

NATIONAL SERVICE.

No. 16 of 1957.

An Act to amend the *National Service Act* 1951-1953,
and for purposes connected therewith.

[Assented to 25th May, 1957.]

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

Short title
and citation.

1.—(1.) This Act may be cited as the *National Service Act* 1957.

(2.) The *National Service Act* 1951-1953* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *National Service Act* 1951-1957.

Commence-
ment.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty-two, twenty-eight and twenty-nine of this Act shall come into operation on the twelfth day of June, One thousand nine hundred and fifty-seven.

* Act No. 2, 1951, as amended by No. 63, 1951; and No. 30, 1953.

3. Section ten of the Principal Act is amended by inserting in sub-section (1.), after the word "persons" (first occurring), the words " , not being persons registered under this Act,".

Registration.

4. Section eleven of the Principal Act is amended by omitting from sub-section (2B.) the words "one hundred and seventy-six" and inserting in their stead the words "one hundred and forty".

Time for registration.

5. Section thirteen of the Principal Act is amended—

Method of registration.

- (a) by omitting from paragraph (d) the words "at, or post the form addressed, to" and inserting in their stead the words "to, or post the form addressed to," ; and
- (b) by omitting the word "thereupon" and inserting in its stead the words " , upon receipt of the form by the Registrar,".

6. Section fourteen of the Principal Act is repealed.

Preference for naval, military or air force service.

7. Section seventeen of the Principal Act is amended by adding at the end thereof the following sub-sections :—

Changes of address to be notified.

"(3.) Sub-section (1.) of this section does not apply to a person included in a prescribed class of persons.

"(4.) A person who is deemed to have been enlisted for service under this Act, not being a person who has been discharged, dismissed or removed from the Citizen Forces, shall, after changing his place of living—

- (a) if he is deemed to have been enlisted for service in the Citizen Naval Forces—give notice of that change in accordance with, and within the time prescribed by, regulations under the *Naval Defence Act 1910-1952* ;
- (b) if he is deemed to have been enlisted for service in the Citizen Military Forces—give notice of that change in accordance with, and within the time prescribed by, regulations under the *Defence Act 1903-1956* ; and
- (c) if he is deemed to have been enlisted for service in the Citizen Air Force—give notice of that change in accordance with, and within the time prescribed by, regulations under the *Air Force Act 1923-1956*.

Penalty: Fifty pounds.

"(5.) A prosecution for an offence against any of the provisions of this section may be commenced at any time."

8. Section twenty-two of the Principal Act is amended—

Radiographic or further medical examination.

- (a) by inserting after the words "submit himself to" (first occurring) the words "radiographic examination or to" ; and

(b) by omitting the words “further medical examination” (second occurring) and inserting in their stead the words “radiographic examination or to further medical examination, as the case may be.”.

Reports of
medical or
radiographic
examinations.

9. Section twenty-three of the Principal Act is amended by inserting after the words “medical examination” the words “or a radiographic examination”.

Remuneration
and allowances

10. Section twenty-four of the Principal Act is repealed and the following section inserted in its stead:—

“24. Members of Medical Boards, and other persons conducting medical examinations or radiographic examinations under this Part, shall be paid such fees and allowances as the Minister determines.”.

Call up for
service.

11. Section twenty-six of the Principal Act is repealed and the following section inserted in its stead:—

“26.—(1.) 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 Military Forces.

“(2.) A notice served on a person under the last preceding sub-section shall specify the time and place at which, and the authority to which, that person is to present himself for service.”.

Enlistment.

12. Section twenty-seven of the Principal Act is amended by omitting the words “the part of the Citizen Forces specified in the notice” and inserting in their stead the words “the Citizen Military Forces”.

Exemptions
on grounds of
conscientious
beliefs.

13. Section twenty-nine A of the Principal Act is amended by omitting the words “naval, military or air force” (wherever occurring) and inserting in their stead the word “military”.

Deferment of
service.

14. Section thirty-one of the Principal Act is amended by inserting after sub-section (6.) the following sub-sections:—

“(6A.) A decision, whether given before or after the commencement of this sub-section, of a court of summary jurisdiction upon an application under sub-section (4.) of this section is final and conclusive.

“(6B.) A person whose liability to render service under this Act has been deferred under this section may volunteer, in the prescribed manner, to render that service and, if the person is accepted for service under this Act, the deferment granted in respect of the person shall be deemed to have been cancelled.”.

Period of
service.

15. Section thirty-three of the Principal Act is repealed and the following section inserted in its stead:—

“33.—(1.) Subject to sub-section (3.) of this section, a person who is called up in accordance with this Act for service with the Citizen Military Forces shall, during the period of five years commencing on the day on which that person is deemed to have

been enlisted for service under section twenty-seven of this Act, render service in those Forces for one hundred and forty days as prescribed by regulations under the *Defence Act 1903-1950* or under that Act as amended.

“(2.) If, at the conclusion of the one hundred and forty 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 Citizen Military Forces unless he is sooner discharged, dismissed or removed but is not liable to render further service under this Act.

“(3.) Where the Military Board determines that a unit, or portion of a unit, of the Citizen Military Forces cannot continue to be efficiently maintained, a person who, but for this sub-section, would be liable to render service under this Act with that unit or portion of a unit, is not liable to render further service under this Act after the date on which notice of that determination is served on him, but, if the period of five years referred to in sub-section (1.) of this section has not elapsed, that person shall, for the remainder of that period of five years, remain a member of the Citizen Military Forces unless he is sooner discharged, dismissed or removed.”.

16. Section thirty-four of the Principal Act is amended—

Calculation
of service.

- (a) by omitting from sub-section (1.) the words “one hundred and seventy-six” and inserting in their stead the words “one hundred and forty”; and
- (b) by omitting from sub-section (2.) the words “the part of the Citizen Forces concerned” and inserting in their stead the words “the Citizen Military Forces”.

17. Section thirty-five A of the Principal Act is amended by omitting the words “one hundred and seventy-six” and inserting in their stead the words “one hundred and forty”.

Extent of
liability
for service
of persons
who serve
in the
Permanent
Forces.

18. Section thirty-five B of the Principal Act is repealed and the following section inserted in its stead :—

“35B.—(1.) A person who is deemed to have been enlisted for service under this Act and—

Discharge of
certain persons.

- (a) in accordance with conditions determined by the Military Board, is found to be medically unfit for further service in the Citizen Military Forces; or
- (b) in the opinion of the Military Board, is unsuitable for further service,

may, notwithstanding the provisions of sections thirty-three and fifty-one of this Act, be discharged from the Citizen Military Forces.

“ (2.) A person so discharged is not liable to render further service under this Act.

“ (3.) Where the Military Board is satisfied that a person who, by virtue of sub-section (2.) or (3.) of section thirty-three of this Act, is a member of the Citizen Military Forces but is not liable to render further service under this Act—

(a) will, if he is discharged under this sub-section, be enlisted in the Citizen Naval Forces, the Citizen Air Force, the Permanent Forces, the Naval, Military or Air Forces of any part of the Queen’s dominions other than Australia, or the Naval, Military or Air Forces of a prescribed country; and

(b) will, upon being so enlisted, be liable to serve in the forces in which he enlists during a period that is not less than the period during which he is liable, under whichever of those sub-sections is applicable, to remain a member of the Citizen Military Forces,

that person may, notwithstanding the provisions of section thirty-three of this Act, be discharged from the Citizen Military Forces as from the date on which he is so enlisted.”.

Contracts of
apprenticeship.

19.—(1.) Section forty-six of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-sections:—

“ (3.) Unless the Minister otherwise directs, a period during which a contract of apprenticeship is suspended under sub-section (1.) of this section shall be deemed to be a period of employment under the contract.

“ (4.) Where a direction in relation to a contract of apprenticeship is given by the Minister under the last preceding sub-section, a period during which that contract is suspended under sub-section (1.) of 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.”.

(2.) Where a person was serving under a contract of apprenticeship at the date of commencement of this section, section forty-six of the Principal Act as amended by this Act applies to and in relation to that contract of apprenticeship and to and in relation to every period during which that contract of apprenticeship was before that date, or is on or after that date, suspended under sub-section (1.) of section forty-six of the Principal Act, or of that Act as amended.

20.—(1.) Section forty-eight of the Principal Act is amended— Failure to register.

(a) by omitting the words—

“Penalty : Fifty pounds.”

and inserting in their stead the words—

“Penalty : Not less than Ten pounds or more than Fifty pounds.” ; and

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

“(2.) It is a defence to a prosecution for an offence against a provision of the last preceding sub-section if the person charged proves that—

(a) he duly complied with the provisions of paragraphs (a) to (d) (inclusive) of section thirteen of this Act ;

(b) he did not receive a certificate of registration within twenty-eight days after the date on which he delivered the prescribed form of registration to, or posted that form addressed to, the Registrar at a National Service Registration Office; and

(c) within thirty-five days after that date he notified, by writing under his hand posted by registered post to the Registrar at that National Service Registration Office, that Registrar that he had not received a certificate of registration although he had duly delivered or posted, as the case may be, the prescribed form of registration.”.

(2.) Notwithstanding the amendments made by the last preceding sub-section, section forty-eight of the Principal Act continues to apply in relation to a person who had, before the date of commencement of this section, been required to register under the Principal Act and had—

(a) failed to register ; or

(b) while the liability continued before that date, remained unregistered under the Principal Act.

21. Section forty-nine of the Principal Act is amended by omitting the words “(including a further medical examination)” and inserting in their stead the words “, to further medical examination or to radiographic examination, as the case may be,”. Failure to attend for medical or radiographic examination.

22.—(1.) Section fifty-one of the Principal Act is repealed and the following section inserted in its stead :—

“51.—(1.) A person on whom a notice under section twenty-six of this Act has been served— Failure to render service.

(a) who fails to comply with the requirements of the notice ;
or

(b) who fails to render the service which he is liable to render under this Act, is guilty of an offence and, upon conviction, shall, subject to the next succeeding sub-section, be committed, for the purpose of rendering service in accordance with this section, to the custody of a prescribed authority specified by the court and, in addition, is liable to a fine not exceeding Fifty pounds.

“(2.) Where a person is convicted, under the last preceding sub-section, of having failed to comply with the requirements of a notice under section twenty-six of this Act, the court may, instead of committing the convicted person to the custody of a prescribed authority, order—

(a) that the convicted person be released upon his entering into a recognizance, with or without a surety, to the satisfaction of the court, that he will comply with the requirements of any notice which is subsequently served on him under section twenty-six of this Act; and

(b) that, if the convicted person or a surety fails to enter into the recognizance to the satisfaction of the court, the convicted person be committed to the custody of a prescribed authority.

“(3.) A person who, having been released upon his entering into a recognizance under this section, fails to comply with the conditions specified in the recognizance is guilty of an offence and, upon conviction, shall be committed, for the purpose of rendering service in accordance with this section, to the custody of a prescribed authority specified by the court and, in addition, is liable to a fine not exceeding Fifty pounds.

“(4.) Where a person is committed to the custody of a prescribed authority, a member of the Permanent Forces authorized so to do by the prescribed authority shall, as soon as practicable after the making of the order, take that person into his custody and convey and deliver that person to the custody of the prescribed authority.

“(5.) The court shall, where it is necessary so to do, order that the person be detained in such custody as the court thinks fit until he is taken into custody under the last preceding sub-section.

“(6.) A person who fails to comply with the requirements of a notice under section twenty-six of this Act and is committed to the custody of a prescribed authority shall, as from the time when he is taken into custody by a member of the Permanent Forces under sub-section (4.) of this section, be deemed to have been enlisted for service in the Citizen Military Forces.

“(7.) Subject to sub-section (3.) of section thirty-three of this Act, a person who is deemed by this section to have been enlisted in the Citizen Military Forces shall render service in those Forces for one hundred and forty days as prescribed by regulations under the *Defence Act* 1903–1950 or under that Act as amended.

“(8.) Subject to sub-section (3.) of section thirty-three of this Act, a member of the Citizen Military Forces who is, upon conviction for an offence against sub-section (1.) of this section, committed to the custody of a prescribed authority shall render service, as prescribed by regulations under the *Defence Act* 1903–1950 or under that Act as amended, in the Citizen Military Forces for the number of days by which the number of days on which he has rendered service under this Act is less than one hundred and forty.

“(9.) Except as prescribed by the regulations referred to in the last two preceding sub-sections, the service required to be rendered by a person who has been committed to the custody of a prescribed authority shall be rendered continuously from the time when that person is taken into custody by a member of the Permanent Forces under sub-section (4.) of this section.

“(10.) A prescribed authority may, by order in writing under his hand—

(a) direct that a person who has been committed to the custody of a prescribed authority under this section be transferred from the custody of the prescribed authority in whose custody that person is to the custody of another prescribed authority specified in the order ; or

(b) direct that the person be detained in a prescribed place.

“(11.) Notwithstanding anything contained in section thirty-four of this Act, the period for which a person is detained in a prescribed place under the last preceding sub-section shall be taken into account in calculating the period of service rendered by that person.

“(12.) Where a person who is in the custody of a prescribed authority or is detained in a prescribed place—

(a) escapes from that custody or place ; or

(b) fails to comply with any of the conditions, being conditions notified to him in writing by a prescribed authority, upon which he has, in accordance with regulations under the *Defence Act* 1903–1950 or under that Act as amended, been granted leave of absence from service, or been permitted to leave the prescribed place,

the person may be arrested without warrant by a member of the police force of a State or Territory of the Commonwealth or by a member of the Permanent Forces and returned to the custody of the first-mentioned prescribed authority or to the prescribed place.”

(2.) A recognizance which was in force under section fifty-one of the *National Service Act 1951-1953* immediately before the date of commencement of this section and contained a condition to the effect that a person would comply with the requirements of a notice subsequently served on him under section twenty-six of the *National Service Act 1951-1953* has effect, on and after that date, as if that condition were a condition to the effect that the person would comply with the requirements of a notice served on him under section twenty-six of the *National Service Act 1951-1957*.

23. After section fifty-two of the Principal Act the following section is inserted :—

Persons to
furnish
information.

“ 52A.—(1.) The Secretary may, by notice in writing served on a person whose liability to render service has been deferred under section thirty-one of this Act, require the person, by writing under his hand, to notify the Registrar specified in the notice of the occurrence of an event specified in the notice, being an event which relates to the liability of the person to render service under this Act, and that person shall, within fourteen days after the occurrence of the event specified in the notice, notify the Registrar accordingly.

Penalty : Fifty pounds.

“(2.) A prosecution for an offence against the last preceding sub-section may be commenced at any time.”

Persons liable
for service to
obtain permis-
sion before
leaving
Australia.

24. Section fifty-six of the Principal Act is amended by adding at the end thereof the following sub-section :—

“(2.) A prosecution for an offence against the last preceding sub-section may be commenced at any time.”

Evidence.

25. Section fifty-seven of the Principal Act is amended by omitting from sub-section (4.) the words “ or fifty-two ” and inserting in their stead the words “, fifty-two or fifty-two A”.

Postage of
forms, &c.

26. Section fifty-eight of the Principal Act is amended—

(a) by omitting the words “ All forms ” and inserting in their stead the words “ Subject to the next succeeding sub-section, all forms ” ; and

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

“(2.) There shall be paid out of moneys provided by the Parliament for the administration of this Act in a financial year such amount as is agreed upon between the Minister and the Postmaster-General to be equal to the amounts which, but for the last preceding sub-section, would be payable during that

financial year in respect of the transmission through the post of forms of registration and other documents provided for by this Act.

“(3.) The last preceding sub-section applies in respect of the financial year ending on the thirtieth day of June, One thousand nine hundred and fifty-seven and in respect of each subsequent financial year.”.

27. Section sixty of the Principal Act is repealed and the following section inserted in its stead :—

“ 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 his registered address or the address of that person last known to the person, being the Secretary or a delegate of the Secretary, who caused the document to be so served.

Service of documents.

“(2.) A document sent by post to a person at an address to which it may, under the last preceding sub-section, be so sent, 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 that address.”.

28.—(1.) This section applies to a person who, within the period of five years immediately preceding the date of commencement of this section, presented himself for service in the Citizen Naval Forces or the Citizen Air Force in pursuance of a notice under section twenty-six of the *National Service Act* 1951, or of that Act as amended, but had not been discharged, dismissed or removed from those Forces or that Force, as the case may be, before that date.

Liability to continue service in the Citizen Naval Forces or the Citizen Air Force.

(2.) Notwithstanding the amendment made by section twelve of this Act, a person to whom this section applies shall, as from the day on which he so presented himself for service, be deemed to have been enlisted for service in the Citizen Naval Forces or the Citizen Air Force, as the case may be.

(3.) A person to whom this section applies shall remain a member of the Citizen Naval Forces or the Citizen Air Force, as the case may be, for the period commencing on the date of commencement of this section and ending on the day that is five years after the day as from which he is, under the last preceding sub-section, deemed to have been enlisted in those Forces or that Force, unless he is sooner discharged, dismissed or removed, but is not liable to render further service under the Principal Act or under that Act as amended by this Act.

(4.) A person to whom this section applies who—

- (a) in accordance with conditions determined by the Naval Board or the Air Board, as the case requires, is found to be medically unfit for further service in the part of the Citizen Forces in which he is, under sub-section (2.) of this section, deemed to have been enlisted ; or
- (b) in the opinion of the Naval Board or the Air Board, as the case requires, is unsuitable for further service, may, notwithstanding the last preceding sub-section, be discharged from the part of the Citizen Forces in which he is deemed to have been enlisted.

(5.) Where the Naval Board or the Air Board, as the case requires, is satisfied that a person to whom this section applies—

- (a) will, if he is discharged under this sub-section, be enlisted in a part of the Citizen Forces other than the part of which he is a member, the Permanent Forces, the Naval, Military or Air Forces of any part of the Queen's dominions other than Australia, or the Naval, Military or Air Forces of a prescribed country; and
- (b) will, upon being so enlisted, be liable to serve in the forces in which he enlists during a period that is not less than the period during which he is liable under sub-section (3.) of this section to remain a member of the Citizen Naval Forces or the Citizen Air Force, as the case may be,

that person may, notwithstanding the provisions of that sub-section, be discharged from the Citizen Naval Forces or the Citizen Air Force as from the date on which he is so enlisted.

**Liability to
continue
service in the
Citizen
Military Forces.**

29.—(1.) This section applies to a person who, within the period of five years immediately preceding the date of commencement of this section—

- (a) presented himself for service in the Citizen Military Forces in pursuance of a notice under section twenty-six of the *National Service Act* 1951 or of that Act as amended ; or
- (b) having failed to comply with the requirements of such a notice, was committed to the custody of a prescribed authority under section fifty-one of the *National Service Act* 1951, or of that Act as amended, for the purpose of rendering service in those Forces,

but had not been discharged, dismissed or removed from those Forces before that date.

(2.) Subject to sub-section (2.) of section nineteen of this Act, the provisions of the Principal Act as amended by this Act apply to and in relation to a person to whom this section applies, as if

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that person had been called up for service with the Citizen Military Forces in accordance with the Principal Act as amended by this Act.

(3.) Section fifty-one of the Principal Act as amended by this Act applies to and in relation to a person to whom this section applies who was, immediately before the commencement of this section, in the custody of a prescribed authority or detained in a prescribed place under section fifty-one of the *National Service Act* 1951, or of that Act as amended, as if that person had been committed to the custody of the prescribed authority, or was detained in that prescribed place, under section fifty-one of the Principal Act as amended by this Act.
