

NATIONAL SERVICE.

No. 2 of 1951.

An Act to provide for National Service in the Defence Force, and for other purposes.

[Assented to 17th March, 1951.]

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.—PRELIMINARY.

- Short title. 1. This Act may be cited as the *National Service Act 1951*.
- Commencement. 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Parts. 3. This Act is divided into Parts, as follows:—
- Part I.—Preliminary (Sections 1-9).
 - Part II.—Registration for the purpose of National Service (Sections 10-18).
 - Part III.—Medical Examination (Sections 19-24).
 - Part IV.—Obligation to render National Service (Sections 25-35).
 - Part V.—Protection in relation to Civil Employment (Sections 36-47).
 - Part VI.—Miscellaneous (Sections 48-61).

4. In this Act, unless the contrary intention appears—

Definitions.

- “Australia” includes the Territories to which this Act extends ;
 “authorized person” means a person included in a class of persons declared by the Minister to be authorized persons for the purposes of this Act ;
 “Medical Board” means a Medical Board constituted under this Act ;
 “medical examination” means an examination or test designed to determine the physical or mental fitness or capacity of a person for service under this Act ;
 “registered address”, in relation to a person registered under this Act, means the address shown on the certificate of registration issued to that person ;
 “Registrar” means a Registrar appointed under this Act ;
 “service tribunal” means a court-martial and includes an officer of the Defence Force exercising jurisdiction summarily in respect of offences committed by members of the Defence Force ;
 “Territory” means a Territory under the authority of the Commonwealth ;
 “the Department” means the Department of Labour and National Service ;
 “the Secretary” means the Secretary to the Department of Labour and National Service.

5.—(1.) This Act extends to and in relation to the Territories not forming part of the Commonwealth from such date as is specified by the Governor-General, in respect of each Territory, by notice published in the *Gazette*.

Application of Act to Territories.

(2.) Notwithstanding the extension of this Act to a Territory, nothing in this Act applies to the aboriginal native inhabitants of that Territory.

6.—(1.) The Minister or the Secretary may, in relation to any matter or class of matters or in relation to any particular part of Australia, by writing under his hand, delegate all or any of his powers and functions under this Act or the regulations (except this power of delegation), so that the delegated powers and functions may be exercised or performed by the delegate, with respect to the matter or class of matters, or the part of Australia, specified in the instrument of delegation.

Delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise or performance of any power or function by the Minister or the Secretary.

(3.) The powers and functions which may be exercised or performed by virtue of a delegation under this section may continue to be exercised or performed notwithstanding the fact that the Minister or Secretary, as the case may be, has ceased to hold office by death or otherwise, but the delegation may be revoked by the Minister or the Secretary, as the case may be, holding office for the time being.

National
Service
Registration
Offices.

7.—(1.) The Minister shall establish and maintain, for each State, a National Service Registration Office at the capital city of that State.

(2.) The Minister may, at such place as he thinks fit, establish and maintain a National Service Registration Office for a Territory to which this Act applies.

(3.) The situation of each National Service Registration Office established under this section shall be notified in the *Gazette*.

Provisions with
respect to the
Australian
Capital
Territory and
the Northern
Territory.

8.—(1.) Unless and until a National Service Registration Office is established in the Australian Capital Territory, the National Service Registration Office at Sydney in the State of New South Wales shall be the National Service Registration Office for the Australian Capital Territory.

(2.) Unless and until a National Service Registration Office is established in the Northern Territory, the National Service Registration Office at Adelaide in the State of South Australia shall be the National Service Registration Office for the Northern Territory.

Registrars.

9.—(1.) The Minister shall, in respect of each State or Territory for which there is a National Service Registration Office, appoint an officer of the Department to be a Registrar for that State or Territory.

(2.) A person so appointed shall have charge of the National Service Registration Office for the State or Territory in respect of which he is appointed.

PART II.—REGISTRATION FOR THE PURPOSE OF NATIONAL SERVICE.

Registration.

10.—(1.) The Minister may, from time to time, by notice published in the *Gazette*, require all male persons who—

(a) upon the date specified in the notice—

(i) are British subjects and are ordinarily resident in Australia ; or

(ii) not being British subjects but being persons ordinarily resident in Australia, are included in a prescribed class of persons ; and

(b) have attained the age of seventeen years and have attained, or will attain, the age of eighteen years during such period as is specified in the notice,

to register under this Act.

(2.) A person who has arrived in Australia (whether before or after the commencement of this Act) and intends to make his home in Australia shall, for the purposes of this Act, be deemed to be ordinarily resident in Australia as from the time of his arrival.

(3.) Without limiting the application of the last preceding subsection, a person who, at any time, has been in Australia continuously for not less than twelve months shall, unless he establishes the contrary, be deemed, for the purposes of this Act, to have been, at that time, ordinarily resident in Australia.

11.—(1.) Subject to this Act, a person to whom a notice under the last preceding section applies shall, within fourteen days after a date specified in the notice as the date for registration, register under this Act. Time for registration.

(2.) A person to whom a notice under the last preceding section applies who is absent from Australia during the period within which, under the last preceding sub-section, he is required to register, shall register within fourteen days after his return to Australia.

(3.) Where a person required to register under this Act is insane or so mentally or physically incapacitated as to be unable to comply with the requirements of this Act, a person deemed as prescribed to be in charge of the first-mentioned person shall comply, on his behalf, with those requirements.

12. A person required to register under this Act who has failed so to register within the period specified in the last preceding section shall continue to be liable to register until he attains the age of twenty-six years or, being a person included in a class of persons prescribed for the purposes of paragraph (d) of sub-section (1.) of section twenty-five of this Act, the age of thirty years. Continuance of liability to register.

13. A person who is required to register under this Act shall— Method of registration.

(a) obtain, or cause to be obtained, the prescribed form of registration ;

(b) fill in and supply in the form, in accordance with the instructions contained in or accompanying the form, all the particulars specified in the form ;

(c) sign the form ; and

(d) deliver the form at, or post the form addressed, to the Registrar at a National Service Registration Office,

and thereupon that person shall be deemed to be registered under this Act.

14. The prescribed form of registration shall be in such form as will enable a person to indicate (if he so desires) a preference for service with the Naval Forces, the Military Forces or the Air Force and, if a preference is so indicated, the Registrar shall record it. Preference for naval, military or air force service.

15. A Registrar shall cause to be issued to a person who is required to register under this Act and from whom he has received the prescribed form of registration, completed as required by section thirteen of this Act, a certificate, in the prescribed form, of registration under this Act. Certificate of registration.

16.—(1.) A male person who— Early registration.

(a) has attained the age of seventeen years ;

(b) is not required to register under this Act ;

(c) but for his age, could be required to register under this Act ;
and

(d) desires so to register,

may apply, in the prescribed manner, to be registered under this Act.

(2.) If a Registrar is satisfied that the application should be granted, he shall issue to the applicant a certificate, in the prescribed form, of registration under this Act.

Changes of
address to be
notified.

17.—(1.) A person who has registered under this Act, not being a person—

- (a) who has commenced to render the service specified in section thirty-three of this Act ; or
 - (b) who has attained the age of twenty-six years or, being a person included in a class of persons prescribed for the purposes of paragraph (d) of sub-section (1.) of section twenty-five of this Act, the age of thirty years,
- shall, within thirty days after changing his place of living, notify a Registrar of that change in accordance with the regulations.

Penalty : Fifty pounds.

(2.) Upon compliance by a person with the requirements of the last preceding sub-section, the Registrar shall issue to that person a new certificate of registration.

Exemption
from
registration.

18. Nothing in this Part requires a person included in the following classes of persons to register under this Act :—

- (a) persons whose presence in Australia is occasioned solely by their employment in the service of a Government outside Australia ;
- (b) officials of the United Nations in the categories specified by the Secretary-General of the United Nations under section seventeen of the General Convention on the Privileges and Immunities of the United Nations which was adopted by the General Assembly of the United Nations on the thirteenth day of February, One thousand nine hundred and forty-six ;
- (c) officials of specialized agencies as defined by section one of the International Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations which was adopted by the General Assembly of the United Nations on the twenty-first day of November, One thousand nine hundred and forty-seven, in the categories specified by the several specialized agencies under section eighteen of that Convention, except such of those officials as are Australian citizens, unless their names have been placed on the list compiled and approved under section twenty of the Convention ;
- (d) such officials, or officials of such classes, of any other international organization as are prescribed ;
- (e) aboriginal natives of Australia, as defined by the regulations ;
and
- (f) members of the Permanent Naval Forces, the Permanent Military Forces or the Permanent Air Force.

PART III.—MEDICAL EXAMINATION.

19. The Secretary may serve on a person who is registered under this Act a notice in writing requiring that person to submit himself to medical examination before a Medical Board at such time and place as are specified in the notice.

Notice for
medical
examination.

20. A Medical Board shall consist of not less than two registered medical practitioners selected as the Minister directs.

Medical
Boards.

21. A Medical Board shall, in accordance with instructions approved by the Minister, and in accordance with such standards as are prescribed, examine each person required under this Part to submit himself to medical examination before a Medical Board.

Medical
examination.

22. Where a Medical Board or the Secretary considers that a person should submit himself to further medical examination, the Secretary may serve on that person a notice in writing requiring him to submit himself to further medical examination in accordance with such instructions as are contained in the notice.

Further
medical
examination.

23. A Medical Board which, or a person who, makes a medical examination under this Part shall furnish a report of the examination to the Secretary or to a person authorized by the Secretary to receive the report.

Reports of
medical
examinations.

24. Members of Medical Boards, and other persons conducting medical examinations under this Part, shall be paid such fees and allowances as are prescribed.

Remuneration
and
allowances.

PART IV.—OBLIGATION TO RENDER NATIONAL SERVICE.

25.—(1.) A person who—

- (a) is registered, or is required to register, under this Act;
- (b) has attained the age of eighteen years, or, in the case of a person registered under section sixteen of this Act, seventeen years and six months;
- (c) is not exempt from liability to render service under this Act; and
- (d) has not attained the age of twenty-six years or, in the case of a person included in a prescribed class of persons, thirty years,

Liability for
service.

is liable to render service as required by or under this Act.

(2.) A person who has commenced to render service under this Act but has not completed that service is liable to complete the rendering of that service.

26.—(1.) Subject to this section, the Secretary may serve on a person liable to render service under this Act a notice calling up that person for service with the Citizen Naval Forces, the Citizen Military Forces or the Citizen Air Force.

Call up for
service.

(2.) A person shall not be called up for service with the Citizen Naval Forces or with the Citizen Air Force unless he has volunteered for service beyond the limits of Australia.

(3.) Where the Minister of State for the Navy or the Minister of State for Air, by notice published in the *Gazette*, declares that persons may be called up for service within the limits of Australia with the Citizen Naval Forces or the Citizen Air Force, respectively, a person may, whether or not he has volunteered for service beyond the limits of Australia, be called up for that service.

(4.) A notice served on a person under this section shall specify the time and place at which, and the authority to which, that person is to present himself for service.

(5.) In determining in which part of the Citizen Forces a person is to serve, account shall be taken of any preference indicated by that person in the prescribed form of registration and, as far as practicable, effect shall be given to that preference.

Enlistment. 27. A person on whom a notice has been served under the last preceding section shall, as from the time at which he presents himself for service, be deemed to have been enlisted for service in the part of the Citizen Forces specified in the notice.

Service outside Australia. 28. A person is not liable to render service under this Act beyond the limits of Australia unless he has volunteered as prescribed for service beyond those limits.

Exemptions. 29.—(1.) The following persons are exempt from liability to render service under this Act, so long as the employment, condition or status on which the exemption is based continues :—

- (a) persons subject to a prescribed physical or mental disability ;
- (b) persons whose conscientious beliefs do not allow them to engage in any form of naval, military or air force service ;
- (c) persons who are students at a theological college as defined by the regulations or are theological students as prescribed ;
- (d) ministers of religion ; and
- (e) members of a religious order who devote the whole of their time to the duties of the order and persons who are students at a college maintained solely for training persons to become members of a religious order.

(2.) Where a question arises as to whether a person is exempt from liability to render service under this Act, the burden of proving the exemption rests on the person claiming the exemption and the question shall be decided in accordance with the prescribed procedure by a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate.

(3.) Where a court finds that a person holds conscientious beliefs which do not allow him to undertake duties of a combatant nature but allow him to undertake naval, military or air force duties of a

non-combatant nature, that person is liable only for such duties of a non-combatant nature.

(4.) In this section, "conscientious beliefs" includes all conscientious beliefs, whether the ground of the belief is or is not of a religious character and whether the belief is or is not part of the doctrines of a religion.

30. A person who is, by virtue of the last preceding section, exempt from liability to register or to render service under this Act may volunteer, in the prescribed manner, for that service and, if accepted, is liable to render the service which he would have been liable to render if he had not been so exempt. Voluntary service by exempt person.

31.—(1.) Where it appears to the Minister to be necessary or desirable to do so in the public interest, he may defer the liability to render service under this Act of the persons included in such classes of persons as he determines. Deferment of service.

(2.) A deferment of liability granted under the last preceding sub-section shall be for such period and subject to such conditions as the Minister determines.

(3.) The Minister may cancel or vary any deferment granted under sub-section (1.) of this section.

(4.) Without prejudice to the operation of sub-section (1.) of this section, a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate may, from time to time, upon application being made as prescribed, defer the liability of the applicant to render service under this Act if the court is satisfied that the applicant is a person upon whom, or upon whose parents or dependants, the rendering of service would impose exceptional hardship.

(5.) Any deferment granted under the last preceding sub-section shall be for such period, not exceeding twelve months, and shall be subject to such conditions, as the court determines.

(6.) The procedure with respect to the hearing of applications under sub-section (4.) of this section shall be as prescribed.

(7.) The deferment of the liability of a person to render service under this Act does not affect the liability of that person to comply with the other requirements of this Act.

32. Where the Minister is satisfied that a state of emergency exists which justifies his doing so, he may, by notice published in the *Gazette*, cancel all or any of the deferments granted under the last preceding section. Cancellation of deferment.

33.—(1.) A person who is called up in accordance with this Act for service with the Citizen Naval Forces shall render service in those Forces for one hundred and seventy-six days as prescribed by regulations under the *Naval Defence Act 1910-1949*. Period of service.

(2.) A person who is called up in accordance with this Act for service with the Citizen Military Forces shall render service in those Forces for one hundred and seventy-six days as prescribed by regulations under the *Defence Act 1903-1950*.

(3.) A person who is called up in accordance with this Act for service with the Citizen Air Force shall render service in that Force for one hundred and seventy-six days as prescribed by regulations under the *Air Force Act 1923-1950*.

(4.) Service by a person of the one hundred and seventy-six days referred to in the last three preceding sub-sections shall be rendered during the period of five years commencing on the day on which that person is deemed, under section twenty-seven of this Act, to have been enlisted.

(5.) If, at the conclusion of the one hundred and seventy-six days' service, the period of five years has not elapsed, that person shall, for the remainder of that period of five years, remain a member of the part of the Citizen Forces in which he rendered service unless he is sooner discharged, dismissed or removed, but is not liable to render further service under this Act.

Calculation of
term of service.

34.—(1.) For the purposes of ascertaining the end of any term during which, under the last preceding section, a person is required to render service, account shall not be taken of—

- (a) any day prior to the day on which a person presented himself for service ; or
- (b) any continuous period of absence from service—
 - (i) on leave exceeding seven days ;
 - (ii) without leave or as a deserter ; or
 - (iii) by reason of proceedings against him for an offence against any law or by reason of a sentence of a court or service tribunal.

(2.) If a question arises as to what constitutes a day's service for the purposes of the last preceding section, it shall be determined under the regulations applicable to the part of the Citizen Forces concerned.

Enlistment in
the Permanent
Forces.

35. A person who is liable to be called up to render service under this Act may, whether or not he has been so called up, enlist in the Permanent Forces and thereafter is liable to render service under this Act only to the extent of the period (if any) by which his service with those Forces is less than the period of service which he would otherwise have been required to render under this Act.

PART - V.—PROTECTION IN RELATION TO CIVIL EMPLOYMENT.

Definition of
employer.

36. In this Part, " employer " includes—

- (a) the Crown (whether in right of the Commonwealth or of a State) and an authority constituted by or under the law of the Commonwealth or of a State or Territory of the Commonwealth ; and

(b) a person for the time being—

- (i) carrying on an undertaking or service in which a person was employed immediately prior to his being required to render any service under this Act; or
- (ii) carrying on an undertaking or service with which the undertaking or service specified in the last preceding paragraph has been amalgamated or in which, immediately before the person being so required, the last-mentioned undertaking or service was comprised.

37. An employer shall not prevent an employee from registering, or from rendering service, under this Act, or from complying with any requirement of this Act.

Employer not to prevent employee from serving.

Penalty : One hundred pounds.

38.—(1.) An employer shall not penalize or prejudice in his employment an employee for the reason that the employee is, or may become, liable to render service under, or to comply with any requirement of, this Act, whether by reducing his salary or wages, dismissing him from his employment or in any other way.

Employer not to penalize employee by reason of service.

(2.) In any proceedings for an offence against this section, the burden shall be upon the employer to prove that an employee proved to have been penalized or prejudiced in his employment was so penalized or prejudiced for some reason other than the reason alleged in the charge.

Penalty : One hundred pounds.

39. Where an employer is required to allow annual or periodical holidays or leave to an employee, the employer shall not, except at the request of the employee, allow the holidays or leave at times comprised within any period of service under this Act, but nothing in this section deprives an employee of any leave or holidays to which he would otherwise have been entitled.

Leave to employees called up for service.

Penalty : Fifty pounds.

40.—(1.) Where a person has completed a period of continuous service under this Act, he may, as soon as is reasonably practicable after the termination of that period, apply or present himself for reinstatement in employment by the employer by whom, or by the predecessor of whom in the relation of employer, he was employed immediately prior to the commencement of that period.

Reinstatement in employment of persons who have rendered service under this Act.

(2.) The employer shall, upon the person so applying or presenting himself or as soon thereafter as is reasonably practicable, make available to that person employment in the occupation in which he was employed immediately before the commencement of his period of service under this Act and under conditions not less favorable to him than those which would have been applicable to him in that occupation if he had remained in the employment of the employer,

including any increase of remuneration to which he would have become entitled if he had remained in that employment.

Penalty : One hundred pounds.

(3.) A person shall not, for the purposes of this section, be deemed to have been employed by an employer, or by the predecessor of an employer, immediately before the commencement of a period of service under this Act unless he was so employed for not less than thirty days.

(4.) In any proceedings for an offence against this section, it shall be a defence for the employer to prove—

- (a) that, having been offered reinstatement, the person formerly employed by him failed, without reasonable excuse, to present himself for employment at the time and place notified to him by the employer ; or
- (b) that by reason of a change of circumstances (other than the employment of some other person to replace the person formerly employed)—
 - (i) it was not reasonably practicable to reinstate him ; or
 - (ii) his reinstatement in an occupation and under conditions not less favorable to him than those which would have been applicable to him if he had remained in the employment of the employer was impracticable, and that the employer has offered to reinstate him in the most favorable occupation and under the most favorable conditions reasonably practicable.

Payment for certain absences from employment.

41. Where a person who is registered under this Act is necessarily absent from his employment for the purposes of complying with a notice requiring him to present himself for medical or other examination or to attend at a place as required by a notice under section fifty-two of this Act, the period of his absence shall be deemed, for the purposes of his contract of employment, to be a period of absence permitted by the employer without deduction or loss of pay.

Rights of reinstated employees.

42.—(1.) For the purpose of determining the rights of a person who has been reinstated in employment in accordance with section forty of this Act in respect of—

- (a) annual leave for recreation ;
- (b) leave on the ground of illness ;
- (c) long service leave or pay in lieu thereof (including pay to dependants on the death of the person) ; and
- (d) superannuation or pension (whether for himself or his dependants),

the following provisions of this section apply.

(2.) The continuity of the employment of the person by the employer shall be deemed not to have been broken by his absence from employment during a period between the date upon which he left the employment to commence a period of service under this Act and the date upon which he was reinstated in employment.

(3.) Subject to this section, that period shall be deemed to be service in the employment.

(4.) Where the rights of the person in respect of any leave specified in paragraph (a), (b) or (c) of sub-section (1.) of this section are dependent upon a number of shifts worked or attendances for work, or both, shifts lost or non-attendances for work by reason of that person's absence during that period shall be deemed to be shifts worked or attendances for work, as the case may be.

(5.) Where a person is required to make periodic contributions in respect of superannuation or pension (whether for himself or his dependants), this section does not apply to him in relation thereto unless, during his absence from employment, or within one month after his reinstatement, he makes the contributions which he would have been bound to make if he had not been so absent from employment.

(6.) A period of absence from service as specified in paragraph (b) of sub-section (1.) of section thirty-four of this Act shall not, except for the purposes of superannuation or pension (whether for the employee or his dependants), be deemed to be service in the employment.

(7.) Sub-sections (3.) and (4.) of this section do not apply in respect of a person who, after reinstatement in employment but before the expiration of a period equal to the period during which he was absent rendering service under this Act, resigns from or abandons the employment or is dismissed in circumstances justifying his dismissal without notice.

43.—(1.) Where an employer has reinstated an employee in accordance with section forty of this Act, he shall not, during a period equal to the period during which the employee was absent rendering service under this Act, without reasonable cause, terminate the employment of that employee or vary it by employing the employee in an occupation, or under conditions, less favorable to the employee than the employment in which the employee was so reinstated.

Termination of
employment
after
reinstatement.

Penalty: One hundred pounds.

(2.) In proceedings for an offence against this section, the burden shall be upon the employer to prove that he had reasonable cause for terminating or varying the employment.

44. Where an employer is convicted of an offence against section thirty-eight, thirty-nine, forty or forty-three of this Act—

Penalty may
be paid to
employee.

(a) the court may order that the whole or a part of the fine imposed shall be paid to the employee or former employee concerned; and

- (b) whether or not an order has been made under the last preceding paragraph, the court may order that the employer shall pay to the employee or former employee such compensation as the court thinks reasonable.

Special civil
remedy against
the Crown.

45.—(1.) Where a person considers that his employer or former employer, being the Crown (whether in right of the Commonwealth or of a State) or an authority constituted by or under the law of the Commonwealth or of a State or Territory of the Commonwealth, has failed to comply with a provision of this Part requiring the employer or former employer to reinstate that person in his employment under the conditions prescribed by this Part or prohibiting the termination or variation of that person's employment, that person may apply to a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate for compensation.

(2.) The court shall hear the application and, if it finds that there has been a failure to comply with any provision referred to in the last preceding sub-section, the court may order that the employer or former employer shall pay the employee or former employee, as the case may be, such compensation as the court thinks reasonable.

(3.) Proceedings may be taken upon an order under this section as if the order were a judgment or order of the court in favour of the employee or former employee.

Contracts of
apprenticeship

46.—(1.) Where a person is employed under a contract of apprenticeship, the contract shall not, except with the consent of the Minister, be terminated by reason of the absence of that person for the purpose of rendering service under this Act, but shall be suspended during that absence and shall be resumed upon the termination of that absence.

(2.) The contract shall be deemed to be terminated if, in the opinion of the Minister, the apprentice did not resume his employment under the contract as soon as was reasonable and practicable after the termination of his period of service under this Act.

(3.) Unless the Minister otherwise directs, a period during which a contract of apprenticeship is suspended under this section shall not, except for the purposes of section forty-two of this Act, be deemed to be a period of employment under the contract.

Sections which
do not apply to
apprentices.

47. Sections forty and forty-three of this Act do not apply to an employee who is employed under a contract of apprenticeship.

PART VI.—MISCELLANEOUS.

Failure to
register.

48. A person who is required to register under this Act shall not—

- (a) fail so to register; or
(b) while the liability continues, remain unregistered under this Act.

Penalty: Fifty pounds.

49. A person who is required under this Act to submit himself to medical examination (including a further medical examination) shall not fail so to submit himself.

Failure to attend for medical examination.

Penalty : Fifty pounds.

50. A person shall not resist, obstruct or deceive a Medical Board or a person who is exercising a power or performing a function under this Act.

Resistance or obstruction.

Penalty : Fifty pounds.

51.—(1.) A person on whom a notice under section twenty-six of this Act has been served shall not fail to comply with the requirements of the notice or to render the service which he is liable to render under this Act.

Failure to render service.

Penalty : Fifty pounds or confinement in a prescribed place or in custody of a prescribed authority for a period equivalent to that of the service which should have been rendered, or both.

(2.) A person committed to the custody of a prescribed authority in pursuance of this section may be delivered by that authority to military custody for conveyance to and detention at a prescribed institution or place, and while so detained shall be subject to the laws governing that institution or place and to training and discipline as prescribed.

(3.) Where a person detained in a prescribed institution or place in pursuance of this section escapes therefrom, he may be arrested without warrant by a prescribed person or persons, and taken back to the institution or place, and may, on the application of a prescribed person, be ordered by a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate to be detained for such additional period not exceeding twenty days as the court thinks fit to order.

52.—(1.) The Secretary may, by notice in writing served on a person, require that person to answer such questions and furnish such information relating to the liability of that person or of another person to register or render service under this Act as the Secretary puts to him or requires of him.

Persons may be required to answer questions.

(2.) A notice under this section may require the person to whom it is addressed to attend at a place specified in the notice for the purpose of answering questions or furnishing information.

(3.) A person, when required under this section to do so, shall not refuse or fail—

- (a) to attend at the place specified in the notice ;
- (b) to answer truthfully any question put to him ; or
- (c) to furnish information in his possession required of him.

Penalty : Fifty pounds.

(4.) If a person objects to answering a question put to him under sub-section (1.) of this section and the person asking the question informs the first-mentioned person of his obligation under this section

to answer the question, any answer given by the first-mentioned person shall not be admissible in evidence in any proceedings against him other than proceedings for an offence against this section.

Authorized persons may question persons liable to register, or render service.

53.—(1.) An authorized person may question a person whom he reasonably suspects to be a person liable to register or render service under this Act as to the liability of that person so to register or render service.

(2.) A person shall not fail or refuse to answer truthfully any question put to him under the last preceding sub-section.

(3.) If a person objects to answering a question put to him under sub-section (1.) of this section and the authorized person informs the first-mentioned person of his obligation under this section to answer the question, any answer given by the first-mentioned person shall not be admissible in evidence in any proceedings against him other than proceedings for an offence against this section.

(4.) A person to whom a certificate of registration has been issued under this Act shall, when so required by an authorized person, produce the certificate to the authorized person.

Penalty : Fifty pounds.

Parent or guardian preventing a person from serving.

54. A parent or guardian of a person required to register or render service under this Act shall not prevent that person from so doing or from complying with any other requirement of this Act.

Penalty : Fifty pounds.

Employers not to employ persons who fall to register or who are liable for service.

55.—(1.) A person shall not employ, or retain in his employment for more than seven days, a person who is required to register under this Act and has not registered, or a person who has been called up for service in accordance with this Act and has failed to render that service.

Penalty : One hundred pounds.

(2.) It shall be a defence if a person charged with an offence against this section proves that he believed, on reasonable grounds, that the person employed, or retained in employment, was not required to register or had registered, or that he was not liable to render service, as the case may be.

Persons liable for service to obtain permission before leaving Australia.

56. A person who is liable to render service under this Act shall not leave Australia before commencing the service which he is required to render in accordance with this Act unless he has obtained the permission in writing of the Secretary.

Penalty : Fifty pounds.

Evidence.

57.—(1.) A certificate of registration purporting to be issued under this Act shall be *prima facie* evidence of the registration of the person to whom the certificate relates.

(2.) A certificate purporting to be signed by or on behalf of the Secretary that a prescribed form of registration, or notification of change of address, has not been received from a person shall be *prima facie* evidence of the facts stated in the certificate.

58. All forms of registration and other documents provided for by this Act may be transmitted through the post free of charge but subject to compliance in other respects with the *Post and Telegraph Act 1901-1950* and the regulations in force under that Act. Free postage of forms, &c.

59. A person on whom a notice is served under section nineteen, twenty-two, twenty-six or fifty-two of this Act and who is travelling from his place of residence or place of work to the place specified in the notice or is returning from the last-mentioned place to either of the first-mentioned places shall, while so travelling, be deemed to be an employee within the meaning of the *Commonwealth Employees' Compensation Act 1930-1950*. Travelling in pursuance of notice.

60.—(1.) A document provided for by this Act and required by this Act to be served on a person may be sent by post to, or be delivered to that person at, his registered address or may be left at his registered address. Service of documents.

(2.) A document sent by post to a person at his registered address shall, on proof of posting, be deemed, in the absence of proof to the contrary, to have been received by the person to whom it was addressed on the day when in the ordinary course of post it should have been received at his registered address.

61. 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 carrying out or giving effect to this Act, and in particular for prescribing— Regulations.

- (a) penalties not exceeding a fine of Twenty-five pounds or imprisonment for a period not exceeding three months for any offence against the regulations; and
- (b) the allowance to be paid to persons required by or under this Act to attend at any place.