

# STATUTORY RULES.

1943. No. 249

## REGULATIONS UNDER THE DEFENCE ACT 1903-1941.\*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Defence Act* 1903-1941.

Dated this *Twenty-ninth*  
 day of *September*, 1943

(SGD.) G. W. RIE,  
 Governor-General.

By His Excellency's Command,

*T. A. Poole*

Minister of State for the Army.

### AMENDMENTS OF THE AUSTRALIAN MILITARY REGULATIONS.†

1. Regulation 184 of the Australian Military Regulations is amended—

- (a) by omitting from sub-regulation (1) the words "A voluntarily enlisted soldier" and inserting in their stead the words "Except in time of war, a voluntarily enlisted soldier"; and
- (b) by omitting from sub-regulation (1) of regulation 184 the paragraphs (viiiB), (viiiC) and (viiiE).

Reason for which discharge may be effected.

2. Regulation 184A of the Australian Military Regulations is repealed and the following regulation is inserted in its stead:—

"184A. (1) A soldier on war service, whether enlisted voluntarily or in pursuance of the provisions of Part IV. of the D.A. (other than a member of the Corps of Staff Cadets or the Volunteer Defence Corps), may be discharged under this regulation from the Military Forces for any of the following reasons, that is to say:—

Discharge of soldiers enlisted under the D.A.

- (a) for the purpose of being appointed to commissioned rank; or
- (b) for the purpose of being enlisted in or appointed to or commissioned in the Royal Australian Navy or the Royal Australian Air Force or any force of any other part

\* Notified in the *Commonwealth Gazette* on \_\_\_\_\_, 1943.  
 † Statutory Rules 1927, No. 149, as amended by Statutory Rules 1928, Nos. 23, 28 and 126; 1929, No. 123; 1930, Nos. 26, 67 and 92; 1931, No. 13; 1932, Nos. 80, 87 and 125; 1933, Nos. 49 and 77; 1934, Nos. 26 and 80; 1935, Nos. 99 and 109; 1936, Nos. 21, 44 and 100; 1937, No. 45; 1938, Nos. 75, 90 and 93; 1939, Nos. 31, 51, 58, 115, 123, 134, 160 and 173; 1940, Nos. 2, 16, 29, 59, 159, 188, 184, 185, 186, 199, 237, 252, 272 and 273; 1941, Nos. 3, 4, 14, 43, 135, 153, 155, 205, 215, 246, 260 and 311; 1942, Nos. 35, 59, 60, 85, 114, 106, 179, 211, 231, 289, 333, 334, 350, 417, 477, 506, 508, 521, 522, 535 and 556; and 1943, Nos. 17, 72, 126 and 174.  
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- of His Majesty's dominions or of any foreign power allied or associated with His Majesty in any war in which His Majesty is engaged; or
- (c) for the purpose of enlisting in any expeditionary force raised or being raised for service outside the Commonwealth; or
  - (d) that he is medically unfit for further military service; or
  - (e) that he is considered unsuitable for any further military service; or
  - (f) that he is under the age of eighteen years; or
  - (g) that he has attained the age of sixty years; or
  - (h) to enable him to take up employment in an industry or occupation his employment in which is necessary in the interests of the defence of the Commonwealth, the more effectual prosecution of any war in which His Majesty is engaged or for maintaining supplies and services essential to the life of the community; or
  - (i) because, by reason of his age or standard of medical fitness, he cannot be suitably posted in his present rank or grade; or
  - (j) at his own request on compassionate grounds; or
  - (k) that, by reason of numerous convictions, he is deemed to be incorrigible; or
  - (l) that he has, before enlistment, been convicted by a civil court for an offence involving dishonesty or physical violence; or
  - (m) that he has been sentenced during his service to penal servitude or imprisonment by a civil court or court-martial; or
  - (n) on account of demobilization.

(2) A soldier discharged for any of the reasons specified in sub-regulation (1) of this regulation, who would otherwise be serving or liable to serve under Part IV. of the D.A. may, notwithstanding that discharge, be called upon to enlist and serve in accordance with the provisions of D.A. 60 and these Regulations."

3. Regulation 188 of the Australian Military Regulations is amended by omitting sub-regulation (2) and inserting the following sub-regulations in its stead:—

"(2) When a soldier of the Military Forces has been enlisted in or appointed to—

- (a) an expeditionary force raised for service outside Australia;
- (b) any other part of the Defence Force; or
- (c) any of the Naval, Military or Air Forces of any part of the King's dominions (other than the Commonwealth),

his discharge may be confirmed to take effect as on and from the date upon which he was so enlisted or appointed or such later date as the confirming authority directs.

(3) When a soldier of the Military Forces has been granted a certificate of release from service, his discharge may be confirmed to take effect as on and from the date when he was released from service."

When discharge  
requiring  
confirmation  
takes effect.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.