

DEFENCE.

No. 16 of 1918.

An Act to amend the *Defence Act 1903-1917*.

[Assented to 19th June, 1918.]

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

1.—(1.) This Act may be cited as the *Defence Act 1918*.

Short title and
citation.

(2.) The *Defence Act 1903-1917* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Defence Act 1903-1918*.

2. Section four of the Principal Act is amended by omitting from the definition of "Minister" the words "of State for Defence or other Minister of State".

Amendment of
s. 4.

3. Section thirty-one of the Principal Act is amended—

Amendment of
s. 31.

(a) by omitting from sub-section (2.) the word "maintained";

(b) by inserting in that sub-section after the word "organized" the words "or, save as mentioned in sub-section (3.) of this section, maintained"; and

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

"(3.) If the Governor-General by proclamation declares that by reason of the recent existence of a time of war it is necessary in the public interest that permanent military forces should be maintained after the cessation of the time of war, Permanent Forces raised in time of war for purposes other than those specified in sub-section (2.) of this section may be maintained after the time of war and so long as that proclamation remains in force."

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 Section thirty-nine of the Principal Act is repealed and the following section inserted in its stead:—

"39.—(1.) Subject to this section, a soldier shall be entitled to be discharged—

Time of
discharge.

(a) if voluntarily enlisted or appointed—upon the expiration of the period for which he is engaged;

(b) if serving under Part IV. of this Act—when the time of war has ceased to exist; and

(c) if serving under Part XII. of this Act—upon the expiration of the period during which he is by this Act required to serve.

“(2.) A soldier who would, under paragraph (a) or (c) of sub-section (1.) of this section, be entitled to be discharged, shall not be entitled to be discharged—

(a) in time of war, or

(b) so long as a proclamation issued under sub-section (3.) of section thirty-one of this Act remains in force.

Provided that any member of an Expeditionary Force raised for service outside Australia in time of war, who returns to Australia after the cessation of the time of war, and while a proclamation issued under sub-section (3.) of section thirty-one of this Act remains in force, and who after arrival at the port of his final disembarkation in Australia makes written application to his Commanding Officer for his discharge, shall be entitled to be discharged within two months from the date of the making of the application.

“(3.) When a soldier becomes entitled to be discharged he shall be discharged with all convenient speed, but until discharged he shall remain a member of the Defence Force.”.

Amendment of
s. 40.

5. Section forty of the Principal Act is amended—

(a) by inserting after the word “Every” the words “voluntarily enlisted”; and

(b) by inserting after the words “time of war” the words “or except so long as a proclamation issued under sub-section (3.) of section thirty-one of this Act remains in force”.

Amendment of
s. 41.

6. Section forty-one of the Principal Act is amended by inserting after the words “time of war” the words “or except so long as a proclamation issued under sub-section (3.) of section thirty-one of this Act remains in force”.

Amendment of
s. 134.

7. Section one hundred and thirty-four of the Principal Act is amended by omitting from sub-section (1A.) the words “A senior cadet” and inserting in their stead the words “Any employee who is serving or liable to serve in the Senior Cadets”.

Amendment of
s. 148.

8.—(1.) Section one hundred and forty-eight of the Principal Act is amended by adding at the end thereof the following proviso :—

“Provided also that in time of war persons who are not graduates of the Military College may be appointed officers of any Expeditionary Force raised for service outside of the Commonwealth.”.

(2.) This section shall be deemed to have commenced on the first day of August, One thousand nine hundred and fourteen.