

DEFENCE.

No. 20 of 1903.

An Act to provide for the Naval and Military Defence and Protection of the Commonwealth and of the several States.

[Assented to 22nd October, 1903.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—INTRODUCTORY.

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| Short title. | 1. This Act may be cited as the <i>Defence Act</i> 1903. |
| Parts. | 2. This Act is divided into Parts as follows :— |
| | Part I.—Introductory, ss 1-7. |
| | Part II.—Administration. |
| | Division 1.—Officers and Military Districts,
ss 8-28. |
| | Division 2.—Naval and Military College, s 29. |
| | Part III.—The Defence Force. |
| | Division 1.—Constitution of the Defence Force,
ss 30-32. |
| | Division 2.—The Raising of the Defence Force
and the Enlistment and Dis-
charge of Members thereof,
ss 33-44. |
| | Division 3.—The Service of the Forces, ss 45-51. |
| | Division 4.—General Provisions, ss 52-58. |
| | Part IV.—Liability to serve in the Militia Forces in time of
war, ss 59-61. |
| | Part V.—Cadets, s 62. |
| | Part VI.—Special Powers in relation to Defence, ss 63-72. |
| | Part VII.—Offences, ss 73-85. |
| | Part VIII.—Courts-Martial, ss 86-100. |
| | Part IX.—Legal Procedure, ss 101-116. |
| | Part X.—Miscellaneous, ss 117-123. |
| | Part XI.—Regulations, s 124. |
| Commencement
of Act. | 3. This Act shall commence on a day to be fixed by proclamation.* |

* Proclaimed to commence 1st March, 1904. See *Gazette*, 20th February, 1904.

4. In this Act, unless the contrary intention appears—¹ Interpretation.
- “Active Forces”—Includes all parts of the Defence Force other than the Reserve Forces.
- “Active Service”—Means service in or with a force which is engaged in operations against the enemy and includes any naval or military service in time of war.
- “Army Act”—Means the Imperial Act called The Army Act and any Acts amending or in substitution for it and for the time being in force.
- “District Commandant”—Means the Officer appointed to be Commandant of a Military District.
- “General Officer Commanding”—Means the General Officer Commanding the Military Forces of the Commonwealth.
- “Governor-General”—Means the Governor-General of the Commonwealth, or the person for the time being administering the Government of the Commonwealth, acting with the advice of the Executive Council.
- “Member”—Includes any officer, sailor, and soldier.
- “Military District”—Means a military district appointed under this Act.
- “Naval or Military Offence”—Means any offence against this Act, the Army Act, or the Naval Discipline Act.
- “Minister”—Means the Minister of State for Defence or other Minister of State for the time being administering this Act.
- “Naval Discipline Act”—Means the Imperial Act called The Naval Discipline Act, and any Acts amending or in substitution for it and for the time being in force.
- “Naval Officer Commanding”—Means the Officer Commanding the Naval Forces of the Commonwealth.
- “Non-commissioned Officer”—Includes any acting non-commissioned officer and a warrant officer not holding an honorary commission.
- “Oath”—Includes affirmation in the case of any person who has a conscientious objection to take an oath.
- “Officer”—As regards the Military Forces, means any commissioned officer, and includes officers provisionally appointed and warrant officers holding commissions; and as regards the Naval Forces, means any commissioned officer, and includes subordinate and warrant officers, but does not include petty officers.
- “Prescribed”—Means prescribed by this Act.
- “Regulations”—Means regulations made under this Act.
- “Sailor”—Includes any member of the Naval Forces, not being an officer.
- “Soldier”—Includes a non-commissioned officer and every person subject to Military Law, but does not include an officer.
- “Sub-District”—Means a portion of a Military district appointed a sub-district.
- “This Act”—Includes all regulations made under this Act.

“Time of War”—Means any time during which a state of war actually exists, and includes the time between the issue of a proclamation of the existence of war or of danger thereof and the issue of a proclamation declaring that the war or danger thereof, declared in the prior proclamation, no longer exists.

“War”—Means any invasion or apprehended invasion of, or attack or apprehended attack on, the Commonwealth or any Territory under the control of the Commonwealth by an enemy or armed force.

Application
of Act.

5. This Act shall apply to all the Naval and Military Forces of the Commonwealth, whether existing at the commencement of this Act, or raised thereafter, and to all members thereof, whether appointed or enlisted under this Act, or under any State Act.

State Acts
cease to apply.

6. The State Acts and the Act of the Federal Council of Australasia specified in the First Schedule shall cease to apply to the Naval and Military Forces of the Commonwealth, or to any member thereof, but this section shall not affect—

- (a) the previous operation of any of those Acts, or any thing duly done or suffered under any of them; or
- (b) any right to appointment or employment in the Public Service of a State conferred by any of those Acts; or
- (c) any penalty, forfeiture, or punishment, incurred in respect of any offence committed against any of those Acts; or
- (d) any investigation, legal proceeding, or remedy in respect of any such penalty, forfeiture, or punishment;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment, may be imposed, as if this section had not been passed.

Act does not
appropriate
money.

7. Nothing in this Act shall be taken as an appropriation of any public moneys.

PART II.—ADMINISTRATION.

DIVISION 1.—OFFICERS AND MILITARY DISTRICTS.

Power to
appoint
Military
districts,
officers, &c.

8. The Governor-General may—

- I. Appoint a Military officer of the King's Regular Forces or of the Defence Force to be the General Officer Commanding the Military Forces of the Commonwealth.
- II. Appoint a Naval officer of the King's Regular Naval Forces or of the Defence Force to be the Officer Commanding the Naval Forces of the Commonwealth.
- III. Appoint any part of the Commonwealth to be a Military District.
- IV. Divide any Military District into sub-districts.
- V. Appoint an officer to be Commandant of any Military District.

vi. Direct what forces shall be established in Military Districts and sub-districts respectively.

vii. Appoint and promote officers of the Defence Force and issue commissions to them.

9. The General Officer Commanding and the Naval Officer Commanding shall have such powers and perform such duties as are prescribed or as the Governor-General directs, and if there is no General Officer Commanding or Naval Officer Commanding or if those officers or either of them are absent from the Commonwealth or unable to exercise their powers or perform their duties those powers or duties may be exercised or performed by any person directed by the Governor-General to exercise or perform them.

Powers and duties of certain officers.

10. All officers of the Naval and Military Forces holding office at the commencement of this Act shall continue to hold office as if appointed under this Act.

Continuance of existing officers.

11. In the first appointment of officers preference shall be given, in the case of equality of qualifications, to persons who have served in the Defence Force for three years without a commission.

Preference to be given to persons who have served in the ranks.

12. Any person who has been a member of the Defence Force may after having ceased to be a member recover from the Commonwealth by suit in any Court of competent jurisdiction any moneys which under his engagement or by any agreement with the Commonwealth are due to him.

Ex-member of Defence Force may bring suit for moneys due.

13. No appointment or promotion of an officer under this Act shall create a civil contract between the King or the Commonwealth and the person appointed or promoted.

Appointments do not create civil contract.

14. No person shall be appointed an officer in the Active Forces until he has passed the prescribed examination, but persons who have not passed that examination for any particular rank may be appointed provisionally as officers of that rank. The requirements of this section may be dispensed with by the Governor-General in the case of persons who are officers of the King's regular Naval or Military Forces.

Provisional appointments.

15. Officers provisionally appointed shall cease to hold office if they fail within the prescribed time, not exceeding eighteen months, to pass the examination for the rank to which they have been so appointed.

Determination of provisional appointments.

16. Officers shall hold their appointments during the pleasure of the Governor-General, but the commission of an officer shall not be cancelled without the holder thereof being notified in writing of any complaint or charge made and of any action proposed to be taken against him, nor without his being called upon to show cause in relation thereto. Provided that no such notification shall be necessary in the case of an officer absent from duty without leave for a period of three months or upwards.

Appointments held during pleasure.

- Resignation of commission. 17. Except during time of war an officer may by writing under his hand tender the resignation of his commission at any time by giving three months' notice.
- Warrant, non-commissioned, and petty officers. 18.—(1.) Warrant officers and non-commissioned officers in the Permanent Military Forces shall be appointed by the General Officer Commanding or by officers deputed by him in that behalf.
(2.) Warrant officers and non-commissioned officers in the Citizen Military Forces shall be appointed by officers commanding Regiments and Corps subject to the approval of the District Commandant.
(3.) Warrant and petty officers in the Naval Forces shall be appointed by the Naval Officer Commanding or by officers deputed by him in that behalf.
(4.) Warrant officers non-commissioned officers and petty officers shall hold their appointments as prescribed.
- Seniority of officers. 19. The seniority of officers in the Active Forces in their respective ranks shall be regulated by the date of their commissions, and when commissions are of the same date by their previous commissions or in the case of first commissions by the order in which their names appear in the *Gazette* or in the *Government Gazette* of a State or of a Colony which has become a State in which their appointments have been notified.
- Seniority of officers in Reserve Forces. 20. The seniority of officers in the Reserve Forces shall be as prescribed but officers of the Active Forces shall rank as senior in their respective ranks to officers of the Reserve Forces.
- Promotion of officers. 21.—(1.) Except as provided in this section, no officer below the rank of lieutenant-colonel in the Military Forces or below the rank of commander in the Naval Forces shall be promoted unless he has previously passed the prescribed examination for promotion to a higher rank.
(2.) Where an officer has had no opportunity of passing the prescribed examination he may be provisionally promoted subject to his passing such examination within the prescribed time.
- Appointment or promotion for distinguished service. 22. The Governor-General may appoint any person to be an officer or promote an officer for distinguished service, or for marked ability and gallantry in active service, without his passing the prescribed examination.
- Half-pay list. 23. The Governor-General may place officers of the Permanent Forces on a half-pay list, and such officers may be re-employed with any corps or on the staff, and their seniority shall be as prescribed. No officer shall remain on the half-pay list for a longer period than one year, and if not then re-employed he shall be placed on the unattached list.
- Unattached lists. 24. The Governor-General may place officers of the Defence Force upon an unattached list, and, subject to sections fourteen and

fifteen of this Act, may appoint fit and proper persons to be officers on that list, and such officers may be employed for duty with any corps or on the staff.

25. The Governor-General may form a reserve of officers and a list of such officers shall be kept, called the reserve of officers list, and all officers whose names are on that list shall be liable to service as prescribed. Reserve of officers list.

26. The Governor-General may place officers of the Defence Force on retired lists. Retired list.

27. The ages for the compulsory retirement of officers and members of the Defence Force shall be as prescribed, but in special cases the Governor-General may extend the prescribed age of retirement for a period not exceeding two years. Compulsory retirement.
Discretion to extend.

28. The Governor-General may appoint a Board of Advice to advise on all matters relating to the Defence Force submitted to it by the Minister. Board of Advice may be appointed.

DIVISION 2.—NAVAL AND MILITARY COLLEGE.

29. The Governor-General may establish an institution for the purposes of imparting education in the various branches of naval and military science, and in the subjects connected with the naval and military professions, and for qualifying persons for the naval or military service. Naval and Military College.

PART III.—THE DEFENCE FORCE.

DIVISION 1.—CONSTITUTION OF THE DEFENCE FORCE.

30. The Defence Force shall consist of the Naval and Military Forces of the Commonwealth, and shall be divided into two branches called the Permanent Forces and the Citizen Forces. Defence Force.

31.—(1.) The Permanent Forces shall consist of officers who are appointed officers of those Forces, and of soldiers, petty officers, and sailors who are bound to continuous naval or military service for a term. Permanent Forces.

(2.) No Permanent Military Forces shall be raised maintained or organized except for Administrative and Instructional Staffs, including Army Service, Medical and Ordnance Staffs, Garrison Artillery, Fortress Engineers, and Submarine Mining Engineers.

32.—(1.) The Citizen Forces shall be divided into Militia Forces Volunteer Forces and Reserve Forces. Citizen Forces.

(2.) The Militia Forces shall consist of officers, soldiers, petty officers, and sailors who are not bound to continuous naval or military service and who are paid for their services as prescribed.

(3.) The Volunteer Forces shall consist of officers, soldiers, petty officers, and sailors who are not bound to continuous naval or military service and who are not ordinarily paid for their services in times of peace.

(4.) The Reserve Forces shall consist of—

- (a) Members of Rifle Clubs constituted in the manner prescribed, who have taken the oath set out in the Second Schedule, before an officer or Justice of the Peace, or before a person authorized by regulation to receive such oath; and
- (b) Persons who, having served in the Active Forces or otherwise as is prescribed, are enrolled as members of the Reserve Forces.

DIVISION 2.—THE RAISING OF THE DEFENCE FORCE AND THE
ENLISTMENT AND DISCHARGE OF MEMBERS THEREOF.

Power to raise
Forces.

33. The Governor-General may, subject to the provisions of this Act, raise, maintain, and organize in the manner prescribed such Permanent and Citizen Forces as he deems necessary for the defence and protection of the Commonwealth and of the several States.

Existing
Forces to
continue.

34. The Naval and Military Forces existing at the commencement of this Act shall be deemed to have been raised under this Act, and the members thereof, without any re-appointment, re-enlistment, or the taking of any fresh oath, shall be subject to this Act; but any member thereof (other than a member of the Permanent Forces) may, within three months after the commencement of this Act, retire therefrom on giving fourteen days' notice in writing of his intention to do so.

Voluntary
enlistment.

35. Except as provided in Part IV. of this Act the Defence Force shall be raised and kept up by voluntary enlistment only.

Period of
enlistment.

36. Persons voluntarily enlisting as members of the Permanent and Militia Forces shall engage to serve for a prescribed period of not less than three years, and as members of the Volunteer Forces and Reserves for a prescribed period of not less than two years.

Oath to be
taken by
members of
Active Forces.

37. Every person enlisting in the Active Forces as a soldier or sailor shall take, before an officer or a Justice of the Peace, the oath set forth in the Third Schedule.

Effect of oath.

38. The oath of enlistment shall bind the person subscribing it to serve in the Defence Force in accordance with the tenor of his oath until he is legally discharged, dismissed, or removed therefrom, or his resignation is accepted.

Time of
discharge.

39. Any person who has enlisted as a member of the Defence Force shall be entitled to be discharged therefrom at the expiration of the period of service for which he engaged, unless such expiration occurs in time of war, in which case he shall not be entitled to his discharge until the war has ceased to exist.

40. Every soldier or sailor of the Active Forces (other than the Permanent Forces) may, except in time of war, claim his discharge before the expiration of the period of service for which he engaged on the following conditions :—

Discharge of members of Citizen Forces.

- (a) He shall give three months' notice in writing to his commanding officer of his intention to claim his discharge ; and
- (b) He shall, if a member of the Militia Forces, pay such sum not exceeding Two pounds, and if a member of the Volunteer Forces, pay such a sum not exceeding One pound, as may be prescribed, but such payments may, for special reasons, be waived by the officers authorized by the regulations to waive them.

41. Every soldier or sailor of the Reserve Forces may, except in time of war, claim his discharge before the expiration of the period of service for which he engaged, on giving fourteen days' notice in writing to his commanding officer of his intention to claim his discharge.

Discharge of members of Reserve Forces.

42. Any person who obtains his discharge from the Active Forces may be enrolled as a member of the Reserve Forces upon taking, before an officer or a Justice of the Peace, the oath set forth in the Second Schedule.

Enrolment in Reserve Forces.

43. Members of the Permanent Forces shall be exempt from serving as jurors.

Exemption from serving on juries.

44. The Governor-General may at any time, by order published in the *Gazette*, disband any corps or portion of a corps, and may at any time dispense with the services of any officer, soldier, or sailor.

Power to disband, &c.

DIVISION 3.—THE SERVICE OF THE FORCES.

Permanent Forces.

45. The Permanent Forces shall at all times be liable to be employed on active service and in the defence and protection of the Commonwealth and of the several States.

Permanent Forces may be employed on active service.

Citizen Forces.

46.—(1.) The Governor-General may, in time of war, by proclamation, call out the Citizen Forces or any part thereof for active service.

Power to call out Citizen Forces.

(2.) The proclamation shall state the reason for calling out the Forces.

(3.) If the Parliament is sitting the reason for calling out the Forces shall forthwith be communicated by the Governor-General to both Houses of the Parliament.

47. The Citizen Forces or any part thereof shall be liable to be employed on active service from the time of the publication of the proclamation calling out those Forces or any part thereof for active

Citizen Forces liable to active service when called out.

service until the publication of a proclamation notifying that the active services of those Forces or any part thereof are no longer required.

Naval Forces to serve outside Commonwealth.

Naval Forces to serve outside Commonwealth in certain cases.

48. Members of the Defence Force who are members of the Naval Forces may be required to serve either within or beyond the limits of the Commonwealth for the purpose of training or in time of war for the defence and protection of the Commonwealth and of the several States.

Military Forces not liable to serve beyond Commonwealth.

Defence Force not liable to serve beyond Commonwealth.

49. Members of the Defence Force who are members of the Military Forces shall not be required, unless they voluntarily agree to do so, to serve beyond the limits of the Commonwealth and those of any Territory under the authority of the Commonwealth.

Citizen Forces to be returned to districts.

50. Every part of the Citizen Forces employed on active service shall forthwith, after it ceases to be so employed, be returned to the Military district to which it belongs.

Protection of the States against Domestic Violence.

Protection of States from domestic violence. See sec. 119 of the Constitution.

51. Where the Governor of a State has proclaimed that domestic violence exists therein, the Governor-General, upon the application of the Executive Government of the State, may, by proclamation, declare that domestic violence exists in that State, and may call out the Permanent Forces, and in the event of their numbers being insufficient may also call out such of the Militia and Volunteer Forces as may be necessary for the protection of that State, and the services of the Forces so called out may be utilized accordingly for the protection of that State against domestic violence.

DIVISION 4.—GENERAL PROVISIONS.

Drill and training.

52. The Defence Force shall be subject to such drill, training, and inspection, and to such regulations for the discipline and good government of that Force, as are prescribed.

Command of force in time of war.

53. In time of war, the Governor-General may, subject to the provisions of this Act, place the Defence Force or any part thereof under the orders of the Commander of any portion of the King's Regular Forces or the King's Regular Naval Forces, as the case may be.

Naval Forces may be placed on board ships of Navy on Australian Station.

54. The Governor-General may, for the purpose of training, or in time of war, for the defence and protection of the Commonwealth and of the several States, place the Naval Forces or any part thereof on board any ship of the King's Navy on the Australian Station, and during the time they are so placed they shall be under the command of the officer commanding the ship upon which they are placed, and be subject to all laws and regulations to which the King's Regular Naval Forces are subject.

55. The Military Forces shall at all times, while on active service, be subject to the Army Act save so far as it is inconsistent with this Act; but so that the regulations may prescribe that any provisions of the Army Act shall not apply to the Military Forces.

Military Forces on active service subject to Army Act.

56. The Naval Forces shall at all times, while on active service, be subject to the Naval Discipline Act save so far as it is inconsistent with this Act; but so that the regulations may prescribe that any provisions of the Naval Discipline Act shall not apply to the Naval Forces.

Naval Forces on active service subject to Naval Discipline Act.

57. When any member of the Defence Force is killed on active service or on duty, or dies or becomes incapacitated from earning his living from wounds or disease contracted on active service or on duty provision shall be made for his widow and family or for himself, as the case may be, out of the Consolidated Revenue Fund at the prescribed rates.

Provision for families of men killed, &c.

58. The commanding officer of every corps or ship's company shall be responsible for the safe keeping and good order of all articles, the property of the Commonwealth, supplied to his corps or ship's company, and the value of any of those articles may, if lost or damaged while in possession of the corps or ship's company otherwise than through fair wear and tear or unavoidable accident, be recovered by the commanding officer by action in any Federal or State Court of competent jurisdiction from the officer or man by whom the loss or damage was occasioned.

Responsibility of Commanding Officer.

PART IV.—LIABILITY TO SERVE IN THE MILITIA FORCES IN TIME OF WAR.

59. All male inhabitants of Australia (excepting those who are exempt from service in the Defence Force) who have resided therein for six months and are British subjects and are between the ages of eighteen and sixty years shall, in time of war, be liable to serve in the Militia Forces.

Persons liable to serve.

60.—(1.) In time of war it shall be lawful for the Governor-General (the occasion being first communicated to the Parliament, if the Parliament be then sitting, or notified by proclamation if the Parliament be not then sitting), by proclamation, to call upon persons liable to serve in the Militia Forces to enlist in the Militia Forces, and thereupon such persons (other than those who are members of the Defence Force) shall, in the manner prescribed, enlist in the Militia Forces for the prescribed period.

Enlistment in time of emergency.

(2.) A proclamation under this section may call upon all the persons specified in any one or more of the classes hereunder set out so to enlist but so that the persons specified in any class shall not in any case be called upon so to enlist until the persons specified in every preceding class are or have been so called upon.

Order of liability to service.

(3.) The classes referred to in this section are as follows :—

Class 1 : All men of the age of eighteen years and upwards, but under thirty years, who are unmarried, or widowers without children ;

Class 2 : All men of the age of thirty years and upwards, but under forty-five years, who are unmarried, or widowers without children ;

Class 3 : All men of the age of eighteen years and upwards, but under forty-five years, who are married, or widowers with children ; and

Class 4 : All men of the age of forty-five years and upwards, but under sixty years.

Parliament to be summoned if not in session.

(4.) If the Parliament is not sitting at the date of the issue of the proclamation calling upon persons to enlist in the Militia Forces, it shall be summoned to meet within ten days after that date.

Exemptions.

61.—(1.) The Governor-General may, by Regulation, declare what persons shall be exempt from service in the Defence Force, provided that persons whom the doctrines of their religion forbid to bear arms or perform military service shall be exempt upon such conditions as may be prescribed.

Proving exemptions.

(2.) The burden of proving exemption from service in the Defence Force shall rest on the person claiming exemption.

PART V.—CADETS.

Power to raise and maintain Cadet Corps.

62.—(1.) The Governor-General may establish and maintain Naval and Military Cadet Corps consisting of—

(a) Boys over twelve years of age who are attending school ;
or

(b) Youths between fourteen and nineteen years of age who are not attending school.

(2.) Cadet Corps consisting of youths who are not attending school shall be called Senior Cadet Corps.

(3.) Cadet Corps may be furnished with such arms ammunition and accoutrements as are prescribed.

(4.) Cadets shall not be liable for active service.

(5.) Officers and Non-commissioned Officers of Cadet Corps may be appointed as prescribed without regard to the age limit or other conditions set out in sub-section (1).

(6.) All Military Cadet Corps in a Military District shall be under the orders of the District Commandant of that District.

(7.) Service in a Senior Cadet Corps shall be deemed to be service within the meaning of section eleven of this Act.

PART VI.—SPECIAL POWERS IN RELATION TO DEFENCE.

General powers for defence purposes.

63. The Governor-General may—

(a) Acquire or build and arm and maintain ships, vessels, and boats ;

- (b) Construct and maintain forts and defence works ;
- (c) Lay down mines ;
- (d) Establish and maintain arms and ammunition factories ;
- (e) Acquire, construct, and maintain artillery and rifle ranges ;
and
- (f) Subject to the provisions of this Act do all matters and things deemed by him to be necessary or desirable for the efficient defence and protection of the Commonwealth or of any State.

64. The Governor-General may in time of war authorize the General Officer Commanding or any officer to assume control of any railway for transport for naval or military purposes.

Control of railways in time of war.

65. The principal railway official in any State or the owner, controller, or manager of any railway or tramway in any State shall, when required by the Governor-General, and as prescribed, convey and carry members of the Defence Force, together with their horses, guns, ammunition, forage, baggage, and stores, from any place to any place on the railway or tramway, and shall provide all engines, carriages, trucks, and rolling-stock necessary for the purpose.

Railways to carry troops, &c., when required.

66. Members of the Defence Force when on duty in uniform or carrying a rifle shall, subject to the Regulations, be conveyed over the railways and tramways of the Commonwealth or of any State for the purpose of attending musters, parades, and rifle practices, and returning therefrom, on production of a pass signed by a District Commandant or commanding officer, or other officer deputed by either of them.

Conveyance by railway and tramway.

67. In time of war the owner of any carriage, vehicle, horse, or boat shall, when required to do so by any officer authorized in that behalf by the Regulations, furnish it for any naval or military purpose.

Power to impress carriages, &c.

68. Members of the Defence Force may in time of war as prescribed be billeted, quartered, or cantoned, but nothing in this Act shall authorize the quartering or billeting of any member of the Defence Force in any house solely occupied by women or by women and children.

Billeting and quartering.

69. The Governor-General may give a general or particular authority to the Defence Force, or any part thereof, to enter upon and use any Crown lands of the Commonwealth or of any State, for drill, training, manœuvres, or other naval or military purposes.

Use of Crown lands for drill, &c., &c.

70. No toll or due, whether demandable by virtue of any Act or State Act or otherwise, at any wharf, landing place, bridge, gate, or bar on a public road shall be demanded or taken in respect of—

Tolls.

- (a) Any member of the Defence Force on march or duty or any prisoner under his charge ;
- (b) Any horse ridden or used by any member of the Defence Force on march or duty or by any prisoner under his charge ;

- (c) Any vehicle employed only in conveying members of the Defence Force on march or duty or any prisoner under their charge or conveying naval or military arms stores or baggage ; or
- (d) Any animal drawing any such vehicle.

Stopping traffic.

71. The officer in charge of any artillery or rifle range may stop all traffic, during artillery or rifle practice, on any road or water-way crossing the line of fire or in dangerous proximity thereto.

Regulations as to traffic.

72. No ships boats or persons shall come or remain within the prescribed distance of any ship battery gun or person engaged in artillery or rifle practice, or shall remain in any position so as to obstruct such practice.

PART VII.—OFFENCES.

73.—(1.) Any officer who—

Claiming for drills not performed.

(a) knowingly and except as prescribed claims pay on account of any drill performed with his corps for any man belonging to any other corps ; or knowingly claims pay for officers or men not present ; or

Returning men not enrolled.

(b) knowingly includes in any parade state, or other return, the name of any person not duly enlisted and attached as a member of the Defence Force ; and

(2.) Any soldier or sailor who—

Claiming for drills performed with another corps.

(c) knowingly and except as prescribed claims or receives pay on account of any drill performed in the ranks of any corps, other than his own proper corps ; and

(3.) Any member of the Defence Force who—

Obtaining pay by false pretences.

(d) knowingly obtains by means of any false pretence any pay or money belonging or payable to any other member of the Defence Force ; or

Fraudulently retaining pay.

(e) knowingly retains or keeps in his possession with intent to apply it to his own use any pay or money belonging or payable to any other member of the Defence Force ; and

(4.) Any member of the Defence Force or officer in the Public Service of the Commonwealth who—

Unlawfully giving information as to defences.

(f) communicates to any person otherwise than in the course of his official duty any plan document or information relating to any fort battery fieldwork fortification or defence work or to any of the defences of the Commonwealth ; and

(5.) Any person who—

Unlawfully obtaining information as to defences.

(g) unlawfully obtains any plan document or information relating to any fort battery fieldwork fortification or defence work or to any of the defences of the Commonwealth ; or

- (h) knowingly signs a false parade state, roll, or pay list or return; or False parade states, &c.
- (i) forges or utters, knowing it to be forged, any warrant or order under this Act; or Forgery.
- (j) falsely personates any other person at any parade or on any occasion when the latter is required by this Act to do any act or attend at any place; and False personation.

(6.) Any contractor purveyor or other person and any employé of any such contractor purveyor or other person who fraudulently and knowingly supplies to the Commonwealth or any officer of the Commonwealth for use by the Defence Force or any part thereof any article of food which is inferior in quality or quantity to that specified in the contract agreement or order under which it is supplied, or any material, equipment, or beast of draught or burden, which is inferior to that specified in the contract agreement or order under which it is supplied, and any officer of the Commonwealth who fraudulently and knowingly receives for use by the Defence Force or any part thereof any article of food or any material, equipment, or beast of draught or burden supplied in contravention of this sub-section—

shall be guilty of an indictable offence, and shall be liable to imprisonment, with or without hard labour, for any period not exceeding three years.

74.—(1.) Any person, of whom information is required by any officer or person in order to enable him to comply with the provisions of this Act relating to enlistment or enrolment, who refuses or neglects (without just cause, proof whereof shall lie upon him) to give such information, or gives false information, shall be liable to a penalty not exceeding Five pounds for each item of information demanded and refused or neglected to be given or falsely given. Refusing required information or giving false information.

(2.) Any person appointed in that behalf who (without just cause, proof whereof shall lie upon him) refuses or neglects to make any enrolment, or to make or transmit, in the prescribed manner, any prescribed roll or return, or copy thereof, shall be liable to a penalty not exceeding Fifty pounds. Refusing to make enrolment.

75. Any person who—

- (1) fails to enlist when required by this Act so to do; or Resisting draft, &c.
- (2) counsels or aids any person, called upon by proclamation to enlist in the Militia Forces, to fail to enlist or to evade enlistment; or
- (3) counsels or aids any person who has enlisted or who is liable to enlist in any part of the Defence Force not to perform any duty he is required by this Act to perform,

shall be liable to imprisonment, with or without hard labour, for any period not exceeding six months.

When drafted,
refusing to be
sworn, &c.—
Punishment.

76. Any man who has enlisted or who is liable to enlist for service in the Defence Force and who refuses or neglects to take the oath set out in the Third Schedule, when tendered to him by a Justice of the Peace, or by the commanding officer of the corps to which he is attached, or which he is required to join, shall be liable to imprisonment, with or without hard labour, for a period not exceeding six months.

Offences
connected
with
desertion—
Punishment.

77. Any person who—

- (a) procures or persuades any member of the Defence Force to desert ; or
- (b) aids or assists any member of the Defence Force in deserting ; or
- (c) knowing any person to be a deserter from the Defence Force, conceals him or aids or assists him in concealing himself,

shall be liable to be imprisoned, with or without hard labour, for any period not exceeding twelve months.

Absence over
seven days ;
trial as
deserter.

78. Any member of the Citizen Forces who, when liable to be employed on active service, absents himself without leave from his corps for a longer period than seven days, shall be deemed a deserter, and may be punished accordingly.

Unlawfully
disposing of
arms, &c.

79. Any person who—

- (a) unlawfully disposes of or removes or
- (b) refuses to deliver up when lawfully required so to do or
- (c) has in his possession, except for lawful cause, (the proof of which shall lie upon him)

any arms accoutrements or other naval or military articles belonging to the Commonwealth or to any corps, shall be liable to a penalty not exceeding Twenty pounds, and may be ordered by the court by which he is tried to deliver up the article to any officer or in default to pay its value to such officer.

Penalty for
personating.

80. Any person who fraudulently personates or represents himself to be a member of the Defence Force, with the intent to obtain free conveyance by any railway or tramway or to evade payment of any toll or due, shall be liable to a penalty not exceeding Ten pounds.

Obstructing
drill, &c.

81. Any person who unlawfully obstructs or interferes with any portion of the Defence Force, or any member thereof, in the performance of any naval or military service or duty, shall be liable to a penalty not exceeding Twenty pounds.

Sketching, &c.,
of fortifications
prohibited.

82.—(1.) Any person who, without lawful authority, makes or attempts to make any sketch drawing photograph picture or painting of any fort battery fieldwork fortification or any naval or military work of defence in the Commonwealth or of any portion thereof

shall be liable to a penalty not exceeding One hundred pounds or, at the discretion of the court, to be imprisoned, with or without hard labour, for any period not exceeding six months; and all sketches, drawings, photographs, pictures, and paintings, and all tools and all materials or apparatus for sketching, drawing, photographing, or painting found in his possession, shall be forfeited and may be destroyed, sold, or otherwise disposed of as the Governor-General directs.

Penalty for offending against provisions.

(2.) Any person who, without lawful authority, enters or approaches any fort battery fieldwork fortification or any naval or military work of defence with sketching drawing photographing or painting materials or apparatus in his possession, with the intention of committing any breach of the provisions of this section, shall be liable to a penalty not exceeding Fifty pounds, and all tools and materials or apparatus for sketching drawing photographing or painting found in his possession shall be forfeited and may be destroyed, sold, or otherwise disposed of, as the Governor-General directs.

Penalty in case of person found in or near forts with drawing materials, &c.

(3.) Any person who trespasses on any fort battery fieldwork fortification or any naval or military work of defence, or on any land reserved for or forming part thereof, and whether any erection fortification or work of any kind is thereon or not, shall be liable to a penalty not exceeding Twenty pounds.

Penalty in case of persons trespassing.

(4.) Any member of the Defence Force, or of the Police Force of the Commonwealth or of a State, may, without warrant, arrest any person who he has reasonable ground to believe has committed an offence against this section, and take him before a court of summary jurisdiction to be dealt with according to law.

83. Any person who, not being a member of the Defence Force, wears any uniform of the Defence Force, or any colourable imitation thereof, shall be liable to a penalty not exceeding Ten pounds.

Penalty for making use of uniform.

Provided that this section shall not prevent any person from wearing any such uniform in the course of a stage play, a music hall or circus performance, a ball, or a *bona fide* military representation.

84. Any person who wears any uniform of the Defence Force, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, shall be liable to a penalty not exceeding Twenty pounds.

Penalty for bringing contempt on uniform.

85. Any person who wilfully contravenes any provision of this Act, or the Regulations, shall, when no other penalty is provided, be liable to a penalty not exceeding Ten pounds for each offence.

Penalty for contravening the Act in any way.

PART VIII.—COURTS-MARTIAL.

86. The Governor-General may—

- (a) Convene courts-martial;
- (b) Appoint officers to constitute courts-martial; and
- (c) Approve, confirm, mitigate, or remit the sentence of any court-martial.

Power to constitute court-martial.

Powers may be delegated.

87.—(1.) The Governor-General may delegate any of his powers under the preceding section, either generally or in relation to any particular case or class of cases, or to any Military District or sub-district.

Delegation to be revocable.

(2.) The delegation shall be revocable by the Governor-General at will, and shall not prevent the exercise of any power by the Governor-General.

(3.) No revocation of a delegation shall affect anything done under the delegation prior to the revocation.

Laws applicable to courts-martial.

88. Except so far as inconsistent with this Act, the laws and regulations for the time being in force in relation to the composition, mode of procedure, and powers of courts-martial in the King's Regular Forces shall apply to courts-martial under this Act in relation to the Military Forces, and the laws and regulations for the time being in force in relation to the composition, mode of procedure, and powers of courts-martial in the King's Regular Naval Forces shall apply to courts-martial under this Act in relation to the Naval Forces. Except in time of war every member before being dismissed or reduced for any alleged offence may if he so request be tried by court-martial.

Contempt of court.

89. Any person who wilfully interrupts or disturbs the proceedings of a court-martial, or uses insulting language towards the court or the members thereof, or who by writing or speech uses words calculated to improperly influence the court or the members thereof or the witnesses before the court, shall be guilty of contempt of court, whether the act committed was committed in the court or outside the court.

Court-martial not to punish civilians for contempt.

90. No person, other than a person subject to naval or military law, shall be proceeded against before a court-martial, but if a person not so subject commits any act amounting to contempt of court within the view or hearing of a court-martial he may forthwith be arrested pursuant to the order of the President of the court-martial and taken before a Civil Court having jurisdiction to try him for the offence to be dealt with according to law.

Punishment for contempt of court.

91. Contempt of court shall be punishable as follows :—

- (a) On conviction before a court-martial or court of summary jurisdiction by fine not exceeding Twenty pounds or by imprisonment not exceeding two months ;
- (b) On conviction before the High Court or a Justice thereof or a Supreme Court or a Judge thereof by fine or imprisonment in the discretion of the court.

Conviction for contempt on view.

92. A court-martial may, in a summary manner, convict any member of the Defence Force guilty of contempt of court within the hearing or view of the court.

93. Members of the Permanent Forces may be ordered to attend any court-martial to give evidence and produce documents.

Members of Permanent Forces to attend court-martial if ordered.

94. A court-martial or the president may summon witnesses to give evidence and produce documents, or may require any person other than the accused to give evidence and produce documents.

Power to summon witnesses.

95. Every person who has been lawfully ordered or summoned to attend a court-martial to give evidence or produce documents, and who not being a member of the Permanent Forces has been paid or tendered reasonable expenses of his attendance, or who is before the court and who without just cause (proof whereof shall lie upon him)—

Penalty for disobedience to summons.

- (a) Disobeys the order or summons to so appear ; or
- (b) Refuses to be sworn as a witness ; or
- (c) Refuses or fails to answer any question which he is required by the court to answer ; or
- (d) Refuses or fails to produce any documents which he is required by the court to produce

shall be liable to a penalty not exceeding One hundred pounds.

96. Every person who is tried by court-martial may be assisted in his defence by counsel. And if the offence charged be punishable by death he shall be entitled to be defended by counsel at the expense of the Crown.

Counsel allowed.

97. Every court-martial may sentence any member of the Defence Force found guilty of any naval or military offence to the punishment provided for the offence and may in addition—

Powers of court-martial as to sentencing.

- (a) Dismiss or discharge him from the Defence Force ; or
- (b) Forfeit his seniority of rank or reduce his grade or rank ; and
- (c) Order him to pay such amount as is sufficient to make good any loss of or damage to any article vested in the Commonwealth or in the commanding officer of his corps occasioned by his wilful default or neglect.

98. No member of the Defence Force shall be sentenced to death by any court-martial except for mutiny, desertion to the enemy, or traitorously delivering up to the enemy any garrison, fortress, post, guard, or ship, vessel, or boat, or traitorous correspondence with the enemy ; and no sentence of death passed by any court-martial shall be carried into effect until confirmed by the Governor-General.

Sentence of death in certain cases only—subject to approval of Governor-General.

99.—(1.) The proceedings of a court-martial, other than a regimental court-martial, shall after promulgation be forwarded through the General Officer Commanding or the Naval Officer Commanding as the case may be to the Minister for transmission to the Attorney-General for record.

Proceedings to be preserved.

(2.) The proceedings of a regimental court-martial, after promulgation, shall be preserved for not less than three years in the office of the District Commandant of the Military District in which the corps of the accused was stationed.

(3.) Any person who has been tried by a court-martial shall be entitled, within six months from the date of the final decision, to a copy of the proceedings on payment of the prescribed fee.

Proceedings of Court not void for form, no *certiorari*.

100. No proceedings of any court-martial constituted or appointed under this Act shall be set aside or deemed void for want of form, or be removed by *certiorari* or otherwise into any civil court.

PART IX.—LEGAL PROCEDURE.

Summary conviction.

101. All offences against this Act, other than indictable offences, shall be punishable on summary conviction.

Members of Defence Force may be tried by civil court.

102. Any member of the Defence Force charged with any offence against this Act may be tried and punished either by court-martial or by a civil court.

Counsel to be provided.

103. If the offence charged be punishable by death the accused shall be entitled to be defended by counsel at the expense of the Crown.

Liability to be tried by court-martial.

104. Every person charged with any naval or military offence, except that of desertion, committed while serving in the Defence Force, may be tried and punished by court-martial if the charge against him is made while he is so serving, or within six months after he has been discharged, or his corps has been disbanded or relieved from service.

Trial for desertion at any time.

105. Any person who is or has been a member of the Defence Force may be tried at any time by court-martial for the offence of desertion.

Imprisonment may be awarded in lieu of penal servitude.

106. Where the punishment for any offence against the Army Act or the Naval Discipline Act is penal servitude the court may, in lieu of sentencing the 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.

Deduction of penalty from pay.

107. The amount of any pecuniary penalty incurred or of any sum of money ordered by any court to be paid by any member of the Defence Force in respect of any naval or military offence may be deducted from any pay due or which subsequently becomes due to the offender.

Certain officers may punish.

108. The regulations may authorize the officer commanding any corps or ship to punish any member of the Defence Force by a fine not exceeding Five pounds, and also in case of the Permanent Forces by forfeiture of not more than fourteen days' pay, or by confinement to barracks or on board ship for any period not exceeding twenty-one days, seven days of which may be imprisonment, and also in the case of the Citizen Forces by reduction in rank or dismissal.

109. No prosecution for any offence other than an indictable offence shall be commenced after six months from the commission of the offence charged, but nothing in this section shall limit the right to take proceedings by way of civil action in relation to any property of the Commonwealth or of any corps.

Time for commencement of prosecutions.

110.—(1.) No prosecution for an offence against this Act shall be brought in any court of summary jurisdiction against an officer of the Military Forces except by or in the name of the District Commandant, or against an officer of the Naval Forces except by or in the name of the Naval Officer Commanding; and no such prosecution against any soldier or sailor shall be brought in any such court except by the commanding officer or adjutant of the corps, or commanding officer of the vessel to which the soldier or sailor belongs.

On whose complaint only prosecutions may be brought.

(2.) The District Commandant or Naval Officer Commanding may authorize any commissioned officer of the Defence Force to bring a prosecution in his name.

(3.) The averment of the prosecutor that he was authorized to bring the prosecution in the name of the District Commandant or Naval Officer Commanding shall be sufficient, and shall not be controverted or questioned by the court or by the defendant.

111. For the purposes of legal proceedings, all moneys subscribed by or for or otherwise appropriated to the use of any corps or part thereof, or ship's company or part thereof, and all arms, ammunition, accoutrements, clothing, musical instruments, or other things, belonging to or used by any corps or part thereof, or ship's company or part thereof, and not being the private property of a member of the corps or ship's company, shall be deemed to be the property of the commanding officer of the corps or ship's company.

Subscription, arms, &c., vested in commanding officer.

No gift, sale, alienation, or pawning, or attempted gift, sale, alienation, or pawning of any such moneys, arms, ammunition, accoutrements, musical instruments, or other things, by any person, shall be effectual to pass the property therein without the consent of the commanding officer.

If any property belonging to or used by or for the Defence Force is not appropriated to any particular corps or part thereof, or ship's company or part thereof, or it is uncertain to which corps or part thereof or ship's company or part thereof, it belongs, it shall be deemed to be the property of the District Commandant or Naval Officer Commanding as the case may be.

An action or suit shall not abate or be determined by the death, resignation, or removal of the District Commandant or Naval Officer Commanding or any commanding officer, but may proceed in the name of his successor.

112. Any commanding officer, if authorized by the Regulations so to do, may disrate or discharge any sailor or soldier of the Citizen Forces for any good cause, but the sailor or soldier, before being so disrated or discharged, shall be notified, in writing, of the charge against him, and shall be given an opportunity of showing cause against it.

Power to discharge or disrate sailors and soldiers.

Power to
arrest and
detain in
military
custody.

113. Any member of the Defence Force charged with any naval or military offence when on duty or wearing his uniform may be arrested, pursuant to the order of any officer authorized by the regulations to issue such order, by any other member of the Defence Force, and detained in naval or military custody until he can be tried for the offence, but in the case of members of the Citizen Forces such arrest or custody shall not continue longer than while the corps or ship's company to which such member belongs shall then remain under arms or on duty, or if not then on duty, until such member shall have resumed civilian attire, which he shall, without unnecessary delay, be permitted to do.

Arrest of
deserters.

114. Any member of the Defence Force who absconds or deserts may be arrested by any other member of the Defence Force or by any member of the Police Force of the Commonwealth or of a State, pursuant to any warrant under the hand of any officer authorized by the regulations to issue such warrant, and shall be dealt with in the manner prescribed or as directed by the warrant.

Warrants.

115.—(1.) Warrants for the detention in any prison of any person charged with an offence triable by court-martial, and warrants for the imprisonment in any prison of any person sentenced to imprisonment by a court-martial, may be issued by any authorized officer.

(2.) The District Commandant, the President of a court-martial, or any officer authorized by the regulations, shall be authorized to issue warrants for detention, and the President of a court-martial or any officer authorized by the regulations shall be authorized to issue warrants for imprisonment.

(3.) The governor of a prison to whom any warrant, issued in pursuance of this section, is directed shall take cognizance of it without proof of the signature of the person by whom it purports to be signed.

(4.) This section shall not affect any power under any law to detain any person in naval or military custody.

Imprisonment
for insubor-
dination, &c.

116. Any member of the Defence Force sentenced to be imprisoned for any naval or military offence may, if the Governor-General by regulation or otherwise directs, be imprisoned in any place appointed by the Governor-General instead of in a prison.

PART X.—MISCELLANEOUS.

Right to
volunteer
for service
beyond limits
of the
Commonwealth.

117. Nothing contained in this Act shall prevent any member of the Defence Force from volunteering to serve in any Force that may be raised by the Commonwealth to augment any of the King's Regular or other Forces, or to occupy or to defend any place beyond the limits of the Commonwealth.

Penalty
against raising
of Forces
without
authority.

118. Any person who induces or attempts to induce any other person to enlist or engage to serve in any Naval or Military Force the raising of which has not been authorized by the Governor-General shall upon conviction be liable to imprisonment with or without hard labour for any period not exceeding six months.

119. No member of the Defence Force shall be entitled to receive any pay or allowances while under any charge of which he is afterwards convicted by any court, or while under sentence of imprisonment by any court, or during absence from duty without leave.

Stoppage of pay in certain cases.

120. It shall not be necessary for any order or notice under this Act to be in writing, unless by this Act required to be so, provided it be communicated to the person who is to obey or be bound by it, either directly by the officer or person making or giving it, or by some other person by his order.

Notice, &c., need not be in writing, unless required herein.

121. The production of an appointment, warrant, or order in writing purporting to be granted or made according to the provisions of this Act, or of any of the State Acts mentioned in the First Schedule, shall be *prima facie* evidence of the appointment, warrant, or order, without proving the signature or seal thereto, or the authority of the person granting or making the appointment, warrant, or order.

Proof of warrant, &c.

122. Any written order or warrant for the arrest of any deserter or absconder from the Defence Force, issued by any person authorized by the regulations to issue it, may be executed by any member of the Defence Force or by any police officer of the Commonwealth or a State.

Police to aid in arrest of deserters.

123. Funds may be established in such manner and subject to such provisions as are prescribed for providing for the payment of annuities or gratuities to members of the Defence Force permanently injured in the performance of their duties, and for the payment of annuities or gratuities to members of the Permanent Forces who are retired on account of age or infirmity.

Funds for annuities or gratuities.

PART XI.—REGULATIONS.

124.—(1.) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for securing the discipline and good government of the Defence Force, or for carrying out or giving effect to this Act, and in particular prescribing matters providing for and in relation to :—

Regulations.

- (a) The establishment and composition of a Board of Advice and the convening procedure and powers of the Board ;
- (b) The establishment regulation and good government of the institution established in accordance with section twenty-nine of this Act ;
- (c) The enrolment of all persons liable to serve in the Militia Forces in time of war and the choice by ballot or otherwise from the persons so enrolled of persons required for service ;
- (d) The fixing of the rates of pay of members of the Defence Force who are paid for their services ;

- (e) The requiring from officers and others holding positions the nature of which in the opinion of the Minister renders it necessary for such officers and others to give security for their fidelity to give such security and for fixing the amount and nature of such security ;
- (f) The leave of absence and furlough of members of the Defence Force ;
- (g) The convening, composition, procedure, and powers of courts-martial and courts of inquiry ;
- (h) The insurance of their lives by married members of the Permanent Forces for the benefit of their wives and families ;
- (i) The maintenance, control, regulation, and training of cadet corps ;
- (j) The formation and management of rifle clubs ;
- (k) The formation and management of rifle associations ;
- (l) The formation and management of a council consisting of representatives of rifle associations ;
- (m) The furnishing of means of conveyance and transport in time of war ;
- (n) The regulation of the quartering or billeting of members of the Defence Force in time of war ;
- (o) The establishment and conduct of canteens ;
- (p) The regulation of artillery and rifle practice ;
- (q) The preservation of the public safety in or at any naval or military operation or practice ;
- (r) The payment of reasonable compensation for any loss, injury, or damage suffered by reason of the exercise of any of the powers under Part VI. of this Act ;
- (s) The fixing of penalties for breaches of the regulations, but so that no period of imprisonment shall exceed three months and no pecuniary penalty shall exceed Twenty pounds ; and
- (t) The payment of compensation to wives and families of members of the Defence Forces as provided in Part III. Division 4 of this Act.

(2.) All regulations shall be notified in the *Gazette* and shall thereupon have the force of law.

(3.) All regulations shall be laid before both Houses of the Parliament within fourteen days after the making thereof if the Parliament be then sitting, and if not then within fourteen days after the next meeting of the Parliament.

(4.) If either House of the Parliament passes a resolution, at any time within fifteen sitting days after any regulation is laid before it, disallowing any such regulation, that regulation shall thereupon cease to have effect.

SCHEDULES.

FIRST SCHEDULE.

Date or Number of Act.	Title of Act.	Where Act passed.
31 Vict. No. 5 ..	The Volunteer Force Regulation Act of 1867	New South Wales
34 Vict. No. 19 ..	The Military and Naval Forces Regulation Act	New South Wales
No. 1,083 ..	<i>Defences and Discipline Act 1890</i> ..	Victoria
No. 1,248 ..	<i>Defences and Discipline Act 1891</i> ..	Victoria
48 Vict. No. 27 } 55 Vict. No. 17 } 60 Vict. No. 33 }	The Defence Acts 1884 to 1896 ..	Queensland
49 Vict. No. 16 ..	<i>The Defence Act 1885</i> ..	Tasmania
53 Vict. No. 36 ..	<i>The Defence Act 1889</i> ..	
61 Vict. No. 8 ..	<i>The Defence Amendment Act 1897</i> ..	
	<i>The Defence Act 1900</i> ..	
55 Vict. No. 7 ..	<i>Safety of Defences Act 1891</i> ..	Western Australia
57 Vict. No. 18 ..	<i>The Defence Act 1893</i> ..	
56 Vict. No. 4 ..	<i>The Safety of Defences Act 1892</i> ..	
58 Vict. No. 2 ..	<i>The Defence Forces Act 1894</i> ..	
59 Vict. No. 4 ..	The Uniforms Act ..	South Australia
No. 307 ..	<i>The Naval Discipline Act 1884</i> ..	
No. 643 ..	<i>The Defences Act 1895</i> ..	South Australia
57 Vict. No. 1 ..	<i>Federal Garrison Act 1893</i> ..	Federal Council of Australasia

Section 6.

SECOND SCHEDULE.

OATH.

Sections 32, 42.

I swear that I will well and truly serve Our Sovereign Lord the King as a member of the Reserve Forces of the Commonwealth of Australia, 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 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 Reserve Forces of the Commonwealth of Australia, 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 faithfully discharge my duty according to law.

THIRD SCHEDULE.

OATH.

Sections 37, 76.

I swear that I will well and truly serve Our Sovereign Lord the King in the Forces of the Commonwealth of Australia for the term of _____ years or until sooner lawfully discharged dismissed or removed 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 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 in the Forces of the Commonwealth of Australia for the term of _____ years or until sooner lawfully discharged dismissed or removed 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 faithfully discharge my duty according to law.