 13 12 6 | 13 15 0 | 1 1 6 | 17 0  | 14 6  | 12 0 | 11 0 | 9 6  | 8 6  | 7 3  | 6 3  | 4 9 | 3 0 |
| 13 15 0 | 13 17 6 | 1 2 0 | 17 6  | 14 9  | 12 3 | 11 3 | 9 9  | 8 9  | 7 6  | 6 6  | 4 9 | 3 3 |
| 13 17 6 | 14 0 0  | 1 2 6 | 18 0  | 15 0  | 12 6 | 11 6 | 10 3 | 9 0  | 8 0  | 6 9  | 5 0 | 3 3 |
| 14 0 0  | 14 2 6  | 1 2 9 | 18 3  | 15 6  | 12 9 | 11 9 | 10 6 | 9 3  | 8 3  | 7 0  | 5 3 | 3 6 |
| 14 2 6  | 14 5 0  | 1 3 3 | 18 6  | 15 9  | 13 3 | 12 0 | 11 0 | 9 6  | 8 6  | 7 3  | 5 6 | 3 9 |
| 14 5 0  | 14 7 6  | 1 3 6 | 19 0  | 16 3  | 13 6 | 12 3 | 11 3 | 9 9  | 8 9  | 7 6  | 5 6 | 4 0 |
| 14 7 6  | 14 10 0 | 1 3 9 | 19 3  | 16 6  | 13 9 | 12 6 | 11 6 | 10 3 | 9 0  | 8 0  | 5 9 | 4 3 |
| 14 10 0 | 14 12 6 | 1 4 3 | 19 9  | 16 9  | 14 3 | 12 9 | 11 9 | 10 6 | 9 3  | 8 3  | 6 0 | 4 6 |
| 14 12 6 | 14 15 0 | 1 4 9 | 1 0 3 | 17 0  | 14 6 | 13 3 | 12 0 | 11 0 | 9 6  | 8 6  | 6 3 | 4 9 |
| 14 15 0 | 14 17 6 | 1 5 0 | 1 0 6 | 17 6  | 14 9 | 13 6 | 12 3 | 11 3 | 9 9  | 8 9  | 6 6 | 4 9 |
| 14 17 6 | 15 0 0  | 1 5 6 | 1 1 0 | 18 0  | 15 0 | 13 9 | 12 6 | 11 6 | 10 3 | 9 0  | 6 9 | 5 0 |
| 15 0 0  | 15 2 6  | 1 5 9 | 1 1 3 | 18 3  | 15 6 | 14 3 | 12 9 | 11 9 | 10 6 | 9 3  | 7 0 | 5 3 |
| 15 2 6  | 15 5 0  | 1 6 3 | 1 1 6 | 18 6  | 15 9 | 14 6 | 13 3 | 12 0 | 11 0 | 9 6  | 7 3 | 5 6 |
| 15 5 0  | 15 7 6  | 1 6 6 | 1 2 0 | 19 0  | 16 3 | 14 9 | 13 6 | 12 3 | 11 3 | 9 9  | 7 6 | 5 6 |
| 15 7 6  | 15 10 0 | 1 7 0 | 1 2 6 | 19 3  | 16 6 | 15 0 | 13 9 | 12 6 | 11 6 | 10 3 | 8 0 | 5 9 |
| 15 10 0 | 15 12 6 | 1 7 6 | 1 2 9 | 19 9  | 16 9 | 15 6 | 14 3 | 12 9 | 11 9 | 10 6 | 8 3 | 6 0 |
| 15 12 6 | 15 15 0 | 1 8 0 | 1 3 3 | 1 0 3 | 17 0 | 15 9 | 14 6 | 13 3 | 12 0 | 11 0 | 8 6 | 6 3 |
| 15 15 0 | 15 17 6 | 1 8 6 | 1 3 6 | 1 0 6 | 17 6 | 16 3 | 14 9 | 13 6 | 12 3 | 11 3 | 8 9 | 6 6 |
| 15 17 6 | 16 0 0  | 1 9 0 | 1 3 9 | 1 1 0 | 18 0 | 16 6 | 15 0 | 13 9 | 12 6 | 11 6 | 9 0 | 6 9 |

## THE THIRD SCHEDULE—continued.

| COLUMN 1.<br>Salary or wages in<br>respect of week or<br>part of week— |                       | COLUMN 2.<br>Amount of deduction, where the deduction value of dependants is— |              |                |               |              |               |                |                 |               |              |               |
|------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------|--------------|----------------|---------------|--------------|---------------|----------------|-----------------|---------------|--------------|---------------|
| Exceeding—                                                             | But not<br>exceeding— | Nil.<br>(i)                                                                   | £78.<br>(ii) | £130.<br>(iii) | £182.<br>(iv) | £208.<br>(v) | £234.<br>(vi) | £260.<br>(vii) | £286.<br>(viii) | £312.<br>(ix) | £364.<br>(x) | £416.<br>(xi) |
| £ s. d.                                                                | £ s. d.               | £ s. d.                                                                       | £ s. d.      | £ s. d.        | £ s. d.       | £ s. d.      | £ s. d.       | £ s. d.        | £ s. d.         | £ s. d.       | £ s. d.      | £ s. d.       |
| 16 0 0                                                                 | 16 2 6                | 1 9 3                                                                         | 1 4 3        | 1 1 3          | 18 3          | 16 9         | 15 6          | 14 3           | 12 9            | 11 9          | 9 3          | 7 0           |
| 16 2 6                                                                 | 16 5 0                | 1 9 9                                                                         | 1 4 9        | 1 1 6          | 18 6          | 17 0         | 15 9          | 14 6           | 13 3            | 12 0          | 9 6          | 7 3           |
| 16 5 0                                                                 | 16 7 6                | 1 10 3                                                                        | 1 5 0        | 1 2 0          | 19 0          | 17 6         | 16 3          | 14 9           | 13 6            | 12 3          | 9 9          | 7 6           |
| 16 7 6                                                                 | 16 10 0               | 1 10 9                                                                        | 1 5 6        | 1 2 6          | 19 3          | 18 0         | 16 6          | 15 0           | 13 9            | 12 6          | 10 3         | 8 0           |
| 16 10 0                                                                | 16 12 6               | 1 11 0                                                                        | 1 5 9        | 1 2 9          | 19 9          | 18 3         | 16 9          | 15 6           | 14 3            | 12 9          | 10 6         | 8 3           |
| 16 12 6                                                                | 16 15 0               | 1 11 6                                                                        | 1 6 3        | 1 3 3          | 1 0 3         | 18 6         | 17 0          | 15 9           | 14 6            | 13 3          | 11 0         | 8 6           |
| 16 15 0                                                                | 16 17 6               | 1 12 0                                                                        | 1 6 6        | 1 3 6          | 1 0 6         | 19 0         | 17 6          | 16 3           | 14 9            | 13 6          | 11 3         | 8 9           |
| 16 17 6                                                                | 17 0 0                | 1 12 6                                                                        | 1 7 0        | 1 3 9          | 1 1 0         | 19 3         | 18 0          | 16 6           | 15 0            | 13 9          | 11 6         | 9 0           |
| 17 0 0                                                                 | 17 2 6                | 1 13 0                                                                        | 1 7 6        | 1 4 3          | 1 1 3         | 19 9         | 18 3          | 16 9           | 15 6            | 14 3          | 11 9         | 9 3           |
| 17 2 6                                                                 | 17 5 0                | 1 13 6                                                                        | 1 8 0        | 1 4 9          | 1 1 6         | 1 0 3        | 18 6          | 17 0           | 15 9            | 14 6          | 12 0         | 9 6           |
| 17 5 0                                                                 | 17 7 6                | 1 13 9                                                                        | 1 8 6        | 1 5 0          | 1 2 0         | 1 0 6        | 19 0          | 17 6           | 16 3            | 14 9          | 12 3         | 9 9           |
| 17 7 6                                                                 | 17 10 0               | 1 14 3                                                                        | 1 9 0        | 1 5 6          | 1 2 6         | 1 1 0        | 19 3          | 18 0           | 16 6            | 15 0          | 12 6         | 10 3          |
| 17 10 0                                                                | 17 12 6               | 1 14 9                                                                        | 1 9 3        | 1 5 9          | 1 2 9         | 1 1 3        | 19 9          | 18 3           | 16 9            | 15 6          | 12 9         | 10 6          |
| 17 12 6                                                                | 17 15 0               | 1 15 3                                                                        | 1 9 9        | 1 6 3          | 1 3 3         | 1 1 6        | 1 0 3         | 18 6           | 17 0            | 15 9          | 13 3         | 11 0          |
| 17 15 0                                                                | 17 17 6               | 1 15 9                                                                        | 1 10 3       | 1 6 6          | 1 3 6         | 1 2 0        | 1 0 6         | 19 0           | 17 6            | 16 3          | 13 6         | 11 3          |
| 17 17 6                                                                | 18 0 0                | 1 16 3                                                                        | 1 10 9       | 1 7 0          | 1 3 9         | 1 2 6        | 1 1 0         | 19 3           | 18 0            | 16 6          | 13 9         | 11 6          |
| 18 0 0                                                                 | 18 2 6                | 1 16 9                                                                        | 1 11 0       | 1 7 6          | 1 4 3         | 1 2 9        | 1 1 3         | 19 9           | 18 3            | 16 9          | 14 3         | 11 9          |
| 18 2 6                                                                 | 18 5 0                | 1 17 0                                                                        | 1 11 6       | 1 8 0          | 1 4 9         | 1 3 3        | 1 1 6         | 1 0 3          | 18 6            | 17 0          | 14 6         | 12 0          |
| 18 5 0                                                                 | 18 7 6                | 1 17 6                                                                        | 1 12 0       | 1 8 6          | 1 5 0         | 1 3 6        | 1 2 0         | 1 0 6          | 19 0            | 17 6          | 14 9         | 12 3          |
| 18 7 6                                                                 | 18 10 0               | 1 18 0                                                                        | 1 12 6       | 1 9 0          | 1 5 6         | 1 3 9        | 1 2 6         | 1 1 0          | 19 3            | 18 0          | 15 0         | 12 6          |



|         |         |        |        |        |        |        |        |        |        |        |       |       |
|---------|---------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|-------|
| 18 10 0 | 18 12 6 | 1 18 6 | 1 13 0 | 1 9 3  | 1 5 9  | 1 4 3  | 1 2 9  | 1 1 3  | 19 9   | 18 3   | 15 6  | 12 9  |
| 18 12 6 | 18 15 0 | 1 19 0 | 1 13 6 | 1 9 9  | 1 6 3  | 1 4 9  | 1 3 3  | 1 1 6  | 1 0 3  | 18 6   | 15 9  | 13 3  |
| 18 15 0 | 18 17 6 | 1 19 6 | 1 13 9 | 1 10 3 | 1 6 6  | 1 5 0  | 1 3 6  | 1 2 0  | 1 0 6  | 19 0   | 16 3  | 13 6  |
| 18 17 6 | 19 0 0  | 2 0 0  | 1 14 3 | 1 10 9 | 1 7 0  | 1 5 6  | 1 3 9  | 1 2 6  | 1 1 0  | 19 3   | 16 6  | 13 9  |
| 19 0 0  | 19 2 6  | 2 0 6  | 1 14 9 | 1 11 0 | 1 7 6  | 1 5 9  | 1 4 3  | 1 2 9  | 1 1 3  | 19 9   | 16 9  | 14 3  |
| 19 2 6  | 19 5 0  | 2 1 0  | 1 15 3 | 1 11 6 | 1 8 0  | 1 6 3  | 1 4 9  | 1 3 3  | 1 1 6  | 1 0 3  | 17 0  | 14 6  |
| 19 5 0  | 19 7 6  | 2 1 6  | 1 15 9 | 1 12 0 | 1 8 6  | 1 6 6  | 1 5 0  | 1 3 6  | 1 2 0  | 1 0 6  | 17 6  | 14 9  |
| 19 7 6  | 19 10 0 | 2 2 0  | 1 16 3 | 1 12 6 | 1 9 0  | 1 7 0  | 1 5 6  | 1 3 9  | 1 2 6  | 1 1 0  | 18 0  | 15 0  |
| 19 10 0 | 19 12 6 | 2 2 6  | 1 16 9 | 1 13 0 | 1 9 3  | 1 7 6  | 1 5 9  | 1 4 3  | 1 2 9  | 1 1 3  | 18 3  | 15 6  |
| 19 12 6 | 19 15 0 | 2 3 0  | 1 17 0 | 1 13 6 | 1 9 9  | 1 8 0  | 1 6 3  | 1 4 9  | 1 3 3  | 1 1 6  | 18 6  | 15 9  |
| 19 15 0 | 19 17 6 | 2 3 9  | 1 17 6 | 1 13 9 | 1 10 3 | 1 8 6  | 1 6 6  | 1 5 0  | 1 3 6  | 1 2 0  | 19 0  | 16 3  |
| 19 17 6 | 20 0 0  | 2 4 3  | 1 18 0 | 1 14 3 | 1 10 9 | 1 9 0  | 1 7 0  | 1 5 6  | 1 3 9  | 1 2 6  | 19 3  | 16 6  |
| 20 0 0  | 20 2 6  | 2 4 9  | 1 18 6 | 1 14 9 | 1 11 0 | 1 9 3  | 1 7 6  | 1 5 9  | 1 4 3  | 1 2 9  | 19 9  | 16 9  |
| 20 2 6  | 20 5 0  | 2 5 3  | 1 19 0 | 1 15 3 | 1 11 6 | 1 9 9  | 1 8 0  | 1 6 3  | 1 4 9  | 1 3 3  | 1 0 3 | 17 0  |
| 20 5 0  | 20 7 6  | 2 5 9  | 1 19 6 | 1 15 9 | 1 12 0 | 1 10 3 | 1 8 6  | 1 6 6  | 1 5 0  | 1 3 6  | 1 0 6 | 17 6  |
| 20 7 6  | 20 10 0 | 2 6 6  | 2 0 0  | 1 16 3 | 1 12 6 | 1 10 9 | 1 9 0  | 1 7 0  | 1 5 6  | 1 3 9  | 1 1 0 | 18 0  |
| 20 10 0 | 20 12 6 | 2 7 0  | 2 0 6  | 1 16 9 | 1 13 0 | 1 11 0 | 1 9 3  | 1 7 6  | 1 5 9  | 1 4 3  | 1 1 3 | 18 3  |
| 20 12 6 | 20 15 0 | 2 7 6  | 2 1 0  | 1 17 0 | 1 13 6 | 1 11 6 | 1 9 9  | 1 8 0  | 1 6 3  | 1 4 9  | 1 1 6 | 18 6  |
| 20 15 0 | 20 17 6 | 2 8 0  | 2 1 6  | 1 17 6 | 1 13 9 | 1 12 0 | 1 10 3 | 1 8 6  | 1 6 6  | 1 5 0  | 1 2 0 | 19 0  |
| 20 17 6 | 21 0 0  | 2 8 6  | 2 2 0  | 1 18 0 | 1 14 3 | 1 12 6 | 1 10 9 | 1 9 0  | 1 7 0  | 1 5 6  | 1 2 6 | 19 3  |
| 21 0 0  | 21 2 6  | 2 9 0  | 2 2 6  | 1 18 6 | 1 14 9 | 1 13 0 | 1 11 0 | 1 9 3  | 1 7 6  | 1 5 9  | 1 2 9 | 19 9  |
| 21 2 6  | 21 5 0  | 2 9 6  | 2 3 0  | 1 19 0 | 1 15 3 | 1 13 6 | 1 11 6 | 1 9 9  | 1 8 0  | 1 6 3  | 1 3 3 | 1 0 3 |
| 21 5 0  | 21 7 6  | 2 10 3 | 2 3 9  | 1 19 6 | 1 15 9 | 1 13 9 | 1 12 0 | 1 10 3 | 1 8 6  | 1 6 6  | 1 3 6 | 1 0 6 |
| 21 7 6  | 21 10 0 | 2 10 9 | 2 4 3  | 2 0 0  | 1 16 3 | 1 14 3 | 1 12 6 | 1 10 9 | 1 9 0  | 1 7 0  | 1 3 9 | 1 1 0 |
| 21 10 0 | 21 12 6 | 2 11 3 | 2 4 9  | 2 0 6  | 1 16 9 | 1 14 9 | 1 13 0 | 1 11 0 | 1 9 3  | 1 7 6  | 1 4 3 | 1 1 3 |
| 21 12 6 | 21 15 0 | 2 12 0 | 2 5 3  | 2 1 0  | 1 17 0 | 1 15 3 | 1 13 6 | 1 11 6 | 1 9 9  | 1 8 0  | 1 4 9 | 1 1 6 |
| 21 15 0 | 21 17 6 | 2 12 6 | 2 5 9  | 2 1 6  | 1 17 6 | 1 15 9 | 1 13 9 | 1 12 0 | 1 10 3 | 1 8 6  | 1 5 0 | 1 2 0 |
| 21 17 6 | 22 0 0  | 2 13 0 | 2 6 6  | 2 2 0  | 1 18 0 | 1 16 3 | 1 14 3 | 1 12 6 | 1 10 9 | 1 9 0  | 1 5 6 | 1 2 6 |
| 22 0 0  | 22 2 6  | 2 13 6 | 2 7 0  | 2 2 6  | 1 18 6 | 1 16 9 | 1 14 9 | 1 13 0 | 1 11 0 | 1 9 3  | 1 5 9 | 1 2 9 |
| 22 2 6  | 22 5 0  | 2 14 0 | 2 7 6  | 2 3 0  | 1 19 0 | 1 17 0 | 1 15 3 | 1 13 6 | 1 11 6 | 1 9 9  | 1 6 3 | 1 3 3 |
| 22 5 0  | 22 7 6  | 2 14 6 | 2 8 0  | 2 3 9  | 1 19 6 | 1 17 6 | 1 15 9 | 1 13 9 | 1 12 0 | 1 10 3 | 1 6 6 | 1 3 6 |
| 22 7 6  | 22 10 0 | 2 15 0 | 2 8 6  | 2 4 3  | 2 0 0  | 1 18 0 | 1 16 3 | 1 14 3 | 1 12 6 | 1 10 9 | 1 7 0 | 1 3 9 |

## THE THIRD SCHEDULE—continued.

| COLUMN 1.<br>Salary or wages in<br>respect of week or<br>part of week— |                       | COLUMN 2.<br>Amount of deduction, where the deduction value of dependants is— |              |                |               |              |               |                |                 |               |              |               |
|------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------|--------------|----------------|---------------|--------------|---------------|----------------|-----------------|---------------|--------------|---------------|
| Exceeding—                                                             | But not<br>exceeding— | Nil.<br>(i)                                                                   | £78.<br>(ii) | £130.<br>(iii) | £182.<br>(iv) | £208.<br>(v) | £234.<br>(vi) | £260.<br>(vii) | £286.<br>(viii) | £312.<br>(ix) | £364.<br>(x) | £416.<br>(xi) |
| £ s. d.                                                                | £ s. d.               | £ s. d.                                                                       | £ s. d.      | £ s. d.        | £ s. d.       | £ s. d.      | £ s. d.       | £ s. d.        | £ s. d.         | £ s. d.       | £ s. d.      | £ s. d.       |
| 22 10 0                                                                | 22 12 6               | 2 15 6                                                                        | 2 9 0        | 2 4 9          | 2 0 6         | 1 18 6       | 1 16 9        | 1 14 9         | 1 13 0          | 1 11 0        | 1 7 6        | 1 4 3         |
| 22 12 6                                                                | 22 15 0               | 2 16 0                                                                        | 2 9 6        | 2 5 3          | 2 1 0         | 1 19 0       | 1 17 0        | 1 15 3         | 1 13 6          | 1 11 6        | 1 8 0        | 1 4 9         |
| 22 15 0                                                                | 22 17 6               | 2 16 9                                                                        | 2 10 3       | 2 5 9          | 2 1 6         | 1 19 6       | 1 17 6        | 1 15 9         | 1 13 9          | 1 12 0        | 1 8 6        | 1 5 0         |
| 22 17 6                                                                | 23 0 0                | 2 17 3                                                                        | 2 10 9       | 2 6 6          | 2 2 0         | 2 0 0        | 1 18 0        | 1 16 3         | 1 14 3          | 1 12 6        | 1 9 0        | 1 5 6         |
| 23 0 0                                                                 | 23 2 6                | 2 17 9                                                                        | 2 11 3       | 2 7 0          | 2 2 6         | 2 0 6        | 1 18 6        | 1 16 9         | 1 14 9          | 1 13 0        | 1 9 3        | 1 5 9         |
| 23 2 6                                                                 | 23 5 0                | 2 18 3                                                                        | 2 12 0       | 2 7 6          | 2 3 0         | 2 1 0        | 1 19 0        | 1 17 0         | 1 15 3          | 1 13 6        | 1 9 9        | 1 6 3         |
| 23 5 0                                                                 | 23 7 6                | 2 18 9                                                                        | 2 12 6       | 2 8 0          | 2 3 9         | 2 1 6        | 1 19 6        | 1 17 6         | 1 15 9          | 1 13 9        | 1 10 3       | 1 6 6         |
| 23 7 6                                                                 | 23 10 0               | 2 19 6                                                                        | 2 13 0       | 2 8 6          | 2 4 3         | 2 2 0        | 2 0 0         | 1 18 0         | 1 16 3          | 1 14 3        | 1 10 9       | 1 7 0         |
| 23 10 0                                                                | 23 12 6               | 3 0 0                                                                         | 2 13 6       | 2 9 0          | 2 4 9         | 2 2 6        | 2 0 6         | 1 18 6         | 1 16 9          | 1 14 9        | 1 11 0       | 1 7 6         |
| 23 12 6                                                                | 23 15 0               | 3 0 9                                                                         | 2 14 0       | 2 9 6          | 2 5 3         | 2 3 0        | 2 1 0         | 1 19 0         | 1 17 0          | 1 15 3        | 1 11 6       | 1 8 0         |
| 23 15 0                                                                | 23 17 6               | 3 1 3                                                                         | 2 14 6       | 2 10 3         | 2 5 9         | 2 3 9        | 2 1 6         | 1 19 6         | 1 17 6          | 1 15 9        | 1 12 0       | 1 8 6         |
| 23 17 6                                                                | 24 0 0                | 3 2 0                                                                         | 2 15 0       | 2 10 9         | 2 6 6         | 2 4 3        | 2 2 0         | 2 0 0          | 1 18 0          | 1 16 3        | 1 12 6       | 1 9 0         |
| 24 0 0                                                                 | 24 2 6                | 3 2 6                                                                         | 2 15 6       | 2 11 3         | 2 7 0         | 2 4 9        | 2 2 6         | 2 0 6          | 1 18 6          | 1 16 9        | 1 13 0       | 1 9 3         |
| 24 2 6                                                                 | 24 5 0                | 3 3 0                                                                         | 2 16 0       | 2 12 0         | 2 7 6         | 2 5 3        | 2 3 0         | 2 1 0          | 1 19 0          | 1 17 0        | 1 13 6       | 1 9 9         |
| 24 5 0                                                                 | 24 7 6                | 3 3 9                                                                         | 2 16 9       | 2 12 6         | 2 8 0         | 2 5 9        | 2 3 9         | 2 1 6          | 1 19 6          | 1 17 6        | 1 13 9       | 1 10 3        |
| 24 7 6                                                                 | 24 10 0               | 3 4 3                                                                         | 2 17 3       | 2 13 0         | 2 8 6         | 2 6 6        | 2 4 3         | 2 2 0          | 2 0 0           | 1 18 0        | 1 14 3       | 1 10 9        |
| 24 10 0                                                                | 24 12 6               | 3 4 9                                                                         | 2 17 9       | 2 13 6         | 2 9 0         | 2 7 0        | 2 4 9         | 2 2 6          | 2 0 6           | 1 18 6        | 1 14 9       | 1 11 0        |
| 24 12 6                                                                | 24 15 0               | 3 5 6                                                                         | 2 18 3       | 2 14 0         | 2 9 6         | 2 7 6        | 2 5 3         | 2 3 0          | 2 1 0           | 1 19 0        | 1 15 3       | 1 11 6        |
| 24 15 0                                                                | 24 17 6               | 3 6 3                                                                         | 2 18 9       | 2 14 6         | 2 10 3        | 2 8 0        | 2 5 9         | 2 3 9          | 2 1 6           | 1 19 6        | 1 15 9       | 1 12 0        |
| 24 17 6                                                                | 25 0 0                | 3 7 0                                                                         | 2 19 6       | 2 15 0         | 2 10 9        | 2 8 6        | 2 6 6         | 2 4 3          | 2 2 0           | 2 0 0         | 1 16 3       | 1 12 6        |

|         |         |        |        |        |        |        |        |        |        |        |        |        |
|---------|---------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 25 0 0  | 25 2 6  | 3 7 6  | 3 0 0  | 2 15 6 | 2 11 3 | 2 9 0  | 2 7 0  | 2 4 9  | 2 2 6  | 2 0 6  | 1 16 9 | 1 13 0 |
| 25 2 6  | 25 5 0  | 3 8 0  | 3 0 9  | 2 16 0 | 2 12 0 | 2 9 6  | 2 7 6  | 2 5 3  | 2 3 0  | 2 1 0  | 1 17 0 | 1 13 6 |
| 25 5 0  | 25 7 6  | 3 8 9  | 3 1 3  | 2 16 9 | 2 12 6 | 2 10 3 | 2 8 0  | 2 5 9  | 2 3 9  | 2 1 6  | 1 17 6 | 1 13 9 |
| 25 7 6  | 25 10 0 | 3 9 6  | 3 2 0  | 2 17 3 | 2 13 0 | 2 10 9 | 2 8 6  | 2 6 6  | 2 4 3  | 2 2 0  | 1 18 0 | 1 14 3 |
| 25 10 0 | 25 12 6 | 3 10 0 | 3 2 6  | 2 17 9 | 2 13 6 | 2 11 3 | 2 9 0  | 2 7 0  | 2 4 9  | 2 2 6  | 1 18 6 | 1 14 9 |
| 25 12 6 | 25 15 0 | 3 10 6 | 3 3 0  | 2 18 3 | 2 14 0 | 2 12 0 | 2 9 6  | 2 7 6  | 2 5 3  | 2 3 0  | 1 19 0 | 1 15 3 |
| 25 15 0 | 25 17 6 | 3 11 3 | 3 3 9  | 2 18 9 | 2 14 6 | 2 12 6 | 2 10 3 | 2 8 0  | 2 5 9  | 2 3 9  | 1 19 6 | 1 15 9 |
| 25 17 6 | 26 0 0  | 3 12 0 | 3 4 3  | 2 19 6 | 2 15 0 | 2 13 0 | 2 10 9 | 2 8 6  | 2 6 6  | 2 4 3  | 2 0 0  | 1 16 3 |
| 26 0 0  | 26 2 6  | 3 12 6 | 3 4 9  | 3 0 0  | 2 15 6 | 2 13 6 | 2 11 3 | 2 9 0  | 2 7 0  | 2 4 9  | 2 0 6  | 1 16 9 |
| 26 2 6  | 26 5 0  | 3 13 0 | 3 5 6  | 3 0 9  | 2 16 0 | 2 14 0 | 2 12 0 | 2 9 6  | 2 7 6  | 2 5 3  | 2 1 0  | 1 17 0 |
| 26 5 0  | 26 7 6  | 3 13 6 | 3 6 3  | 3 1 3  | 2 16 9 | 2 14 6 | 2 12 6 | 2 10 3 | 2 8 0  | 2 5 9  | 2 1 6  | 1 17 6 |
| 26 7 6  | 26 10 0 | 3 14 3 | 3 7 0  | 3 2 0  | 2 17 3 | 2 15 0 | 2 13 0 | 2 10 9 | 2 8 6  | 2 6 6  | 2 2 0  | 1 18 0 |
| 26 10 0 | 26 12 6 | 3 14 9 | 3 7 6  | 3 2 6  | 2 17 9 | 2 15 6 | 2 13 6 | 2 11 3 | 2 9 0  | 2 7 0  | 2 2 6  | 1 18 6 |
| 26 12 6 | 26 15 0 | 3 15 6 | 3 8 0  | 3 3 0  | 2 18 3 | 2 16 0 | 2 14 0 | 2 12 0 | 2 9 6  | 2 7 6  | 2 3 0  | 1 19 0 |
| 26 15 0 | 26 17 6 | 3 16 3 | 3 8 9  | 3 3 9  | 2 18 9 | 2 16 9 | 2 14 6 | 2 12 6 | 2 10 3 | 2 8 0  | 2 3 9  | 1 19 6 |
| 26 17 6 | 27 0 0  | 3 16 9 | 3 9 6  | 3 4 3  | 2 19 6 | 2 17 3 | 2 15 0 | 2 13 0 | 2 10 9 | 2 8 6  | 2 4 3  | 2 0 0  |
| 27 0 0  | 27 2 6  | 3 17 6 | 3 10 0 | 3 4 9  | 3 0 0  | 2 17 9 | 2 15 6 | 2 13 6 | 2 11 3 | 2 9 0  | 2 4 9  | 2 0 6  |
| 27 2 6  | 27 5 0  | 3 18 3 | 3 10 6 | 3 5 6  | 3 0 9  | 2 18 3 | 2 16 0 | 2 14 0 | 2 12 0 | 2 9 6  | 2 5 3  | 2 1 0  |
| 27 5 0  | 27 7 6  | 3 19 0 | 3 11 3 | 3 6 3  | 3 1 3  | 2 18 9 | 2 16 9 | 2 14 6 | 2 12 6 | 2 10 3 | 2 5 9  | 2 1 6  |
| 27 7 6  | 27 10 0 | 3 19 6 | 3 12 0 | 3 7 0  | 3 2 0  | 2 19 6 | 2 17 3 | 2 15 0 | 2 13 0 | 2 10 9 | 2 6 6  | 2 2 0  |
| 27 10 0 | 27 12 6 | 4 0 3  | 3 12 6 | 3 7 6  | 3 2 6  | 3 0 0  | 2 17 9 | 2 15 6 | 2 13 6 | 2 11 3 | 2 7 0  | 2 2 6  |
| 27 12 6 | 27 15 0 | 4 1 0  | 3 13 0 | 3 8 0  | 3 3 0  | 3 0 9  | 2 18 3 | 2 16 0 | 2 14 0 | 2 12 0 | 2 7 6  | 2 3 0  |
| 27 15 0 | 27 17 6 | 4 1 6  | 3 13 6 | 3 8 9  | 3 3 9  | 3 1 3  | 2 18 9 | 2 16 9 | 2 14 6 | 2 12 6 | 2 8 0  | 2 3 9  |
| 27 17 6 | 28 0 0  | 4 2 3  | 3 14 3 | 3 9 6  | 3 4 3  | 3 2 0  | 2 19 6 | 2 17 3 | 2 15 0 | 2 13 0 | 2 8 6  | 2 4 3  |
| 28 0 0  | 28 2 6  | 4 2 9  | 3 14 9 | 3 10 0 | 3 4 9  | 3 2 6  | 3 0 0  | 2 17 9 | 2 15 6 | 2 13 6 | 2 9 0  | 2 4 9  |
| 28 2 6  | 28 5 0  | 4 3 6  | 3 15 6 | 3 10 6 | 3 5 6  | 3 3 0  | 3 0 9  | 2 18 3 | 2 16 0 | 2 14 0 | 2 9 6  | 2 5 3  |
| 28 5 0  | 28 7 6  | 4 4 3  | 3 16 3 | 3 11 3 | 3 6 3  | 3 3 9  | 3 1 3  | 2 18 9 | 2 16 9 | 2 14 6 | 2 10 3 | 2 5 9  |
| 28 7 6  | 28 10 0 | 4 4 9  | 3 16 9 | 3 12 0 | 3 7 0  | 3 4 3  | 3 2 0  | 2 19 6 | 2 17 3 | 2 15 0 | 2 10 9 | 2 6 6  |
| 28 10 0 | 28 12 6 | 4 5 6  | 3 17 6 | 3 12 6 | 3 7 6  | 3 4 9  | 3 2 6  | 3 0 0  | 2 17 9 | 2 15 6 | 2 11 3 | 2 7 0  |
| 28 12 6 | 28 15 0 | 4 6 3  | 3 18 3 | 3 13 0 | 3 8 0  | 3 5 6  | 3 3 0  | 3 0 9  | 2 18 3 | 2 16 0 | 2 12 0 | 2 7 6  |
| 28 15 0 | 28 17 6 | 4 7 0  | 3 19 0 | 3 13 6 | 3 8 9  | 3 6 3  | 3 3 9  | 3 1 3  | 2 18 9 | 2 16 9 | 2 12 6 | 2 8 0  |
| 28 17 6 | 29 0 0  | 4 7 6  | 3 19 6 | 3 14 3 | 3 9 6  | 3 7 0  | 3 4 3  | 3 2 0  | 2 19 6 | 2 17 3 | 2 13 0 | 2 8 6  |

## THE THIRD SCHEDULE—continued.

| COLUMN 1.<br>Salary or wages in<br>respect of week or<br>part of week— |                       | COLUMN 2.<br>Amount of deduction, where the deduction value of dependants is— |              |                |               |              |               |                |                 |               |              |               |
|------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------|--------------|----------------|---------------|--------------|---------------|----------------|-----------------|---------------|--------------|---------------|
| Exceeding—                                                             | But not<br>exceeding— | Nil.<br>(i)                                                                   | £78.<br>(ii) | £130.<br>(iii) | £182.<br>(iv) | £208.<br>(v) | £234.<br>(vi) | £260.<br>(vii) | £286.<br>(viii) | £312.<br>(ix) | £364.<br>(x) | £416.<br>(xi) |
| £ s. d.                                                                | £ s. d.               | £ s. d.                                                                       | £ s. d.      | £ s. d.        | £ s. d.       | £ s. d.      | £ s. d.       | £ s. d.        | £ s. d.         | £ s. d.       | £ s. d.      | £ s. d.       |
| 29 0 0                                                                 | 29 2 6                | 4 8 3                                                                         | 4 0 3        | 3 14 9         | 3 10 0        | 3 7 6        | 3 4 9         | 3 2 6          | 3 0 0           | 2 17 9        | 2 13 6       | 2 9 0         |
| 29 2 6                                                                 | 29 5 0                | 4 9 0                                                                         | 4 1 0        | 3 15 6         | 3 10 6        | 3 8 0        | 3 5 6         | 3 3 0          | 3 0 9           | 2 18 3        | 2 14 0       | 2 9 6         |
| 29 5 0                                                                 | 29 7 6                | 4 9 9                                                                         | 4 1 6        | 3 16 3         | 3 11 3        | 3 8 9        | 3 6 6         | 3 3 9          | 3 1 3           | 2 18 9        | 2 14 6       | 2 10 3        |
| 29 7 6                                                                 | 29 10 0               | 4 10 3                                                                        | 4 2 3        | 3 16 9         | 3 12 0        | 3 9 6        | 3 7 0         | 3 4 3          | 3 2 0           | 2 19 6        | 2 15 0       | 2 10 9        |
| 29 10 0                                                                | 29 12 6               | 4 11 0                                                                        | 4 2 9        | 3 17 6         | 3 12 6        | 3 10 0       | 3 7 6         | 3 4 9          | 3 2 6           | 3 0 0         | 2 15 6       | 2 11 3        |
| 29 12 6                                                                | 29 15 0               | 4 11 9                                                                        | 4 3 6        | 3 18 3         | 3 13 0        | 3 10 6       | 3 8 0         | 3 5 6          | 3 3 0           | 3 0 9         | 2 16 0       | 2 12 0        |
| 29 15 0                                                                | 29 17 6               | 4 12 6                                                                        | 4 4 3        | 3 19 0         | 3 13 6        | 3 11 3       | 3 8 9         | 3 6 3          | 3 3 9           | 3 1 3         | 2 16 9       | 2 12 6        |
| 29 17 6                                                                | 30 0 0                | 4 13 0                                                                        | 4 4 9        | 3 19 6         | 3 14 3        | 3 12 0       | 3 9 6         | 3 7 0          | 3 4 3           | 3 2 0         | 2 17 3       | 2 13 0        |
| 30 0 0                                                                 | 30 2 6                | 4 13 9                                                                        | 4 5 6        | 4 0 3          | 3 14 9        | 3 12 6       | 3 10 0        | 3 7 6          | 3 4 9           | 3 2 6         | 2 17 9       | 2 13 6        |
| 30 2 6                                                                 | 30 5 0                | 4 14 6                                                                        | 4 6 3        | 4 1 0          | 3 15 6        | 3 13 0       | 3 10 6        | 3 8 0          | 3 5 6           | 3 3 0         | 2 18 3       | 2 14 0        |
| 30 5 0                                                                 | 30 7 6                | 4 15 3                                                                        | 4 7 0        | 4 1 6          | 3 16 3        | 3 13 6       | 3 11 3        | 3 8 9          | 3 6 3           | 3 3 9         | 2 18 9       | 2 14 6        |
| 30 7 6                                                                 | 30 10 0               | 4 16 0                                                                        | 4 7 6        | 4 2 3          | 3 16 9        | 3 14 3       | 3 12 0        | 3 9 6          | 3 7 0           | 3 4 3         | 2 19 6       | 2 15 0        |

TABLE B.—RATES OF DEDUCTIONS WHERE EMPLOYEE'S SALARY EXCEEDS THIRTY POUNDS TEN SHILLINGS, BUT DOES NOT EXCEED ONE HUNDRED AND FIFTY POUNDS TEN SHILLINGS IN RESPECT OF A WEEK OR PART OF A WEEK.

| COLUMN 1.<br>Salary or wages in<br>respect of week or<br>part of week— |                            | COLUMN 2.<br>Amount of<br>deduction. | COLUMN 1.<br>Salary or wages in<br>respect of week or<br>part of week— |                            | COLUMN 2.<br>Amount of<br>deduction. | COLUMN 1.<br>Salary or wages in<br>respect of week or<br>part of week— |                            | COLUMN 2.<br>Amount of<br>deduction. | COLUMN 1.<br>Salary or wages in<br>respect of week or<br>part of week— |                            | COLUMN 2.<br>Amount of<br>deduction. | COLUMN 1.<br>Salary or wages in<br>respect of week or<br>part of week— |                            | COLUMN 2.<br>Amount of<br>deduction. |
|------------------------------------------------------------------------|----------------------------|--------------------------------------|------------------------------------------------------------------------|----------------------------|--------------------------------------|------------------------------------------------------------------------|----------------------------|--------------------------------------|------------------------------------------------------------------------|----------------------------|--------------------------------------|------------------------------------------------------------------------|----------------------------|--------------------------------------|
| Exceed-<br>ing—                                                        | But not<br>exceed-<br>ing— |                                      | Exceed-<br>ing—                                                        | But not<br>exceed-<br>ing— |                                      | Exceed-<br>ing—                                                        | But not<br>exceed-<br>ing— |                                      | Exceed-<br>ing—                                                        | But not<br>exceed-<br>ing— |                                      | Exceed-<br>ing—                                                        | But not<br>exceed-<br>ing— |                                      |
| £ s. d.                                                                | £ s. d.                    | £ s. d.                              | £ s. d.                                                                | £ s. d.                    | £ s. d.                              | £ s. d.                                                                | £ s. d.                    | £ s. d.                              | £ s. d.                                                                | £ s. d.                    | £ s. d.                              | £ s. d.                                                                | £ s. d.                    | £ s. d.                              |
| 30 10                                                                  | 0 31 10                    | 0 4 18                               | 0 54 10                                                                | 0 55 10                    | 0 12 10                              | 0 78 10                                                                | 0 79 10                    | 0 22 17                              | 0 102 10                                                               | 0 103 10                   | 0 35 2                               | 0 126 10                                                               | 0 127 10                   | 0 48 11                              |
| 31 10                                                                  | 0 32 10                    | 0 5 2                                | 0 55 10                                                                | 0 56 10                    | 0 12 18                              | 0 79 10                                                                | 0 80 10                    | 0 23 7                               | 0 103 10                                                               | 0 104 10                   | 0 35 13                              | 0 127 10                                                               | 0 128 10                   | 0 49 2                               |
| 32 10                                                                  | 0 33 10                    | 0 5 6                                | 0 56 10                                                                | 0 57 10                    | 0 13 6                               | 0 80 10                                                                | 0 81 10                    | 0 23 17                              | 0 104 10                                                               | 0 105 10                   | 0 36 4                               | 0 128 10                                                               | 0 129 10                   | 0 49 14                              |
| 33 10                                                                  | 0 34 10                    | 0 5 10                               | 0 57 10                                                                | 0 58 10                    | 0 13 14                              | 0 81 10                                                                | 0 82 10                    | 0 24 6                               | 0 105 10                                                               | 0 106 10                   | 0 36 15                              | 0 129 10                                                               | 0 130 10                   | 0 50 5                               |
| 34 10                                                                  | 0 35 10                    | 0 5 15                               | 0 58 10                                                                | 0 59 10                    | 0 14 2                               | 0 82 10                                                                | 0 83 10                    | 0 24 16                              | 0 106 10                                                               | 0 107 10                   | 0 37 6                               | 0 130 10                                                               | 0 131 10                   | 0 50 17                              |
| 35 10                                                                  | 0 36 10                    | 0 6 0                                | 0 59 10                                                                | 0 60 10                    | 0 14 10                              | 0 83 10                                                                | 0 84 10                    | 0 25 5                               | 0 107 10                                                               | 0 108 10                   | 0 37 17                              | 0 131 10                                                               | 0 132 10                   | 0 51 8                               |
| 36 10                                                                  | 0 37 10                    | 0 6 5                                | 0 60 10                                                                | 0 61 10                    | 0 14 18                              | 0 84 10                                                                | 0 85 10                    | 0 25 15                              | 0 108 10                                                               | 0 109 10                   | 0 38 8                               | 0 132 10                                                               | 0 133 10                   | 0 52 0                               |
| 37 10                                                                  | 0 38 10                    | 0 6 10                               | 0 61 10                                                                | 0 62 10                    | 0 15 6                               | 0 85 10                                                                | 0 86 10                    | 0 26 5                               | 0 109 10                                                               | 0 110 10                   | 0 38 19                              | 0 133 10                                                               | 0 134 10                   | 0 52 11                              |
| 38 10                                                                  | 0 39 10                    | 0 6 15                               | 0 62 10                                                                | 0 63 10                    | 0 15 14                              | 0 86 10                                                                | 0 87 10                    | 0 26 15                              | 0 110 10                                                               | 0 111 10                   | 0 39 10                              | 0 134 10                                                               | 0 135 10                   | 0 53 3                               |
| 39 10                                                                  | 0 40 10                    | 0 7 1                                | 0 63 10                                                                | 0 64 10                    | 0 16 3                               | 0 87 10                                                                | 0 88 10                    | 0 27 5                               | 0 111 10                                                               | 0 112 10                   | 0 40 1                               | 0 135 10                                                               | 0 136 10                   | 0 53 14                              |
| 40 10                                                                  | 0 41 10                    | 0 7 8                                | 0 64 10                                                                | 0 65 10                    | 0 16 12                              | 0 88 10                                                                | 0 89 10                    | 0 27 15                              | 0 112 10                                                               | 0 113 10                   | 0 40 12                              | 0 136 10                                                               | 0 137 10                   | 0 54 6                               |
| 41 10                                                                  | 0 42 10                    | 0 7 15                               | 0 65 10                                                                | 0 66 10                    | 0 17 1                               | 0 89 10                                                                | 0 90 10                    | 0 28 5                               | 0 113 10                                                               | 0 114 10                   | 0 41 3                               | 0 137 10                                                               | 0 138 10                   | 0 54 17                              |
| 42 10                                                                  | 0 43 10                    | 0 8 2                                | 0 66 10                                                                | 0 67 10                    | 0 17 10                              | 0 90 10                                                                | 0 91 10                    | 0 28 15                              | 0 114 10                                                               | 0 115 10                   | 0 41 14                              | 0 138 10                                                               | 0 139 10                   | 0 55 8                               |
| 43 10                                                                  | 0 44 10                    | 0 8 9                                | 0 67 10                                                                | 0 68 10                    | 0 17 18                              | 0 91 10                                                                | 0 92 10                    | 0 29 6                               | 0 115 10                                                               | 0 116 10                   | 0 42 5                               | 0 139 10                                                               | 0 140 10                   | 0 56 0                               |
| 44 10                                                                  | 0 45 10                    | 0 8 16                               | 0 68 10                                                                | 0 69 10                    | 0 18 7                               | 0 92 10                                                                | 0 93 10                    | 0 29 16                              | 0 116 10                                                               | 0 117 10                   | 0 42 16                              | 0 140 10                                                               | 0 141 10                   | 0 56 11                              |
| 45 10                                                                  | 0 46 10                    | 0 9 3                                | 0 69 10                                                                | 0 70 10                    | 0 18 15                              | 0 93 10                                                                | 0 94 10                    | 0 30 7                               | 0 117 10                                                               | 0 118 10                   | 0 43 7                               | 0 141 10                                                               | 0 142 10                   | 0 57 3                               |
| 46 10                                                                  | 0 47 10                    | 0 9 10                               | 0 70 10                                                                | 0 71 10                    | 0 19 4                               | 0 94 10                                                                | 0 95 10                    | 0 30 17                              | 0 118 10                                                               | 0 119 10                   | 0 43 18                              | 0 142 10                                                               | 0 143 10                   | 0 57 15                              |
| 47 10                                                                  | 0 48 10                    | 0 9 17                               | 0 71 10                                                                | 0 72 10                    | 0 19 13                              | 0 95 10                                                                | 0 96 10                    | 0 31 7                               | 0 119 10                                                               | 0 120 10                   | 0 44 10                              | 0 143 10                                                               | 0 144 10                   | 0 58 6                               |
| 48 10                                                                  | 0 49 10                    | 0 10 4                               | 0 72 10                                                                | 0 73 10                    | 0 20 2                               | 0 96 10                                                                | 0 97 10                    | 0 31 17                              | 0 120 10                                                               | 0 121 10                   | 0 45 2                               | 0 144 10                                                               | 0 145 10                   | 0 58 17                              |
| 49 10                                                                  | 0 50 10                    | 0 10 11                              | 0 73 10                                                                | 0 74 10                    | 0 20 11                              | 0 97 10                                                                | 0 98 10                    | 0 32 7                               | 0 121 10                                                               | 0 122 10                   | 0 45 13                              | 0 145 10                                                               | 0 146 10                   | 0 59 9                               |
| 50 10                                                                  | 0 51 10                    | 0 10 18                              | 0 74 10                                                                | 0 75 10                    | 0 21 0                               | 0 98 10                                                                | 0 99 10                    | 0 32 18                              | 0 122 10                                                               | 0 123 10                   | 0 46 5                               | 0 146 10                                                               | 0 147 10                   | 0 60 0                               |
| 51 10                                                                  | 0 52 10                    | 0 11 6                               | 0 75 10                                                                | 0 76 10                    | 0 21 10                              | 0 99 10                                                                | 0 100 10                   | 0 33 9                               | 0 123 10                                                               | 0 124 10                   | 0 46 16                              | 0 147 10                                                               | 0 148 10                   | 0 60 12                              |
| 52 10                                                                  | 0 53 10                    | 0 11 14                              | 0 76 10                                                                | 0 77 10                    | 0 21 19                              | 0 100 10                                                               | 0 101 10                   | 0 34 0                               | 0 124 10                                                               | 0 125 10                   | 0 47 8                               | 0 148 10                                                               | 0 149 10                   | 0 61 3                               |
| 53 10                                                                  | 0 54 10                    | 0 12 2                               | 0 77 10                                                                | 0 78 10                    | 0 22 8                               | 0 101 10                                                               | 0 102 10                   | 0 34 11                              | 0 125 10                                                               | 0 126 10                   | 0 47 19                              | 0 149 10                                                               | 0 150 10                   | 0 61 15                              |

INCOME TAX AND SOCIAL SERVICES CONTRIBUTION  
ASSESSMENT ACT

The Fourth  
Schedule  
added by  
1941, No. 327;  
repealed by  
1942, No. 339.

\* \* \* \* \*

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## INSURANCE ACT 1932-1937

## INSURANCE REGULATIONS.\*

1. These Regulations may be cited as the Insurance Regulations.\* Short title.
2. In these Regulations, unless the contrary intention appears— Interpretation.  
 “the Act” means the *Insurance Acts* 1932;  
 and any reference to a form shall be read as a reference to a form in the Schedule to these Regulations.
- 2A. For the purposes of the Act, Bonds of the International Bank for Reconstruction and Development shall be approved securities. Approved securities.  
 Inserted by 1949, No. 5.
3. A bank guarantee or undertaking within the meaning of the definition of “Approved securities” in section three of the Act shall be in accordance with Form A1 or Form A2. Bank guarantees.  
 Amended by 1932, No. 100.
4. Where any person desires to lodge as an approved security a fixed deposit in a bank, he shall lodge with the Treasurer the receipt for the fixed deposit. The receipt shall be in the name of “The Treasurer of the Commonwealth”, or, if in the name of any other person, shall bear an indorsement, signed by that person, transferring the fixed deposit to “The Treasurer of the Commonwealth”. Fixed deposit receipts.
- 5.—(1.) Persons acting in association who desire that the business carried on by them shall be regarded as business carried on by one person, as provided by sub-section (2.) of section six of the Act, may apply, in writing, to the Treasurer for the issue of a direction in pursuance of that sub-section. Business on behalf of insurers outside the Commonwealth.
- (2.) Every application under this regulation shall be signed by each of the persons acting in association, and shall be accompanied by a declaration by each of them in accordance with Form B.
- 6.—(1.) The initial deposit required to be lodged in pursuance of section eleven of the Act shall be lodged within six months after the commencement of the Act, and every further deposit in pursuance of Deposits in respect of insurance business other than life insurance.

\* The Insurance Regulations in force under the *Insurance Act* 1932-1937 comprise the following Statutory Rules:—

| Year and Number.   | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|--------------------|------------------------------------------|-----------------------|
| 1932, No. 73 .. .. | 14th July, 1932 .. ..                    | 13th July, 1932       |
| 100 .. ..          | 22nd September, 1932 .. ..               | 13th July, 1932       |
| 123 .. ..          | 27th October, 1932 .. ..                 | 13th July, 1932       |
| 1949, No. 5 .. ..  | 3rd February, 1949 .. ..                 | 3rd February, 1949    |

that section shall be lodged within three months after it has become due as disclosed by the last annual audited accounts of the person making the deposit.

(2.) Further deposits in pursuance of section eleven of the Act shall be accompanied by returns in accordance with Form D or Form H.

Deposits in respect of new insurance business other than life insurance.

**7.—**(1.) Every deposit required to be lodged in pursuance of sub-section (3.) of section thirteen of the Act shall be made within three months after it has become due as disclosed by the last annual audited accounts of the person making such deposit.

(2.) Each such deposit shall be accompanied by a return in accordance with Form D or Form H.

Deposits in capital cities.

**8.—**(1.) Deposits required to be lodged in pursuance of the Act, together with the returns required to accompany such deposits, may be lodged at the Commonwealth Sub-Treasury in any State capital city.

(2.) Every person who so lodges a deposit shall be entitled to obtain from the Accountant, Commonwealth Sub-Treasury, in the State capital city in which the deposit is lodged, pending the issue of a certificate and receipt in pursuance of section nineteen of the Act, an interim receipt specifying the nature and value of the securities lodged.

Acquisition of share capital or business.

**9.** Where any company has acquired the share capital or the business of another company and desires to obtain the benefit of section fourteen of the Act, the principal officer or chief representative in the Commonwealth of the acquiring company shall notify the Treasurer of the fact of the acquisition, and, if so required by the Treasurer, shall lodge with the Treasurer one or both of the following declarations—

- (a) a declaration, in accordance with Form E, by the principal officer or chief representative in the Commonwealth of the acquiring company;
- (b) a declaration, in accordance with Form F, by the principal officer or chief representative in the Commonwealth of the company whose share capital or business has been acquired.

Initial returns by companies.

**10.** In addition to the returns required under paragraph (a) of sub-section (1.) of section sixteen of the Act, the initial deposit shall be accompanied—

- (a) in the case of a company carrying on life insurance business, by a return in accordance with Form C, and an abstract of the report submitted by the Actuary when making the last actuarial valuation; and
- (b) in the case of a company carrying on insurance business other than life insurance, by a return in accordance with Form D.

Initial returns by individuals.

**11.** For the purposes of paragraph (d) of sub-section (1.) of section sixteen of the Act, the initial deposit shall be accompanied—

- (a) in the case of an individual carrying on life insurance business, by a return in accordance with Form G, and an abstract of the report submitted by the Actuary when making the last actuarial valuation; and



- (b) in the case of an individual carrying on insurance business other than life insurance, by a return in accordance with Form H.

**12.—**(1.) A company carrying on life insurance business, which has not lodged the maximum deposit required by the Act, shall, within three months after each actuarial valuation, furnish a return in accordance with Form C, and an abstract of the report submitted by the Actuary when making the last actuarial valuation. Periodical returns by companies.

(2.) A company carrying on insurance business other than life insurance, which has not lodged the maximum deposit required by the Act, shall, within three months after the expiration of each annual business or trading period of the company, furnish a return in accordance with Form D.

**13.—**(1.) An individual carrying on life insurance business, who has not lodged the maximum deposit required by the Act, shall, within three months after each actuarial valuation, furnish a return in accordance with Form G, and an abstract of the report submitted by the Actuary when making the last actuarial valuation. Periodical returns by individuals.

(2.) An individual carrying on insurance business other than life insurance, who has not lodged the maximum deposit required by the Act, shall, within three months after the expiration of each annual business or trading period of the individual, furnish a return in accordance with Form H.

**14.** For the purposes of section eighteen of the Act, the following securities shall be prescribed securities:— Approved securities.  
Amended by 1949, No. 5.

- (a) Government securities of the Commonwealth or of any State or of the United Kingdom or of any other part of the King's Dominions;
- (aa) Bonds of the International Bank for Reconstruction and Development;
- (b) Municipal securities which have been approved by the Treasurer;
- (c) Debentures of any corporation (whether public or private) formed or constituted in the Commonwealth, which have been approved by the Treasurer; and
- (d) Fixed deposits in any bank, carrying on business in the Commonwealth which has been approved by the Treasurer.

**15.** For the purposes of section nineteen of the Act, the certificate of a deposit and the receipt therefor furnished to a depositor by the Secretary to the Treasury or other proper officer shall be in accordance with Form I. Certificate of deposit and receipt.

**16.—**(1.) Every person carrying on life insurance business shall cause an actuarial valuation of his net liability in respect of such business to be made at intervals not exceeding five years. Actuarial valuations.

(2.) Notwithstanding anything contained in these Regulations, the Treasurer may at any time, if he considers it necessary for the purposes of the Act, by notice in writing, require any such person, within such time as is specified in the notice, to cause an actuarial valuation of his net liability in respect of life insurance business to be made.

Penalties.

17. Any person who contravenes or fails to comply with any provision of these Regulations shall be guilty of an offence and shall, upon conviction, be liable, where no other penalty is provided, to a fine not exceeding Two hundred pounds.

Forms to be substantially in accordance with prescribed forms.

Added by  
1932, No. 100;  
amended by  
1932, No. 123.

18. The Treasurer may accept, in lieu of any prescribed form, any document which is substantially in accordance with the prescribed form.

## THE SCHEDULE.

Form A  
omitted by  
1932, No. 100.

\* \* \* \* \*

### COMMONWEALTH OF AUSTRALIA.

#### *Insurance Acts 1932.*

Inserted by  
1932, No. 100

#### FORM A.1.

#### Regulation 3.

#### BANK GUARANTEE.

The \*.....(hereinafter referred to as "the Bank") hereby guarantees that in the event of the failure or refusal of †.....to pay on demand any amount which the Treasurer of the Commonwealth of Australia (hereinafter referred to as "The Treasurer") may at any time and from time to time require him

it  
them  
its  
to pay in discharge of his liability to deposit money or approved securities  
their  
under the *Insurance Acts 1932* (as to the occurrence of which event the Bank will accept a Certificate signed by the Treasurer as conclusive) the Bank will, forthwith on demand by the Treasurer, pay to him that amount, provided that the total liability of the Bank under this guarantee shall not exceed £.....

This guarantee shall be a continuing security and will not be revoked except with the consent of the Treasurer, or by twelve months' notice being given to the Treasurer in writing, but such revocation shall not release or prejudice the liability (to the limit aforesaid) of the Bank hereunder existing at the date of such revocation.

Dated at.....this.....day of  
.....One thousand nine hundred and.....

The common seal of.....  
was hereunto affixed by..... (L.S.)  
in the presence of.....

\* Here insert the name of the Bank.

† Here insert the name or names of the company, companies, individual or individuals.

## THE SCHEDULE—continued

## COMMONWEALTH OF AUSTRALIA.

## Insurance Acts 1932.

FORM A.2.

Regulation 3. Inserted by  
1932, No. 100.

## UNDERTAKING BY BANK.

The \*.....hereinafter referred to as "the Bank") hereby undertakes to pay to the Treasurer of the Commonwealth of Australia (hereinafter referred to as "the Treasurer") on demand any amount which the Treasurer at any time and from time to time certifies to be an amount required to be deposited by †.....  
its  
in discharge of his liability under the *Insurance Acts* 1932, but not exceeding their  
in all the sum of £.....

This undertaking shall be a continuing security and will not be revoked except with the consent of the Treasurer, or by twelve months' notice being given to the Treasurer in writing, but such revocation shall not release or prejudice the liability (to the limit aforesaid) of the Bank hereunder existing at the date of such revocation.

Dated at.....this.....day of  
.....One thousand nine hundred and.....

The common seal of \*.....  
was hereunto affixed by..... (L.S.)  
in the presence of.....

\* Here insert the name of the Bank.

† Here insert the name or names of the company, companies, individual, or individuals.

## COMMONWEALTH OF AUSTRALIA.

## Insurance Acts 1932.

FORM B.

Regulation 5.

DECLARATION BY PERSONS ACTING IN ASSOCIATION ON BEHALF OF  
INSURERS OUTSIDE COMMONWEALTH.

I, .....of.....do hereby solemnly and sincerely declare that I am acting in association with the following persons:—

.....of.....  
.....of.....  
.....of.....  
.....of.....  
.....of.....  
.....of.....

in respect of the granting of cover, or in the doing of any of the acts specified in sub-section (1.) of section 6 of the *Insurance Acts* 1932, through a person outside the Commonwealth on account of the insurer, or group of insurers, named hereunder (no member of which is a company or is acting on behalf of a company):—

\*.....  
.....  
.....  
.....

And I make this solemn declaration by virtue of the *Statutory Declarations Act* 1911 conscientiously believing the statements contained therein to be true in every particular.

Declared at.....  
this.....day of.....  
One thousand nine hundred and.....  
.....

Before me.....

Justice of the Peace.  
Commissioner for Declarations.

(\*) Where the business is on account of any one or more underwriters at Lloyds, the term "Lloyds" may be used.

## INSURANCE ACT

THE SCHEDULE—continued.  
COMMONWEALTH OF AUSTRALIA.  
*Insurance Acts 1932.*

FORM C. Regulations 10 and 12.  
RETURN OF NET LIABILITY IN RESPECT OF LIFE INSURANCE  
BUSINESS OF COMPANY.

I, ..... of ..... the  
\*Principal Officer  
Chief Representative in the Commonwealth of .....  
..... a company carrying on life  
insurance business in the Commonwealth hereby declare—

1. That the last actuarial valuation of the net liability in respect of life insurance  
business of the company was made on the .....  
day of ..... 19....;

2. That the net liability of the company in respect of life insurance business  
as ascertained at that valuation was £.....; and

3. That the document attached hereto is a true and correct abstract of the report  
submitted by the actuary when making that valuation.

Dated this ..... day of ..... 19....

\*Principal Officer or Chief Repre-  
sentative in the Commonwealth of  
†.....

\* Cross out whichever is inapplicable.

† Here insert the registered name of the Company.

NOTE.—Sub-section (4.) of section 16 of the *Insurance Acts 1932* provides as  
follows:—

“Any person who wilfully or knowingly makes any return under this Act which  
is false in any material particular shall be guilty of an offence.

Penalty: Imprisonment for two years.”

COMMONWEALTH OF AUSTRALIA.  
*Insurance Acts 1932.*

FORM D. Regulations 6, 7, 10 and 12.  
RETURN OF PREMIUM INCOME OF COMPANY.

I, ..... of .....  
the \*Principal Officer  
Chief Representative in the Commonwealth of .....  
..... a company  
carrying on in the Commonwealth insurance business (other than life insurance  
business) hereby declare that—

1. The total amount of all gross premiums received or in any  
manner credited or charged in account by the head office of the said  
company and all the branches and agencies of the said company on  
account of insurance business (other than life insurance business) in  
the Commonwealth from the .....  
day of ..... 19...., to the

..... day of .....  
19.... (being the last annual business or trading period of the  
company) was.....

2. The total amount actually paid away by the said company  
by way of re-insurances, returned premiums and cancellations out of  
such gross premiums for the said period was.....

3. The net premium income of the said company for the said  
period was.....

Dated this ..... day of ..... 19....

\*Principal Officer or Chief Repre-  
sentative in the Commonwealth of  
†.....

\* Cross out whichever is inapplicable.

† Here insert the registered name of the company.

NOTE.—Sub-section (4.) of section 16 of the *Insurance Acts 1932* provides as  
follows:—

“Any person who wilfully or knowingly makes any return under this Act which  
is false in any material particular shall be guilty of an offence.

Penalty: Imprisonment for two years.”

## THE SCHEDULE—continued.

## COMMONWEALTH OF AUSTRALIA.

Insurance Acts 1932.

FORM E.

Regulation 9.

DECLARATION BY REPRESENTATIVE OF COMPANY ACQUIRING SHARE  
CAPITAL OR BUSINESS OF OTHER COMPANIES.

I, ..... of .....  
 the \*Principal Officer in the Commonwealth of† .....  
 Chief Representative .....do hereby  
 solemnly and sincerely declare that the said company has acquired the share capital  
 [or business, *as the case may be*] of the undermentioned company [or companies]:—

| Name of Company.     | When Acquired. | Authority by which<br>Acquired. |
|----------------------|----------------|---------------------------------|
| <br><br><br><br><br> |                |                                 |

In support of this Declaration I attach hereto a copy of the scheme, agreement or deed under which the said share capital [or business, *as the case may be*] was required.

And I make this solemn declaration by virtue of the *Statutory Declarations Act* 1911 conscientiously believing the statements contained therein to be true in every particular.

Declared at..... }  
 this.....day of..... } \*Principal Officer or Chief Representa-  
 One thousand nine hundred and } tive in the Commonwealth of†.....

Before me.....

Justice of the Peace.  
 Commissioner for Declarations.

\* Cross out whichever is inapplicable.

† Here insert the name of the acquiring company.

## COMMONWEALTH OF AUSTRALIA.

Insurance Acts 1932.

FORM F.

Regulation 9.

DECLARATION BY REPRESENTATIVE OF COMPANY WHOSE SHARE  
CAPITAL OR BUSINESS HAS BEEN ACQUIRED.

I, ..... of .....  
 the \*Principal Officer in the Commonwealth of† .....  
 Chief Representative .....

do hereby solemnly and sincerely declare that the share capital [or business *as the case may be*] of the said company has been acquired by†.....

And I make this solemn declaration by virtue of the *Statutory Declarations Act* 1911 conscientiously believing the statements contained therein to be true in every particular.

Declared at..... }  
 this.....day of..... } \*Principal Officer or Chief Representa-  
 One thousand nine hundred and } tive in the Commonwealth of†.....

Before me.....

Justice of the Peace.  
 Commissioner for Declarations.

\* Cross out whichever is inapplicable.

† Here insert the name of the company whose share capital or business has been acquired.

‡ Here insert the name of the acquiring company.

## INSURANCE ACT

THE SCHEDULE—continued.

COMMONWEALTH OF AUSTRALIA.

*Insurance Acts 1932.*

FORM G.

Regulations 11 and 13.

## RETURN OF NET LIABILITY OF INDIVIDUAL CARRYING ON LIFE INSURANCE BUSINESS.

I, ..... of .....  
a person carrying on life insurance business in the Commonwealth hereby declare—

1. That the last actuarial valuation of my net liability in respect of life insurance business was made on the ..... day of ..... 19....;

2. That my net liability in respect of life insurance business as ascertained at that valuation was £.....; and

3. That the document attached hereto is a true and correct abstract of the report submitted by the actuary when making that valuation.

Dated this ..... day of ....., 19....

.....  
(Signature)

NOTE.—Sub-section (4.) of section 16 of the *Insurance Acts 1932* provides as follows:—

“Any person who wilfully or knowingly makes any return under this Act which is false in any material particular shall be guilty of an offence.

Penalty: Imprisonment for two years”.

COMMONWEALTH OF AUSTRALIA.

*Insurance Acts 1932.*

FORM H.

Regulations 6, 7, 11 and 13.

## RETURN OF PREMIUM INCOME OF INDIVIDUAL.

I, ..... of .....  
a person carrying on in the Commonwealth insurance business (other than life insurance business) hereby declare that—

£

1. The total amount of all gross premiums received or in any manner credited or charged in account by me on account of insurance business in the Commonwealth (other than life insurance business) from the ..... day of ..... 19...., to the ..... day of ..... 19.... (being my last annual business or trading period) was.....

2. The total amount actually paid away by me by way of reinsurances, returned premiums and cancellations out of such gross premiums for the said period was.....

3. My net premium income for the said period was.....

Dated this ..... day of ....., 19....

.....  
(Signature)

NOTE.—Sub-section (4.) of section 16 of the *Insurance Acts 1932* provides as follows:—

“Any person who wilfully or knowingly makes any return under this Act which is false in any material particular shall be guilty of an offence.

Penalty: Imprisonment for two years”.

THE SCHEDULE—*continued*.

## COMMONWEALTH OF AUSTRALIA.

*Insurance Acts 1932.*

FORM I.

Regulation 15.

## CERTIFICATE OF DEPOSIT AND RECEIPT.

Commonwealth Treasury,  
Canberra, F.C.T.

Date.....19....

This is to certify that.....has lodged  
with the Treasurer in pursuance of the *Insurance Acts 1932* a deposit comprising—  
£

| Nature. | Money                | Value. |
|---------|----------------------|--------|
|         | Approved Securities. |        |
| .....   | .....                | .....  |
| .....   | .....                | .....  |
| .....   | .....                | .....  |
| .....   | .....                | .....  |

Total amount of Deposit .. .. .

The receipt of the above-mentioned deposit is hereby acknowledged.

\*  
.....

\* Here insert "Secretary to the Treasury" or title of other proper officer, as the case may be.

## INTERIM FORCES BENEFITS ACT 1947-1950

|                                                          | PAGE |
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| INTERIM FORCES BENEFITS (LEAVE ON DISCHARGE) REGULATIONS | 2606 |

## INTERIM FORCES BENEFITS REGULATIONS.\*

## PART I.—PRELIMINARY.

Citation.

1. These Regulations may be cited as the Interim Forces Benefits Regulations.\*

Parts.  
Amended by  
1950, No. 97;  
and  
1953, No. 7.

2. These Regulations are divided into Parts, as follows:—

Part I.—Preliminary. (Regulations 1-4.)

Part II.—Medical Treatment and Sustenance. (Regulations 5-14A.)

Part III.—Furniture, Tools of Trade, and other Assistance. (Regulations 15-19.)

Part IV.—Transportation. (Regulations 20-27.)

Part V.—Miscellaneous. (Regulations 28-30.)

Part VI.—Application of Repatriation Regulations. (Regulation 31.)

Part VII.—Extension of Application of Regulations to Female Members of the Interim Forces. (Regulation 32.)

Administration.

3. These Regulations shall be administered by the Repatriation Commission appointed under the *Australian Soldiers' Repatriation Act* 1920, or under that Act as amended.

\* The Interim Forces Benefits Regulations in force under the *Interim Forces Benefits Act* 1947-1950 comprise the following Statutory Rules:—

| Year and Number.    | Date of Notification in <i>Gazette</i> . | Date of Commencement. |
|---------------------|------------------------------------------|-----------------------|
| 1947, No. 108 .. .. | 14th August, 1947 .. ..                  | 4th August, 1947      |
| 1948, No. 82 .. ..  | 25th June, 1948 .. ..                    | 25th June, 1948       |
| 136 .. ..           | 28th October, 1948 .. ..                 | 28th October, 1948    |
| 138 .. ..           | 28th October, 1948 .. ..                 | 28th October, 1948    |
| 1950, No. 97 .. ..  | 14th December, 1950 .. ..                | 14th December, 1950   |
| 1951, No. 8 .. ..   | 22nd February, 1951 .. ..                | 2nd November, 1950    |
| 1953, No. 7 .. ..   | 29th January, 1953 .. ..                 | 2nd October, 1952     |



- 4.—(1.) In these Regulations, unless the contrary intention appears—
- “child” means the child, under the age of sixteen years, of a member, being his son, daughter, step-son, step-daughter, adopted child or ex-nuptial child, but not including any step-son, step-daughter or adopted child who became dependent on the member more than seven years after the termination of his service or any ex-nuptial child who was born more than nine months after the termination of his service;
- “dependant” means the wife, widow or child of a member;
- “due to service” means, in relation to the incapacity or death of a member, that the incapacity or death of the member has occurred in such circumstances that there is a liability under the Repatriation Act to pay war pension, in respect of the incapacity or death, to a claimant, or that there would be a liability but for the claimant being rendered ineligible for war pension solely by a circumstance or condition not permanently precluding eligibility;
- “member” means a male person who is or has been a member of the Interim Forces as defined by the Act;
- “the Act” means the *Interim Forces Benefits Act 1947-1950*;
- “the Repatriation Act” means those provisions of the *Repatriation Act 1920-1952* that are extended to and in relation to male members of the Interim Forces and to the dependants of those members by force of section 6 of the *Interim Forces Benefits Act 1947-1950*, in their application to those members and dependants;
- “these Regulations” include those provisions of the Repatriation Regulations which are extended to and in relation to members and dependants of members by regulation 31 of these Regulations;
- “widow” means the widow of a deceased member.

Definitions.  
Sub-reg. (1.)  
amended by  
1948, No. 138;  
1951, No. 8;  
and  
1953, No. 7.

(2.) Subject to the last preceding sub-regulation, expressions used in these Regulations shall, unless the contrary intention appears, have the same meaning as in the Repatriation Regulations.

Amended by  
1953, No. 7.

## PART II.—MEDICAL TREATMENT AND SUSTENANCE.

5. A Deputy Commissioner may, subject to such conditions as the Commission from time to time determines, provide medical treatment for a member in respect of an incapacity due to service.

Treatment for  
disabilities.

6. A Deputy Commissioner may, subject to such conditions as the Commission from time to time determines, provide medical treatment for a member who is suffering from venereal disease contracted during his service.

Members  
suffering  
certain  
diseases.

7. A Deputy Commissioner may, subject to such conditions as the Commission from time to time determines, provide medical treatment in the form of active remedial treatment for a member who is in receipt of a pension at the general rate for total incapacity under the First Schedule to the Repatriation Act or at the special rate of pension under

Treatment  
of certain  
members  
for disabilities  
not due to  
service.  
Amended by  
1953, No. 7.

the Second Schedule to that Act in respect of any disease or disabling condition not due to service except an infectious or contagious disease, alcoholism, drug addiction, a chronic or incurable disease requiring treatment in an institution for a prolonged period or any condition in respect of which the member is eligible, under any law of the Commonwealth or of a State or Territory of the Commonwealth, for treatment at his employer's expense or in respect of which he is entitled to treatment under a scheme of contract medical attention, or in respect of which the member has recovered, or is, in the opinion of the Commission, entitled to recover, from a third party an amount by way of damages or compensation in respect of the cost of such medical treatment:

Provided that, where the member has not recovered, but is, in the opinion of the Commission, entitled to recover such amount from a third party, the Deputy Commissioner may provide medical treatment in respect of the disability to such extent and under such conditions as the Commission determines, including, if the Commission so directs, a condition that the expenditure involved shall be by way of loan by the Commission to the member for a specified period, being a period which is, in the opinion of the Commission, sufficient for the purpose of enabling the member to recover damages or compensation from the third party.

Meaning of  
medical  
treatment.

8. For the purposes of this Part, "medical treatment" means, subject to such qualifications as the Commission, with respect to any particular case or class of cases, from time to time determines, medicinal, surgical and all other forms of treatment with a view to restoring a person to physical or mental health or alleviating suffering, and includes, subject to the same qualifications, the supply, renewal and repair of artificial replacements, surgical aids and appliances.

Non-liability  
in cases of  
unauthorized  
treatment.

9. The Commission shall not be liable for any expenditure incurred without its authority in respect of medical treatment of a member.

Non-liability  
where  
treatment not  
granted.

10. A Deputy Commissioner may refuse to grant medical treatment or further medical treatment under this Part, and the Commission shall not be liable for any expenditure subsequently incurred without its authority in any case where a Departmental Medical Officer or a Local Medical Officer is of opinion that a member has caused a recurrence of, or has aggravated, his disability, or has retarded his recovery, by misconduct, neglect or any wilful act, or is recalcitrant to the prejudice of his fellow patients.

Surgical aids,  
&c.

11.—(1.) Where a Deputy Commissioner or a Departmental Medical Officers considers that renewals of, or repairs to, artificial replacements, surgical aids and appliances have been rendered necessary by the carelessness or wilful act of the member, the Deputy Commissioner may refuse to arrange for the necessary renewals or repairs, or may direct that the cost of effecting those renewals or repairs, or such portion of the cost as he considers reasonable, shall be borne by the member.

(2.) Except as otherwise determined by the Commission, any artificial replacement, surgical aid or appliance supplied to a member under this Part shall remain the property of the Commission, and the Commission may at any time, if not satisfied that the aid, appliance or replacement is being put to proper use, require its return.

**12.\*—(1.)** Where a member is prevented from following his usual occupation through—

- (a) the necessities of treatment for an incapacity due to war service;
- (b) the necessities of treatment for, or institutional care in consequence of, venereal disease contracted during war service; or
- (c) awaiting the supply of, or repairs to, an artificial replacement or other surgical aid or appliance necessitated by an incapacity due to war service,

Sustenance allowance while undergoing medical treatment, &c.  
Substituted by 1950, No. 97.  
Sub-reg. (1.) amended by 1951, No. 8; and 1953, No. 7.

a Deputy Commissioner may, subject to the succeeding provisions of this regulation and to the directions of the Commission, grant to the member, for the period for which he is so prevented, sustenance allowance in accordance with the following scale:—

| In respect of—                     | Amount per fortnight. |
|------------------------------------|-----------------------|
|                                    | £ s. d.               |
| The member . . . . .               | 8 0 0                 |
| The wife of the member . . . . .   | 3 11 0                |
| Each child of the member . . . . . | 1 7 6                 |

(2.) If for the period referred to in the last preceding sub-regulation the total income of the member exceeds the sum of amounts calculated in accordance with the scale in that sub-regulation, the total amount of sustenance allowance payable to him shall be reduced by the amount of the excess.

(3.) The Commission may, having regard to the circumstances of any particular case or class of cases, direct that the rate of allowance payable in that case or class of cases shall be less than the rate prescribed by sub-regulation (1.) of this regulation.

(4.) Where a member is, with the authority of the Deputy Commissioner, receiving in-patient treatment at a hospital or similar institution for an incapacity due to war service and his total income during the period for which he is receiving that treatment is less than the amount of pension payable for a like period to a member in receipt of the special rate of pension under the Second Schedule to the Repatriation Act, his wife and his children, as the case may be, a Deputy Commissioner may, subject to the directions of the Commission, grant to the member a sustenance allowance or an additional sustenance allowance of a sum not exceeding the difference between his total income and that amount of pension.

Amended by 1953, No. 7.

\* This regulation was substituted by sub-regulation (1.) of regulation 2 of Statutory Rules 1950, No. 97. Sub-regulation (2.) of that regulation reads as follows:—

“(2.) This regulation shall be deemed to have taken effect on the twentieth day of October, 1949.”.

(5.) In this regulation—

“total income of the member” means—

- (a) the pension payable in respect of the member, his wife and his children, as the case may be;
- (b) sustenance allowance under sub-regulation (1.) of this regulation in respect of the member, his wife and his children, as the case may be; and
- (c) for the purposes of sub-regulation (4.) of this regulation, his salary, wages, earnings and sick pay;

“sick pay” means any payment received by the member from his employer in respect of his incapacity or absence from employment or any payment that the Commission determines to be a payment of a like nature.

Sustenance  
during  
investigation.

**13.\*—**(1.) A Deputy Commissioner may, subject to such conditions as the Commission from time to time determines, arrange for investigation to be carried out in connexion with—

- (a) a claim by a member that he is suffering incapacity due to service; or
- (b) pension in respect of a member.

Substituted by  
1950, No. 97.

(2.) Where, by reason of any such investigation or any treatment found necessary or expedient in connexion therewith, the member is prevented from following his usual occupation and is not engaged in any other remunerative occupation, a Deputy Commissioner may, subject to the next succeeding sub-regulation and to the directions of the Commission, grant to the member sustenance allowance in accordance with the scale specified in sub-regulation (1.) of regulation 12 of these Regulations.

Inserted by  
1950, No. 97.

(3.) Sustenance allowance under the last preceding sub-regulation shall cease to be payable upon the day immediately following the date of determination by a Board of the matter that necessitated the investigation.

Expenses of  
travelling for  
medical  
treatment or  
pension  
purposes.

Substituted by  
1948, No. 136.

**14.—**(1.) Where it is necessary for a member to travel—

- (a) to obtain medical treatment;
- (b) for restoration of his health;
- (c) to be fitted for surgical aids or appliances or artificial replacements;
- (d) to proceed to hospital; or
- (e) for pension purposes,

a Deputy Commissioner may, subject to such conditions as the Commission from time to time determines, grant the member's fare for the forward and return journeys.

\*By virtue of sub-regulation (2.) of regulation 3 of Statutory Rules 1950, No. 97, the amendment made to this regulation by those Statutory Rules, was deemed to have taken effect on 1st December, 1949.

(2.) A Deputy Commissioner may, on the advice of a Departmental Medical Officer or a Local Medical Officer, as the case may be, authorize an attendant to accompany a member who is travelling for a purpose specified in the last preceding sub-regulation and may pay—

Substituted by  
1953, No. 7.

- (a) the attendant's fares for the forward and return journeys; and
- (b) such allowance (not exceeding the actual amount of the salary or wages lost), in respect of any loss of salary or wages suffered by the attendant by reason of his accompanying the member, as the Commission considers reasonable.

(3.) Subject to the next succeeding sub-regulation, a Deputy Commissioner may pay such amount as he considers reasonable in respect of the expenses of subsistence necessarily incurred, as a result of travelling for a purpose specified in sub-regulation (1.) of this regulation, by the member, or by the member and his attendant, as the case requires.

Substituted by  
1953, No. 7.

(4.) The amount payable under the last preceding sub-regulation shall not, unless the Commission considers that there are special circumstances justifying the payment of a greater amount, exceed One pound five shillings per person per day.

Inserted by  
1953, No. 7.

**14A.\***—(1.) This regulation applies to a member who is required by a Deputy Commissioner to attend, in connexion with a disability of the member due to war service or a disability in respect of which he claims pension, or applies for treatment, on the ground that the disability is due to war service, at—

Attendance allowance.  
Inserted by  
1950, No. 97.  
Sub-reg. (1.)  
substituted by  
1953, No. 7.

- (a) an out-patient clinic or a hospital of the Department;
- (b) the rooms of a Local Medical Officer or of a medical practitioner, dentist, oculist, optician, physiotherapist or other person designated by a Deputy Commissioner;
- (c) an artificial limb factory of the Department; or
- (d) the Head-quarters Office or a Branch Office of the Department,

for the purpose of medical treatment, medical or other examination or tests, investigation for diagnosis, the supply, renewal, repair or fitting of artificial replacements, surgical aids or appliances, review of pension or any other purpose in connexion with medical treatment or pension.

\* \* \* \* \*

Sub-reg. (2.)  
omitted by  
1953, No. 7.

(3.) Where attendance at an appointed place by a member to whom whom this regulation applies is for a period of less than one day and—

Amended by  
1953, No. 7.

- (a) that period, or part of that period, is during hours in which he would, but for the attendance, be employed and receive salary or wages;

\*This regulation was inserted by sub-regulation (1.) of regulation 4 of Statutory Rules 1950, No. 97. Sub-regulation (2.) of that regulation reads as follows:—

"(2.) This regulation shall be deemed to have taken effect on the first day of December, 1949."

- (b) he loses salary or wages through that attendance; and
- (c) his employer certifies in an approved form as to that loss,

a Deputy Commissioner may, subject to the succeeding provisions of this regulation and to the directions of the Commission, grant to him an allowance at the rate of Three shillings per hour in respect of the time for which he lost salary or wages.

Amended by  
1953, No. 7.

(4.) The minimum amount of allowance payable under this regulation shall be Five shillings and the maximum allowance payable in respect of one day shall be One pound four shillings.

Amended by  
1953, No. 7.

(5.) The aggregate of payments of allowance under this regulation in respect of more than one attendance in any week commencing on a Thursday shall not exceed Two pounds eight shillings.

(6.) Subject to sub-regulation (4.) of this regulation, the amount of allowance shall not exceed the amount of the member's salary or wages lost by him through attendance at an appointed place.

(7.) The total payment by way of pension (excluding attendant's allowance), sustenance under regulation 12 or regulation 13 of these Regulations and the allowance under this regulation for any period shall not exceed the amount payable for a like period to a member in receipt of the special rate of pension under the Second Schedule to the Act.

(8.) The employer of a member to whom this regulation applies shall, if so required by a Deputy Commissioner, by notice in writing, furnish to an officer specified in the notice, within the time specified in the notice, written particulars of—

- (a) the hours during which the member would, but for his attendance at the appointed place, have been employed on the day of that attendance;
- (b) the rate of the member's salary or wages in respect of that day; and
- (c) the amount of the loss (if any) of salary or wages by the member by reason of his absence from his employment on that day.

### PART III.—FURNITURE, TOOLS OF TRADE AND OTHER ASSISTANCE.

Furniture.  
Substituted by  
1948, No. 136.

**15.\*—**(1.) A Deputy Commissioner may, subject to these Regulations, grant an order for the supply, by way of gift, of household furniture to a value not exceeding Seventy-five pounds to a blinded or totally and permanently incapacitated member who becomes so disabled not later than five years after the date of his discharge where that assistance is necessary for the establishment in civil life of the member.

\* This regulation was substituted by sub-regulation (1.) of regulation 1 of Statutory Rules 1948, No. 136. Sub-regulation (2.) of that regulation reads as follows:—

“(2.) A member who, by virtue of the amendment of regulation 15 of the Interim Forces Benefits Regulations by sub-regulation (1.) of this regulation, comes within the class of members specified in paragraph (a) of this regulation, as so amended, may, notwithstanding anything contained in sub-regulation (2.) of that regulation, as so amended, be granted assistance under that regulation, as so amended, if he applies for that assistance before the expiration of twelve months after the date upon which this regulation comes into operation.”

(2.) Assistance shall not be granted under this regulation unless application therefor is made before the expiration of twelve months after the date of—

- (a) the member's discharge;
- (b) the decision classifying him as blinded or totally and permanently incapacitated; or
- (c) his marriage,

whichever last happens.

(3.) Assistance under this regulation shall not be granted on more than one occasion.

**16.—**(1.) A Deputy Commissioner may, subject to the next succeeding regulation, grant to a member who— Tools of trade, &c.

- (a) was employed on service outside Australia, or, if he was not employed on such service, has, in the opinion of the Commission or a Deputy Commissioner, suffered material prejudice in consequence of his service;
- (b) has a satisfactory record of service;
- (c) has not been discharged on account of irregular enlistment; and
- (d) is a trainee, or has been approved for training under any scheme of training provided by the Commonwealth for members,

an order for the supply, by way of gift, of such tools of trade, plant and equipment, professional instruments or other articles of personal equipment, exclusive of clothing in any form, to a value not exceeding the sum of Ten pounds, as the Deputy Commissioner deems necessary for the purpose of enabling the member to engage in his calling or in a remunerative occupation.

(2.) In addition to any gift which may be granted under the last preceding sub-regulation, the Deputy Commissioner may grant to the member an order for the supply, under a hire purchase agreement in accordance with Form D in the Schedule to the Repatriation Regulations, of such tools of trade, plant and equipment, professional instruments or other articles of personal equipment, exclusive of clothing in any form, to a value not exceeding the sum of Forty pounds, as the Deputy Commissioner deems necessary for the purpose of enabling the member to engage in his calling or in a remunerative occupation. Amended by 1953, No. 7.

**17.—**(1.) Furniture, tools of trade, plant and equipment, professional instruments or other articles supplied by way of gift in pursuance of regulation 15 or regulation 16 of these Regulations shall not become the property of the grantee until the expiration of twelve months after the date on which they came into his possession. When tools of trade to become property of member.

(2.) Until the expiration of that period, the furniture, tools of trade, plant and equipment, professional instruments or other articles, although in the possession of the grantee, shall remain the property of the Commission.

(3.) The Commission may, at any time during that period of twelve months, if not satisfied that the furniture, tools of trade, plant and equipment, professional instruments or other articles are being put to proper use, require their return.

Orders for tools  
not to be  
transferred.

**18.**—(1.) A member to whom an order is granted under regulation 15 or regulation 16 of these Regulations shall not transfer the order to any other person.

(2.) A trader or person to whom any such order is presented shall not supply to the person presenting the order any money or goods in lieu of the goods specified in the order.

Education  
and training  
of children.

Sub-reg. (1.)  
amended by  
1953, No. 7.

Sub-reg. (2.)  
amended by  
1953, No. 7.

**19.**—(1.) The provisions of Part VII. of the Repatriation Regulations shall extend to and in relation to eligible children of members.

(2.) For the purposes of this regulation, "eligible child" means the child, whether under the age of sixteen years or not, but otherwise the child as defined in regulation 4 of these Regulations, of—

- (a) a deceased member;
- (b) a totally and permanently incapacitated member;
- (c) a blinded member; or
- (d) a member who is suffering from tuberculosis and who—
  - (i) has been granted a pension at the maximum rate specified in the Second Schedule to the Repatriation Act; and
  - (ii) is, in the opinion of a Deputy Commissioner, likely to remain in receipt of pension at that rate for a period of not less than three years from the date on which the child commences primary education, or the date on which application is made for benefits or assistance in respect of the child under the provisions of Part VII. of the Repatriation Regulations, as extended by this regulation, whichever is the later date.

#### PART IV.—TRANSPORTATION.

Definition.

**20.** In this Part, "Australia" includes the Territories of the Commonwealth.

Wives,  
widows and  
children—  
passage to  
Australia.

**21.** A Deputy Commissioner may, without regard to the financial means of any person concerned, authorize the transportation to Australia, at the expense of the Commonwealth, of the wife or child of a member, or the widow or child of a deceased member, who married outside Australia during the period of his service.

Expense  
borne by  
Common-  
wealth.

**22.** Except as prescribed by the next succeeding sub-regulation, the expense to be borne by the Commonwealth, in respect of each person whose transportation to Australia is authorized pursuant to regulation 21 of these Regulations shall be such of the following expenses as the Commission determines in respect of any particular case or class of cases—

- (a) the cost of that person's transportation by the most economical means of conveyance deemed suitable by the Deputy Commissioner, from the person's place of residence abroad to the port of the person's embarkation abroad for Australia and from the port of the person's disembarkation in Australia to the place of the person's intended residence in Australia;



- (b) the cost of that person's passage, third-class, by ship from such port of embarkation abroad to the port of disembarkation in Australia, unless that class of accommodation is not available, or, with respect to any ship or the whole or any portion of the voyage, the Deputy Commissioner considers that class of accommodation unsuitable, then by the class or type of accommodation or transportation which the Deputy Commissioner approves;
- (c) the cost of the transportation of that person's baggage from the person's place of residence abroad to the place of the person's intended residence in Australia;
- (d) the cost of any necessary medical treatment or hospital accommodation of that person during the period of the journey or any portion of that cost which the Deputy Commissioner considers reasonable in the circumstances of the particular case;
- (e) the reasonable cost of that person's board and lodging during the period of any break or delay in the journey which the Deputy Commissioner is satisfied was unavoidable or warranted in the circumstances of the particular case; and
- (f) any other expenditure during the journey, necessarily incidental to that person's transportation, the inclusion of which the Deputy Commissioner considers warranted in the circumstances of the particular case.

**23.** If any person who would have been eligible under this Part for transportation to Australia at the expense of the Commonwealth has made the journey at that person's or another person's expense, the Commission may, at any time, refund to the person who bore that expense an amount not greater than the sum which would, in the circumstances of the particular case, have been borne by the Commonwealth, if the transportation had been authorized under the preceding provisions of this Part. Refund of expenses.

**24.** A person shall not be eligible for transportation under any one of the preceding provisions of this Part more than once. Transportation once only.

**25.** Neither the Commonwealth, nor the Commission, nor any officer of the Department shall be liable in respect of any loss or damage caused during loading or unloading, or during transit, to any baggage belonging to a person who has been granted a free passage or transportation by the Department. Loss or damage to baggage.

**26.** In the case of a member who is a trainee, or who has been approved for training, under any scheme of training provided by the Commonwealth for members, and who is being sent to an employer for employment for the purpose of training, continuation of training, or completion of training, within the provisions of that scheme, a Deputy Commissioner may, subject to such conditions as the Commission from time to time determines, pay the fare of the member to the place of employment. Payment of trainee's fare to places of employment.

Removal  
expenses of  
trainees.

27.—(1.) In the case of a member with a family who is a trainee, or who has been approved for training, under any scheme of training provided by the Commonwealth for members, who has been sent or is being sent to an employer for employment for the purpose of training, continuation of training, or completion of training, within the provisions of that scheme, and who desires to establish his home in the locality where he is employed or is to be employed for that purpose, a Deputy Commissioner may, subject to such conditions as the Commission from time to time determines, pay such fares and freights and other reasonable charges, directly related to removal to the locality of his employment, as are necessarily incurred in so removing the trainee and his family.

(2.) The amount payable to meet freight charges shall be such sum, not exceeding Fifteen pounds on household belongings, as the Deputy Commissioner considers reasonable.

#### PART V.—MISCELLANEOUS.

Funeral  
expenses.  
Amended by  
1948, No. 136;  
and  
1953, No. 7.

28. A Deputy Commissioner may grant a sum, not exceeding Twenty-five pounds, towards the funeral expenses of a member—

- (a) whose death is due to service;
- (b) who dies in indigent circumstances; or
- (c) who dies—
  - (i) in an institution; or
  - (ii) while proceeding to or from an institution,

to which he had been authorized to proceed for any purpose under regulation 5, 6, 7 or 13 of these Regulations,

and, in addition, may grant a sum, not exceeding Fifteen pounds, towards the cost of transportation of the remains of the member to whom paragraph (a) or (c) of this regulation applies to the place where the member usually resided or such other place as the Deputy Commissioner approves.

Delegation  
of powers  
by Commission.

29.—(1.) The Commission may, by writing under its seal, delegate any of its powers and functions under these Regulations (except this power of delegation but including any power or authority of the Commission under regulation 30 of these Regulations) in relation to any matters or class of matters, or to any State or Territory, so that the delegated powers and functions may be exercised and performed by the delegate as fully and effectually as by the Commission, with respect to the matters or class of matters specified, or the State or Territory defined, in the instrument of delegation.

(2.) Every delegation pursuant to the last preceding sub-regulation shall be revocable at will by the Commission, by writing under its seal, and no delegation shall prevent the exercise of any power or the performance of any function by the Commission.

(3.) Where the exercise of any power or the performance of any function by the Commission under, or the operation of any provision of, these Regulations is dependent upon the opinion or belief of the Commission in relation to any matter, that power or function may be exercised or performed by the person to whom that power or function has been delegated by the Commission in pursuance of this regulation or that provision may operate (as the case may be) upon the opinion or belief of that person in relation to that matter.

**30.—(1.)** Any power or authority vested by these Regulations in a Deputy Commissioner or an Education Board shall be exercisable by the Commission.

Exercise by Commission of powers of Deputy Commissioner or Education Board.

(2.) Where the exercise of any power or authority by a Deputy Commissioner or an Education Board under, or the operation of any provision of, these Regulations is dependent upon the opinion or belief of the Deputy Commissioner or Education Board in relation to any matter, that power or authority may be exercised by the Commission or that provision may operate, as the case may be, upon the opinion or belief of the Commission in relation to that matter.

(3.) For the purpose of the last preceding sub-regulation, “the Commission” includes, in relation to any power or authority delegated by the Commission in pursuance of regulation 29 of these Regulations, the person to whom that power or authority has been delegated.

#### PART VI.—APPLICATION OF REPATRIATION REGULATIONS.

**31.** The provisions of regulation 5, Part II., Part III., regulations 77, 103, 103A and 104A, Divisions 1, 5 and 6 of Part IX., and regulations 176A, 176D, 185, 188, 189, 190, 191, 192, 192A and 192B of the Repatriation Regulations, as amended for the time being, shall, subject to the modifications, adaptations and exceptions specified in the Schedule, extend to and in relation to members and the dependants of members.

Heading amended by 1953, No. 7.

Application of certain provisions of the Repatriation Regulations.

Substituted by 1948, No. 82; amended by 1948, No. 138; 1950, No. 97; and 1953, No. 7.

#### PART VII.—EXTENSION OF APPLICATION OF REGULATIONS TO FEMALE MEMBERS OF THE INTERIM FORCES.

**32.—(1.)** The provisions of Parts II. to V. of these Regulations and the provisions of the Repatriation Regulations which are extended by regulation 31 of these Regulations to and in relation to members and to the dependants of members shall, subject to this regulation, extend to and in relation to persons who are or have been female members of the Interim Forces (referred to in this regulation as “female members”).

Extension of regulations to female members.

Sub-reg. (1.) amended by 1953, No. 7.

(2.) For the purpose of those provisions (other than the provisions of Part II. of the Repatriation Regulations) in their extended application—

Amended by 1953, No. 7.

(a) any reference to a member shall be read as a reference to a female member;

## INTERIM FORCES BENEFITS ACT

(b) any reference to a child shall be read as a reference to a female member's child—

(i) who is under the age of sixteen years and who is—

(1) a son or daughter born to the female member of a marriage which took place before or during her service, or before her discharge from the Forces or the termination of the war, whichever first happens;

(2) a step-son, step-daughter or adopted child of the female member who became dependent upon the female member or her husband prior to her death or discharge from the Forces or the termination of the war, whichever first happens; or

(3) the ex-nuptial child of the female member who was born before or within nine months after her discharge from the Forces or the termination of the war, whichever first happens; and

(ii) whose father, being the husband of the female member, is wholly dependent upon her, is dead, or is separated or divorced from, or has deserted, her, and the child is wholly or substantially dependent upon her and is without adequate means of support; or

(iii) whose mother, being the female member, is dead and the child is without adequate means of support.

(3.) Notwithstanding anything contained in paragraph (b) of sub-regulation (2.) of this regulation, for the purpose of the extended application of regulation 19 of these Regulations—

(a) the reference in the definition of “eligible child” in that regulation to a child as defined in regulation 4 of these Regulations shall be read as a reference to a child as defined in this regulation; and

(b) although a child is not actually without adequate means of support, the Commission may determine that special circumstances warrant the child being regarded as an eligible child within the meaning of regulation 19 of these Regulations and, upon that determination, the provisions of that regulation shall apply accordingly.

(4.) Notwithstanding anything contained in the preceding provisions of this regulation, a Deputy Commissioner, in reaching a decision as to any application for assistance or benefits under the provisions of these Regulations as extended by this regulation, shall, subject to the directions of the Commission, consider whether, having regard to the purpose or object of the provision applicable, a grant or approval is warranted to the full extent prescribed or any lesser extent which he considers appropriate, or is not warranted, in the circumstances of that particular case, and may make his decision accordingly.

## THE SCHEDULE.

Schedule  
amended by  
1948, No. 82;  
1951, No. 8;  
and  
1953, No. 7.

MODIFICATIONS AND ADAPTATIONS OF AND EXCEPTIONS TO THE PROVISIONS OF THE REPATRIATION REGULATIONS EXTENDED TO AND IN RELATION TO MEMBERS AND TO THE DEPENDANTS OF MEMBERS.

Heading  
amended by  
1953, No. 7.

## (i) MODIFICATIONS.

| No. | Provision.      | Extent of Modification.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Regulation 6 .. | Omit the definitions of "child", "dependant" and "member" and insert in their stead respectively the following definitions:—<br>"child" has the same meaning as in regulation 4 of the Interim Forces Benefits Regulations;<br>"dependant" means a dependant specified in paragraph (b) of sub-section (2.) of section 99 or paragraph (b) of sub-section (2.) of section 104 of the <i>Repatriation Act</i> 1920-1952, as extended by section 6 or section 7 of the <i>Interim Forces Benefits Act</i> 1947-1950, and includes a person to whom a pension is payable under sub-section (3.) of section 37 or section 46 of the first-mentioned Act, as so extended;<br>"member" means a male member or a female member of the Interim Forces within the meaning of the <i>Interim Forces Benefits Act</i> 1947-1950;". |
| (b) | Regulation 53   | (i) Omit from sub-regulation (2.) the words "these Regulations" and insert in their stead the words "the Interim Forces Benefits Regulations"; and<br>(ii) Omit from sub-regulation (3.) the words "these Regulations" and insert in their stead the words "the Repatriation Regulations".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## (ii) ADAPTATIONS.

(a) Any reference to "member" or "widow" shall be read as a reference to that term as defined in regulation 4 of these Regulations.

(b) Any reference to "dependant" in provisions other than those of Part II. shall be read as a reference to a "dependant", as defined in regulation 4 of these Regulations.

(c) Any reference to "the Act" shall be read as a reference to the *Repatriation Act* 1920-1952 in its extension to and in relation to members by force of the *Interim Forces Benefits Act* 1947-1950.

(d) All provisions in which the words "due to war service" occur shall be read as if the words "due to service" as defined in regulation 4 of these Regulations, were substituted for the first-mentioned words.

## (iii) EXCEPTIONS.

Omit from regulation 5 the definitions of "active service", "dependant", "due to war service", "enlisted", "enlistment", "living wage or minimum wage", "member" and "widowed step-mother".

# **INTERIM FORCES BENEFITS (LEAVE ON DISCHARGE) REGULATIONS.\***

Citation.

**1.** These Regulations may be cited as the Interim Forces Benefits (Leave on Discharge) Regulations.\*

Definitions.

**2.** In these Regulations, unless the contrary intention appears—  
 “pay regulations” means, in relation to any member of the Interim Forces, the laws of the Commonwealth by which the rates and conditions of his remuneration are prescribed;  
 “the Act” means the *Interim Forces Benefits Act 1947*.

Payment in lieu of leave.

**3.—(1.)** A member of the Interim Forces who, under section 5 of the Act, is entitled to leave of absence on discharge, but—

(a) is not granted that leave prior to his discharge; or

(b) has not, at the date of his discharge, completed that leave, shall, subject to this regulation, be paid a sum equivalent to his pay for the period of leave, or the uncompleted period of leave, as the case may be.

(2.) For the purposes of this regulation, “pay” includes such allowances (other than exchange allowance) as would have been payable to the member, under the pay regulations, in respect of leave of absence with pay, if that leave had been granted and completed immediately prior to his discharge.

(3.) Where, during the period of a member’s service, he made an allotment of his pay, or a sum was ordered to be deducted from his pay and paid to or for the benefit of another person, under the pay regulations, a sum equivalent to the amount ascertained in accordance with the next succeeding sub-regulation shall be deducted from the sum payable to the member under this regulation and shall be paid to the person to whom the allotment or the sum ordered to be deducted was payable:

Provided that, if, in the opinion of a prescribed authority under the pay regulations, payment cannot be made to the allottee or the person to whom the sum ordered to be deducted was payable, or the circumstances do not justify such payment, the prescribed authority shall direct that the sum be paid to the member.

(4.) The amount referred to in the last preceding sub-regulation shall be the amount which would, in accordance with the allotment or order, have been allotted or deducted if the period of the member’s service had been extended for the period of leave of absence in lieu of which the member is paid under this regulation.

Prescribed authorities.

**4.** For the purpose of forming the opinion referred to in sub-section (1.) of section 5 of the Act, the authority shall be—

(a) in relation to a member of the Naval Forces—the Naval Board;

(b) in relation to an officer of the Military Forces—the Adjutant-General;

(c) in relation to any member of the Military Forces other than an officer—the officer who authorizes the discharge of the member; and

(d) in relation to the Air Force—the Director of Personal Services.

\* Statutory Rules 1947, No. 156; in force under the *Interim Forces Benefits Act 1947-1950*; notified in the *Gazette* and commenced on 13th November, 1947.