

DEFENCE FORCE RE-ORGANIZATION ACT 1975

No. 96 of 1975

An Act to amend the *Defence Act 1903-1973*, and other Acts, for purposes related to the Re-organization of the Defence Force, and for certain other purposes.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

PART I—PRELIMINARY

1. This Act may be cited as the *Defence Force Re-organization Act 1975*.¹ Short title.

2. This Part shall come into operation on the day on which this Act receives the Royal Assent¹, and the remaining provisions of this Act shall come into operation on such date as is, or such respective dates as are, fixed by Proclamation. Commence-
ment.

PART II—AMENDMENTS OF THE DEFENCE ACT 1903-1973

3. (1) The *Defence Act 1903-1973*² is in this Part referred to as the Principal Act. Citation.

(2) The Principal Act, as amended by this Part, may be cited as the *Defence Act 1903-1975*.

4. Section 4 of the Principal Act is amended—

(a) by omitting the definitions of “Inspector-General” and “Native Force”;

(b) by omitting the definition of “Officer” and substituting the following definition:—

“ ‘Officer’—

(a) in relation to the Navy—means a person who is an officer as defined by section 3 of the *Naval Defence Act 1910-1975*; and

(b) in relation to the Army and the Air Force—means a person appointed or in pay as an officer of the Army or the Air Force, and includes an officer appointed or promoted to war substantive, local, provisional, probationary or temporary rank and

Interpret-
ation.

a person holding an honorary appointment as an officer;”;

- (c) by omitting the definition of “The Commonwealth”;
- (d) by adding after the definition of “The Reserve Forces” the following definition:—
 - “ ‘The Secretary’ means the Secretary to the Department of Defence; ”; and
- (e) by adding at the end thereof the following sub-section:—
 - “(2) Unless the contrary intention appears, in this Act or in any other law—
 - (a) a reference to the Naval Forces or the Navy shall be read as a reference to the Australian Navy;
 - (b) a reference to the Military Forces or the Army shall be read as a reference to the Australian Army;
 - (c) a reference to the Air Force shall be read as a reference to the Australian Air Force;
 - (d) a reference to the Chief of Defence Force Staff shall be read as a reference to the Chief of Defence Force Staff appointed under section 9;
 - (e) a reference to the Chief of Naval Staff shall be read as a reference to the Chief of Naval Staff appointed under section 9;
 - (f) a reference to the Chief of the General Staff shall be read as a reference to the Chief of the General Staff appointed under section 9;
 - (g) a reference to the Chief of the Air Staff shall be read as a reference to the Chief of the Air Staff appointed under section 9; and
 - (h) a reference to a chief of staff shall be read as a reference to the Chief of Defence Force Staff, the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case requires.”.

Application
of Act.

5. Section 5 of the Principal Act is amended by omitting the words “all the Naval Forces, Military Forces and Air Force of the Commonwealth, and to all members of any of those Forces” and substituting the words “the Navy, Army and Air Force, and to all members of the Navy, Army and Air Force”.

6. Section 5A of the Principal Act is repealed and the following section substituted:—

Extension of
Act to
Territories.

“5A. This Act extends to the external Territories as if each of those Territories were part of Australia.”.

7. Sections 8, 9 and 9A of the Principal Act are repealed and the following sections substituted:—

“8. The Minister shall have the general control and administration of the Defence Force, and the powers vested in the Chief of Defence Force Staff, the Chief of Naval Staff, the Chief of the General Staff and the Chief of the Air Staff by virtue of section 9, and the powers vested jointly in the Secretary and the Chief of Defence Force Staff by virtue of section 9A, shall be exercised subject to and in accordance with any directions of the Minister.

Powers of Minister in relation to Defence Force.

“9. (1) The Governor-General may appoint an officer of an arm of the Defence Force to be Chief of Defence Force Staff and—

Command of Defence Force and arms of Defence Force.

- (a) may appoint an officer of the Navy to be Chief of Naval Staff;
- (b) may appoint an officer of the Army to be Chief of the General Staff; and
- (c) may appoint an officer of the Air Force to be Chief of the Air Staff.

“(2) Subject to section 8, the Chief of Defence Force Staff shall command the Defence Force, and the chief of staff of an arm of the Defence Force shall, under the Chief of Defence Force Staff, command the arm of the Defence Force of which he is chief of staff.

“(3) It is a function of the Chief of Defence Force Staff to advise the Minister, in such manner as the Minister directs, on matters relating to the command by the Chief of Defence Force Staff of the Defence Force, and it is a function of the chief of staff of an arm of the Defence Force to advise the Minister, in such manner as the Minister directs, on matters relating to the command by the chief of staff of the arm of the Defence Force of which he is the chief of staff.

“(4) The Chief of Defence Force Staff may, in pursuance of the powers vested in him by virtue of sub-section (2), appoint an officer to command a part of the Defence Force consisting of members of more than one arm of the Defence Force, and the chief of staff of an arm of the Defence Force may, in pursuance of the powers vested in him by virtue of sub-section (2), appoint an officer of that arm of the Defence Force to command a part of that arm of the Defence Force.

“(5) Sub-section (2) has effect subject to section 68 of the Constitution.

“9A. (1) Subject to section 8, the Secretary and the Chief of Defence Force Staff shall jointly have the administration of the Defence Force except with respect to—

Administration of Defence Force.

- (a) matters falling within the command of the Defence Force by the Chief of Defence Force Staff or the command of an arm of the Defence Force by the chief of staff of that arm of the Defence Force; or
- (b) any other matter specified by the Minister.

“(2) Instructions issued by or with the authority of the Secretary and the Chief of Defence Force Staff in pursuance of the powers vested in them jointly by virtue of sub-section (1) shall be known as Defence Instructions (General).

“(3) The powers vested in the Secretary and the Chief of Defence Force Staff by virtue of sub-section (1) extend to authorizing a chief of staff of an arm of the Defence Force to administer, in accordance with that authority, matters relating to that arm of the Defence Force, and instructions or orders issued or made by or with the authority of a chief of staff in relation to the administration of an arm of the Defence Force shall be known as—

- (a) in the case of the Navy—Defence Instructions (Navy);
- (b) in the case of the Army—Defence Instructions (Army); and
- (c) in the case of the Air Force—Defence Instructions (Air).

“(4) Where Defence Instructions (Navy), Defence Instructions (Army) or Defence Instructions (Air) are inconsistent with Defence Instructions (General), the Defence Instructions (General) prevail and the Defence Instructions (Navy), the Defence Instructions (Army) or the Defence Instructions (Air), as the case may be, shall, to the extent of the inconsistency, be of no effect.

“(5) Evidence of Defence Instructions (General), Defence Instructions (Navy), Defence Instructions (Army) or Defence Instructions (Air) may be given in any proceedings in or before a Court, a Court-Martial, the Courts-Martial Appeal Tribunal, or any other tribunal, by the production of a document purporting to be a copy thereof.

Remuneration and allowances of chiefs of staff.

“9B. (1) An officer who is a chief of staff shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

“(2) An officer who is a chief of staff shall be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunals Act 1973-1974*.”.

Appointment and promotion of officers of the Army.

8. Section 10 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(4) Where a person is appointed to be an officer of the Army, or was, before the commencement of this sub-section, appointed to be an officer of the Military Forces, he shall, whether or not he has been issued with a commission, be deemed to have been commissioned as such an officer on the date of his appointment.”.

9. Section 10A of the Principal Act is amended by omitting sub-section (6). Term of appointment.

10. Section 10B of the Principal Act is amended by inserting after the word “officer” (wherever occurring) the words “of the Army”. Promotion for distinguished service.

11. Section 10C of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:— Delegation of power to make appointments and promotions.

“(1) The Governor-General may delegate to the Chief of Defence Force Staff or to an officer of the Army any of his powers under sections 10 and 10B to appoint and promote officers of the Army.”; and

(b) by omitting sub-sections (5) and (6).

12. Section 16 of the Principal Act is amended by inserting after the word “Officers” the words “of the Army”. Appointments held during pleasure.

13. Section 16A of the Principal Act is amended by omitting from sub-section (2) the words “Military Board” and substituting the words “Chief of the General Staff”. Adjustment of ranks after war service.

14. (1) Section 17 of the Principal Act is repealed and the following section substituted:—

“17. (1) An officer of the Army may, by writing under his hand addressed to the Chief of the General Staff, tender the resignation of his military office, but the resignation shall not be accepted, and is not effective, except as provided by this section. Resignation of officer.

“(2) The Chief of the General Staff may, without reference to the Governor-General, reject the resignation of an officer if—

- (a) it is tendered in time of war or in time of defence emergency;
- (b) acceptance of the resignation would, in the opinion of the Chief of the General Staff, seriously prejudice the ability of the Army to carry out military operations that it is carrying out or may be required to carry out; or
- (c) in the case of an officer—
 - (i) who is engaged in, or who has completed, in whole or in part, a course of special training, a period of employment on special duties or a period of service outside Australia; or
 - (ii) who was appointed outside Australia or whose transport, or whose family’s transport, was at the expense of Australia,

the officer has not completed a period of service that, under a determination of the Chief of the General Staff, and in the circumstances, the officer is required to complete.

“(3) The Chief of the General Staff—

- (a) in the case of a resignation by an officer of a rank not higher than the rank of colonel that has not been rejected in pursuance of sub-section (2)—may accept the resignation or forward the resignation to the Minister for submission to the Governor-General; and
- (b) in the case of a resignation by an officer of a rank higher than the rank of colonel that has not been rejected in pursuance of sub-section (2)—shall forward the resignation to the Minister for submission to the Governor-General.

“(4) Where the Minister considers that the resignation of the officer should not be accepted unless and until the officer has complied with a condition, the officer’s resignation shall not be submitted to the Governor-General for acceptance until the officer has complied with that condition.

“(5) The Governor-General may accept, or refuse to accept, the resignation of an officer.

“(6) Where the Governor-General or the Chief of the General Staff accepts the resignation of an officer, the resignation becomes effective on the seventh day after the date on which it is accepted or on such other date as may be specified in the instrument of acceptance.”.

(2) Where, before the commencement of this section, an officer of the Military Forces had tendered the resignation of his military office to the Military Board under section 17 of the Principal Act, but the resignation had not, before the commencement of this section, been accepted or rejected under that section, section 17 of the Principal Act as amended by sub-section (1) of this section applies to and in relation to the resignation as if each reference in section 17 of the Principal Act as so amended to the Chief of the General Staff included a reference to the Military Board.

(3) Until a determination is made by the Chief of the General Staff for the purposes of paragraph 17 (2) (c) of the Principal Act as amended by sub-section (1) of this section, any determination made by the Military Board for the purposes of paragraph 17 (2) (c) of the Principal Act, and in force immediately before the commencement of this section, continues to have effect as if it were a determination made by the Chief of the General Staff for the purposes of paragraph 17 (2) (c) of the Principal Act as amended by sub-section (1) of this section.

15. Section 18 of the Principal Act is amended by inserting after the word “officers” (wherever occurring) the words “of the Army”. Appointment of warrant and non-commissioned officers.
16. (1) Section 19 of the Principal Act is amended by omitting the words “Military Board” and substituting the words “Chief of the General Staff”. Seniority.
- (2) A determination made by the Military Board before the commencement of this section for the purposes of section 19 of the Principal Act, being a determination that is in force immediately before the commencement of this section, shall, after the commencement of this section, have effect as if it had been made immediately after the commencement of this section by the Chief of the General Staff for the purposes of section 19 of the Principal Act as amended by sub-section (1) of this section.
17. Section 20A of the Principal Act is amended by inserting after the word “officer” (first occurring) the words “of the Army”. Promotion of returned officers.
18. Section 23 of the Principal Act is repealed. Repeal of section 23.
19. Section 24 of the Principal Act is amended by omitting the words “Defence Force” and substituting the word “Army”. Unattached lists.
20. Section 25 of the Principal Act is amended by inserting after the word “officers” (first occurring) the words “of the Army”. Reserve of officers list.
21. Section 26 of the Principal Act is amended by omitting the words “Defence Force” and substituting the word “Army”. Retired lists.
22. Section 27 of the Principal Act is amended by omitting the words “officers and members of the Defence Force” and substituting the words “members of the Army”. Compulsory retirement—discretion to extend.
23. (1) Section 28 of the Principal Act is amended by omitting sub-sections (2) and (3). Council of Defence.
- (2) Notwithstanding the amendments of section 28 of the Principal Act made by sub-section (1) of this section, Military Board Orders shall, subject to the succeeding provisions of this section, continue in force after the commencement of this section and be as valid and effectual as if those amendments had not been made and as if the regulations having effect for the purposes of sub-section 28 (3) of the Principal Act had not, by reason of those amendments, ceased to have effect.
- (3) A provision of Military Board Orders as in force from time to time after the commencement of this section may be revoked or varied—
- (a) by or with the authority of the Secretary to the Department of Defence and the Chief of Defence Force Staff in pursuance of

the powers vested in them jointly by virtue of sub-section 9A (1) of the Principal Act as amended by this Act; and

- (b) if the Chief of the General Staff is so authorized under sub-section 9A (3) of the Principal Act as amended by this Act—by or with his authority.

(4) Military Board Orders as in force from time to time after the commencement of this section shall, for the purposes of section 9A of the Principal Act as amended by this Act, be deemed to be Defence Instructions (Army).

(5) In sub-sections (2), (3) and (4) of this section, “Military Board Orders” means orders and instructions made or issued by or with the authority of the Military Board and in force immediately before the commencement of this section.

24. (1) Section 30 of the Principal Act is repealed and the following section substituted:—

Defence
Force.

“30. The Defence Force consists of 3 arms, namely, the Australian Navy, the Australian Army and the Australian Air Force.”

(2) The Australian Navy is a continuation under that name of the arm of the Defence Force previously known as the Naval Forces of the Commonwealth, the Australian Army is a continuation under that name of the arm of the Defence Force previously known as the Military Forces of the Commonwealth and the Australian Air Force is a continuation under that name of the arm of the Defence Force previously known as the Air Force of the Commonwealth.

Permanent
Military
Forces.

25. Section 32 of the Principal Act is amended—

- (a) by adding at the end of paragraph (a) of sub-section (3) the word “and”;
- (b) by omitting paragraph (b) of sub-section (3);
- (c) by adding at the end of paragraph (a) of sub-section (5) the word “and”; and
- (d) by omitting paragraph (b) of sub-section (5).

26. The Principal Act is amended by inserting after section 32A, in Division 1 of Part III, the following section:—

Attachment,
&c., of
members of
an arm of the
Defence
Force to
another arm.

“32B. A member of an arm of the Defence Force may, under such conditions (if any) as are prescribed, be attached or loaned to, or seconded for service with, another arm of the Defence Force.”

Heading of
Division 2 of
Part III
amended.

27. The heading to Division 2 of Part III of the Principal Act is amended by omitting the words “*Defence Force*” and substituting the word “*Army*”.

28. (1) Section 33 of the Principal Act is amended by omitting the words “Military Board” and substituting the words “Chief of the General Staff”.

Organization of the Army.

(2) A determination made by the Military Board before the commencement of this section for the purposes of section 33 of the Principal Act, being a determination that is in force immediately before the commencement of this section, shall, after the commencement of this section, have effect as if it had been made immediately after the commencement of this section by the Chief of the General Staff for the purposes of section 33 of the Principal Act as amended by sub-section (1) of this section.

29. Section 35A of the Principal Act is repealed.

Repeal of section 35A.

30. Section 36 of the Principal Act is amended by omitting the proviso and substituting the following sub-sections:—

Period of enlistment.

“(2) On or before the expiration of the period for which a soldier was engaged or previously re-engaged, he may volunteer to serve for a further period as prescribed, and be re-engaged for further service accordingly.

“(3) A period of re-engagement commences on the day immediately after the expiration of the period for which, on enlistment or previous re-engagement, the soldier had volunteered to serve.”.

31. Section 37 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Oath on enlistment.

“(3) When a soldier re-engages to serve, he shall not be required to take and subscribe a fresh oath but, on his re-engagement, reference in the oath taken and subscribed by him on enlistment to the period for which he is to serve shall be deemed to include reference to the further period for which he has re-engaged.”.

32. Section 39 of the Principal Act is amended—

- (a) by adding at the end of paragraph (a) of sub-section (1) the word “and”; and
- (b) by omitting paragraph (b) of sub-section (1).

Discharge upon expiration of period of engagement.

33. Section 41 of the Principal Act is amended by omitting sub-section (3).

Discharge of members of reserves.

34. Section 44 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Discharge or dismissal of soldiers.

“(2) Where a soldier has been discharged by a prescribed authority in pursuance of sub-section (1) and, after he has been discharged, that authority or another prescribed authority is satisfied that the soldier could properly have been discharged under that sub-section for a prescribed reason other than the reason for which he was discharged, the

authority so satisfied may, at the request of the person who has been discharged, take such steps as are necessary to ensure that the person is treated as having been discharged for that other reason, including the taking of steps to amend the order of discharge and any other relevant documents.”.

Australian
Cadet Corps.

35. (1) Section 62 of the Principal Act is amended—

- (a) by omitting from sub-section (1) all the words after the words “Australian Cadet Corps”; and
- (b) by omitting sub-section (2) and substituting the following sub-sections:—

“(2) The Australian Cadet Corps shall consist of—

- (a) persons appointed in accordance with the regulations to be officers in that body; and
- (b) subject to sub-sections (5) and (6), persons who volunteer, and are accepted, in accordance with the regulations as cadets in that body.

“(3) A person appointed to be an officer in the Australian Cadet Corps does not become a member of the Army by virtue of that appointment.

“(4) A cadet in the Australian Cadet Corps is not a member of the Army.

“(5) A person is not entitled to volunteer, or to be accepted, as a cadet unless he—

- (a) has attained such age as is prescribed; and
- (b) has not attained the age of 20 years.

“(6) A person ceases to be a cadet when he attains the age of 21 years or such lower age as is prescribed.

“(7) The regulations may make provision for and in relation to the organization, maintenance, regulation, control and discipline of the Australian Cadet Corps, and, in particular, for and in relation to—

- (a) the periods and conditions of service of members;
- (b) the promotion of members;
- (c) the pay and allowances, including travelling allowances, of members;
- (d) the medical and dental treatment of members; and
- (e) the provision of travelling facilities for members.

“(8) In sub-section (7), ‘member’ means an officer or cadet in the Australian Cadet Corps.

“(9) Subject to the regulations and to the directions of the Minister, the Chief of the General Staff shall administer the Australian Cadet Corps.”.

(2) A person who, immediately before the commencement of this section, was a member of the Australian Cadet Corps, shall, subject to the provisions of section 62 of the Principal Act as amended by sub-section (1) of this section, continue to be a member of the Australian Cadet Corps with the same rank as he held immediately before the commencement of this section.

36. (1) Section 63 of the Principal Act is amended—

(a) by omitting paragraph (dc) of sub-section (1) and substituting the following paragraph:—

“(db) Establish, maintain and operate undertakings for research, design or development purposes in respect of matters related to the defence of Australia;”;

(b) by omitting sub-section (3).

General powers for defence purposes.

(2) Any undertaking that, immediately before the commencement of this section, was being maintained and operated under the *Supply and Development Act 1939-1973* for the purpose of research, design or development and which is, after the commencement of this section, specified for the purposes of this sub-section by the Governor-General by notice published in the *Gazette*, shall, on the date on which the notice is so published or such later date as is specified in the notice, be deemed to have been established under paragraph 63 (1) (db) of the Principal Act as amended by sub-section (1) of this section, and the Principal Act as so amended shall, on and from that date, apply to and in relation to it accordingly.

37. Section 69 of the Principal Act is amended by omitting from sub-section (2) the words “by any member of the Defence Force, who has surveyed the land”.

Authority to enter lands for training.

38. Sections 71 and 72 of the Principal Act are repealed.

Repeal of sections 71 and 72.

39. Section 73C of the Principal Act is amended—

(a) by omitting from sub-section (1) the words “to the Commonwealth or any officer of the Commonwealth”; and

(b) by omitting from sub-section (2) the words “Any officer of the Commonwealth” and substituting the words “Any person”.

Supplying inferior food, material and equipment.

40. Section 80B of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (2) the words “the Commonwealth” and substituting the words “the Australian Government, an authority established by or under a law of Australia or any other prescribed authority”;

Making and disposal of service decorations.

- (b) by inserting in paragraph (a) of sub-section (4), before the words “service decorations”, the words “, or to sell or otherwise dispose of,”; and
- (c) by inserting after sub-section (5) the following sub-section:—

“(5A) Where a person upon whom a service decoration has been conferred has died, a member of the family of that person shall, for the purposes of sub-section (5), be taken to be entitled to wear the decoration under circumstances where the member of the family does not represent himself or herself as the person upon whom the decoration was conferred.”

Unauthor-
ized use,
possession or
supply of
uniforms
and
emblems.

41. (1) Section 83 of the Principal Act is amended—

- (a) by omitting from sub-section (2) the words “the Naval, Military or Air Forces of the Commonwealth” and substituting the words “the Australian Navy, the Australian Army or the Australian Air Force”;
- (b) by omitting sub-section (3) and substituting the following sub-section:—

“(3) An authority for the purposes of sub-section (1) shall be in writing signed by the Minister, or by a person authorized in writing by the Minister, and shall be subject to such limitations (if any) as are specified in the authority.”; and
- (c) by omitting from sub-section (7) the definition of “emblem” and substituting the following definition:—

“‘emblem’ includes a badge, a regimental or other similar distinctive mark, an armet, a flag, an ensign or a standard;”.

(2) An authority given before the commencement of this section under sub-section 83 (3) of the Principal Act for the purposes of sub-section (1) of that section, being an authority that is in force immediately before the commencement of this section, shall, after the commencement of this section, have effect as if it had been given immediately after the commencement of this section by the Minister under sub-section 83 (3) of the Principal Act as amended by sub-section (1) of this section.

42. Section 85 of the Principal Act is repealed and the following section substituted:—

Penalties.

“85. Where a person contravenes or fails to comply with any provision of this Act or of the regulations, being a contravention or failure in respect of which no penalty is provided, the person is guilty of an offence punishable upon conviction by a fine not exceeding \$100.”.

Penalty for
disobedience
of summons.

43. Section 95 of the Principal Act is amended by omitting the word “court” (wherever occurring) and substituting the word “court-martial”.

44. Section 96 of the Principal Act is amended by omitting all the words from and including “And if” to the end of that sub-section. Counsel allowed.
45. Section 97 of the Principal Act is amended by omitting from paragraph (a) the words “or discharge”. Powers of court-martial as to sentencing.
46. Section 98 of the Principal Act is amended by omitting all the words from and including “except for” to the end of that sub-section. No sentence of death by court-martial.
47. Section 100 of the Principal Act is amended by omitting the words “constituted or appointed under this Act”. Proceedings of court-martial not void for want of form, &c.
48. Section 107 of the Principal Act is amended by inserting before the word “Court” the words “court-martial or”. Deduction of penalty from pay.
49. Section 110 of the Principal Act is repealed. Repeal of section 110.
50. Section 111 of the Principal Act is amended by omitting from sub-section (1) all the words from and including “No gift” to the end of that sub-section. Subscription arms, &c., vested in commanding officer.
51. Section 112 of the Principal Act is amended by omitting the words “(not being a person who is rendering service in accordance with the *National Service Act 1951*)”. Power to discharge or disrate members of Citizen Forces.
52. Section 113 of the Principal Act is amended by omitting the words “members of the Reserve Forces or the Citizen Forces” and substituting the words “a member of the Reserve Forces or of the Citizen Forces who is not rendering continuous full-time service”. Power to arrest and detain in military custody.
53. Section 119 of the Principal Act is repealed and the following section substituted:—
- “119. The regulations may make provision for and in relation to the forfeiture, in whole or in part, of the salary of, and of the allowances of, a member of the Defence Force who is awaiting or undergoing trial on any charge in respect of which he is later convicted, is undergoing detention or imprisonment or is absent without leave.”. Forfeiture of salary in certain circumstances.
54. Section 121 of the Principal Act is amended by omitting the words “, or of any of the State Acts mentioned in the First Schedule,”. Proof of warrant, &c.
55. (1) Section 123A of the Principal Act is amended by omitting the words “Military Board” (wherever occurring) and substituting the words “Chief of the General Staff”. Intoxicating liquor.

(2) A determination made by the Military Board before the commencement of this section for the purposes of section 123A of the Principal Act, being a determination that is in force immediately before the commencement of this section, shall, after the commencement of this section, have effect as if it had been made immediately after the commencement of this section by the Chief of the General Staff under section 123A of the Principal Act as amended by sub-section (1) of this section.

Intoxicating liquor not to be supplied to certain cadets.

56. Section 123AA of the Principal Act is amended by omitting the words “while he is in uniform”, and substituting the words “who is under such age as is prescribed and is in uniform”.

Affirmation in lieu of oath.

57. Section 123BA of the Principal Act is amended by omitting from sub-section (1) the words “and that person conscientiously objects to take an oath, he may make an affirmation” and substituting the words “, he may, if he so wishes, make an affirmation”.

58. Section 123F of the Principal Act is repealed and the following section substituted:—

Certain persons not permitted to serve in Defence Force.

“123F. A person shall not be permitted to serve in the Defence Force if—

- (a) that person has been convicted of a crime that, in the opinion of the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case requires, is such as to render that person unsuitable for service in the Defence Force; or
- (b) the service of that person in the Defence Force might, in the opinion of the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case requires, be prejudicial to the security of Australia.”.

Regulations.

59. (1) Section 124 of the Principal Act is amended—

- (a) by omitting paragraph (ca) of sub-section (1);
- (b) by omitting paragraphs (d), (da), (db) and (e) of sub-section (1) and substituting the following paragraphs:—

“(d) The remuneration of members by way of salary, pay, allowances or otherwise, including—

- (i) the rates of any such remuneration;
- (ii) deductions from any such remuneration; and
- (iii) the suspension, variation or cancellation of allotments of any such remuneration made by a member;

(da) The payment of allowances or other pecuniary benefits, otherwise than by way of remuneration, to members;

- (e) The payment of allowances or other pecuniary benefits to or in respect of members of the family, or dependants, of a member;”;
- (c) by omitting from paragraph (g) of sub-section (1) the words “and courts of inquiry”;
- (d) by inserting in paragraph (ga) of sub-section (1), after the word “courts-martial”, the words “, or of commanding officers, ”;
- (e) by inserting after paragraph (gb) of sub-section (1) the following paragraph:—
 - “(gc) The appointment, procedures and powers of courts of inquiry, boards of inquiry and investigating officers;”;
- (f) by omitting paragraph (i) of sub-section (1);
- (g) by inserting after paragraph (nc) of sub-section (1) the following paragraph:—
 - “(nd) The establishment, maintenance and operation of any factory or undertaking under section 63;”;
- (h) by omitting paragraph (o) of sub-section (1) and substituting the following paragraph:—
 - “(o) The establishment, management, operation and control of canteens and the establishment, management, operation and control of messes;”;
- (i) by omitting from paragraph (oa) of sub-section (1) the words “Military Forces, including the funds and property of messes” and substituting the words “Defence Force”;
- (j) by omitting paragraph (p) of sub-section (1) and substituting the following paragraph:—
 - “(p) The regulation of any naval, military or air-force operation or practice;”;
- (k) by omitting paragraph (qd) of sub-section (1) and substituting the following paragraph:—
 - “(qd) The command, discipline, control and administration of bodies of 2 or more arms of the Defence Force acting together or of a part of the Defence Force consisting of members of 2 more arms of the Defence Force;”;
- (l) by omitting paragraphs (ra) and (s) of sub-section (1); and
- (m) by adding at the end of sub-section (1) the following paragraphs:—
 - “(u) The disposal of unclaimed property of members of the Defence Force and of other persons held in the custody or control of Australia;
 - (v) The authorization of service flags, ensigns, standards, colours, pennants and symbols, and the regulation of the use thereof; and

(w) Providing for penalties, not exceeding a fine of \$200 or imprisonment for a period not exceeding 3 months, for offences against the regulations.”.

(2) Regulations made, or purporting to have been made—

(a) under the *Defence Act* 1903 or that Act as amended from time to time; or

(b) under the *Defence Act* 1903 or that Act as amended from time to time and any other Act,

being regulations in force, or purporting to be in force, immediately before the date of commencement of this section, shall, on and after that date, be as valid and effectual as if they had been made on that date.

Repeal of section 151.

60. Section 151 of the Principal Act is repealed.

Formal amendments.

61. The Principal Act is amended as set out in Schedule 1.

PART III—AMENDMENTS OF THE NAVAL DEFENCE ACT 1910-1973

Citation.

62. (1) The *Naval Defence Act* 1910-1973³ is in this Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Naval Defence Act* 1910-1975.

Definitions.

63. Section 3 of the Principal Act is amended—

(a) by omitting the definition of “native force”;

(b) by inserting in the definition of “naval establishment”, after the word “work”, the word “office,”;

(c) by omitting the definition of “officer” and substituting the following definition:—

“ ‘officer’ means a person appointed or in pay as an officer of the Navy, and includes a subordinate officer; ”; and

(d) by omitting the definition of “subordinate officer” and substituting the following definition:—

“ ‘subordinate officer’ means a person who holds the rank in the Navy of Acting Sub-Lieutenant, Midshipman or Cadet Midshipman; ”.

Application of Defence Act.

64. Section 5 of the Principal Act is amended by omitting subsection (2).

Repeal of section 7.

65. (1) Section 7 of the Principal Act is repealed.

(2) Notwithstanding the repeal of section 7 of the Principal Act effected by sub-section (1) of this section, Naval Board Orders shall,

subject to the succeeding provisions of this section, continue in force after the commencement of this section and be as valid and effectual as if that section had not been repealed and as if the regulations having effect for the purposes of sub-section 7 (2) of the Principal Act had not, by reason of that repeal, ceased to have effect.

(3) A provision of Naval Board Orders as in force from time to time after the commencement of this section may be revoked or varied—

- (a) by or with the authority of the Secretary to the Department of Defence and the Chief of Defence Force Staff in pursuance of the powers vested in them jointly by virtue of sub-section 9A (1) of the *Defence Act* 1903-1975; and
- (b) if the Chief of Naval Staff is so authorized under sub-section 9A (3) of the *Defence Act* 1903-1975—by or with his authority.

(4) Naval Board Orders as in force from time to time after the commencement of this section shall, for the purposes of section 9A of the *Defence Act* 1903-1975, be deemed to be Defence Instructions (Navy).

(5) In this section, “Naval Board Orders” means orders and instructions made or issued by or with the authority of the Naval Board and in force immediately before the commencement of this section.

66. Section 8 of the Principal Act is amended by adding at the end thereof the following sub-section:—

Appointment and promotion of naval officers.

“(4) Where a person is appointed to be an officer of the Navy, other than a subordinate officer, or was, before the commencement of this sub-section, so appointed, he shall, whether or not he has been issued with a commission, be deemed to have been commissioned as such an officer on the date of his appointment.”.

67. Section 11 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:—

Delegation of power to make appointments and promotions.

“(1) The Governor-General may delegate to the Chief of Defence Force Staff or to an officer any of his powers under sections 8 and 10 to appoint and promote officers.”; and

- (b) by omitting sub-sections (5) and (6).

68. (1) Section 13 of the Principal Act is repealed and the following section substituted:—

“13. (1) An officer may, by writing under his hand addressed to the Chief of Naval Staff, tender the resignation of his naval office, but the resignation shall not be accepted, and is not effective, except as provided by this section.

Resignation of officer.

“(2) The Chief of Naval Staff may, without reference to the Governor-General, reject the resignation of an officer if—

- (a) it is tendered in time of war or in time of defence emergency;
- (b) acceptance of the resignation would, in the opinion of the Chief of Naval Staff, seriously prejudice the ability of the Navy to carry out naval operations that it is carrying out or may be required to carry out; or
- (c) in the case of an officer—
 - (i) who is engaged in, or who has completed, a course of special training, a period of employment on special duties or a period of service outside Australia; or
 - (ii) who was appointed outside Australia or whose transport, or whose family's transport, was at the expense of Australia,

the officer has not completed a period of service that, under a determination of the Chief of Naval Staff, and in the circumstances, the officer is required to complete.

“(3) The Chief of Naval Staff—

- (a) in the case of a resignation by an officer of a rank not higher than the rank of Captain that has not been rejected in pursuance of sub-section (2)—may accept the resignation or forward the resignation to the Minister for submission to the Governor-General; and
- (b) in the case of a resignation by an officer of a rank higher than the rank of Captain that has not been rejected in pursuance of sub-section (2)—shall forward the resignation to the Minister for submission to the Governor-General.

“(4) Where the Minister considers that the resignation of the officer should not be accepted unless and until the officer has complied with a condition, the officer's resignation shall not be submitted to the Governor-General for acceptance until the officer has complied with that condition.

“(5) The Governor-General may accept, or refuse to accept, the resignation of an officer.

“(6) Where the Governor-General or the Chief of Naval Staff accepts the resignation of an officer, the resignation becomes effective on the seventh day after the date on which it is accepted or on such other date as may be specified in the instrument of acceptance.”.

(2) Where, before the commencement of this section, an officer of the Naval Forces had tendered the resignation of his naval office to the Naval Board under section 13 of the Principal Act, but the resignation had not, before the commencement of this section, been accepted or rejected under that section, section 13 of the Principal Act as amended by sub-section (1) of this section applies to and in relation to the resignation as if each reference in section 13 of the Principal Act as so amended to the Chief of Naval Staff included a reference to the Naval Board.

(3) Until a determination is made by the Chief of Naval Staff for the purposes of paragraph 13 (2) (c) of the Principal Act as amended by sub-section (1) of this section, any determination made by the Naval Board for the purposes of paragraph 13 (2) (c) of the Principal Act, and in force immediately before the commencement of this section, continues to have effect as if it were a determination made by the Chief of Naval Staff for the purposes of paragraph 13 (2) (c) of the Principal Act as amended by sub-section (1) of this section.

69. (1) Section 14 of the Principal Act is amended by omitting the words “Naval Board” and substituting the words “Chief of Naval Staff”. Seniority.

(2) A determination made by the Naval Board before the commencement of this Act for the purposes of section 14 of the Principal Act, being a determination that is in force immediately before the commencement of this section, shall, after the commencement of this section, have effect as if it had been made immediately after the commencement of this section by the Chief of Naval Staff for the purposes of section 14 of the Principal Act as amended by sub-section (1) of this section.

70. After section 17 of the Principal Act the following section is inserted:—

“17A. The Governor-General may place the names of officers on retired lists.”. Retired lists.

71. Section 18 of the Principal Act is amended by omitting sub-section (2). Naval College.

72. (1) Section 23 of the Principal Act is amended by omitting the words “Naval Board” and substituting the words “Chief of Naval Staff”. Organization of the Navy.

(2) A determination made by the Naval Board before the commencement of this section for the purposes of section 23 of the Principal Act, being a determination that is in force immediately before the commencement of this section, shall, after the commencement of this section, have effect as if it had been made immediately after the commencement of this section by the Chief of Naval Staff for the purposes of section 23 of the Principal Act as amended by sub-section (1) of this section.

73. Section 24A of the Principal Act is repealed.

Repeal of section 24A.

74. (1) Section 25A of the Principal Act is repealed.

Repeal of section 25A.

(2) The repeal effected by sub-section (1) does not affect the obligations of a person enlisted in pursuance of the section of the Principal Act repealed by that sub-section and shall not be taken as preventing the enlistment in the Navy of persons under the age of 21 years.

Oath on enlistment.

75. Section 26 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(3) When a sailor re-engages to serve, he shall not be required to take and subscribe a fresh oath but, on his re-engagement, reference in the oath taken and subscribed by him on enlistment to the period of service that he has agreed to render shall be deemed to include a reference to the further period for which he has re-engaged.”.

Repeal of section 27.

76. (1) Section 27 of the Principal Act is repealed.

(2) The repeal effected by sub-section (1) does not affect the obligations of a person enlisted in pursuance of the section of the Principal Act repealed by that sub-section.

Discharge by prescribed authority.

77. Section 30 of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2) Where a sailor has been discharged by a prescribed authority in pursuance of sub-section (1) and, after he has been discharged, that authority or another prescribed authority is satisfied that the sailor could properly have been discharged under that sub-section for a prescribed reason other than the reason for which he was discharged, the authority so satisfied may, at the request of the person who has been discharged, take such steps as are necessary to ensure that the person is treated as having been discharged for that other reason, including the taking of steps to amend any relevant order of discharge and any other relevant documents.”.

78. Section 39 of the Principal Act is repealed and the following section substituted:—

Administration of Naval Reserve Cadets.

“39. Subject to the regulations and to the directions of the Minister, the Chief of Naval Staff shall administer the Naval Reserve Cadets.”.

79. Section 40 of the Principal Act is repealed and the following section substituted:—

Definitions.

“40. In this Part, unless the contrary intention appears—

‘authorized person’ means a person appointed by the Minister in writing to be an authorized person for the purposes of this Part;

‘determination’ means a determination made under section 42A.”.

Employment of persons in civil capacity.

80. Section 42 of the Principal Act is amended by omitting the words “Naval Board may, on behalf of the Commonwealth” and substituting the words “authorized person may, on behalf of Australia”.

Determinations of conditions of employment.

81. (1) Section 42A of the Principal Act is amended by omitting from sub-sections (1) and (2) the words “Naval Board” and substituting the words “authorized person”.

(2) A determination made under section 42A of the Principal Act and in force immediately before the commencement of this section shall have effect after the commencement of this section as if it were a determination made under section 42A of the Principal Act as amended by sub-section (1) of this section.

82. (1) Section 42B of the Principal Act is amended by omitting from sub-section (1) the words “Naval Board” and substituting the words “authorized person”.

Officers’
Rights
Declaration
Act to apply.

(2) A direction given by the Naval Board before the commencement of this section under section 42B of the *Naval Defence Act 1910*, or that Act as amended and in force from time to time, does not cease to have effect by virtue of the amendment of the Principal Act made by sub-section (1) of this section.

83. Section 42C of the Principal Act is amended by omitting from sub-section (2) the words “the Navy”, and substituting the word “Defence”.

Public
Service Act
not to apply.

84. Section 42E of the Principal Act is amended—

- (a) by omitting from sub-section (1) the words “Naval Board” and substituting the words “authorized person”;
- (b) by omitting from sub-section (1) the word “its” and substituting the word “his”;
- (c) by omitting from sub-section (3) the words “Naval Board” and substituting the words “authorized person”; and
- (d) by omitting sub-section (4).

Delegation
by
authorized
person.

85. Section 43 of the Principal Act is amended by omitting from sub-section (1) the words “and that person conscientiously objects to take an oath, he may make an affirmation” and substituting the words “, he may, if he so wishes, make an affirmation”.

Affirmation
in lieu of
oath.

86. Section 44D of the Principal Act is repealed and the following section substituted:—

“44D. In or at a naval establishment, or on board a vessel of the Navy, or at a gathering of members of the Navy (with or without guests) approved by the Chief of Naval Staff, or by an officer authorized by the Chief of Naval Staff to give such an approval, it is lawful, notwithstanding any provision of a law of a State or Territory—

Intoxicating
liquor.

- (a) for a person to have in his possession, sell or supply intoxicating liquor in accordance with such conditions as the Chief of Naval Staff determines; or
- (b) for a person, being a member of the Navy or of a mess, or a guest of such a member or of a mess, to consume, buy or have in his possession intoxicating liquor in accordance with such conditions as the Chief of Naval Staff determines.”.

Intoxicating liquor not to be supplied to Naval Reserve Cadets.

87. Section 44E of the Principal Act is amended by omitting the words “while he is in uniform”, and substituting the words “who is under such age as is prescribed and is in uniform”.

Regulations.

88. Section 45 of the Principal Act is amended—

(a) by omitting paragraph (ba) of sub-section (1);

(b) by omitting from paragraph (c) of sub-section (1) the word “and”;

(c) by adding at the end of sub-section (1) the following word and paragraph:—

“and (e) the imposition of penalties, not exceeding a fine of \$200 or imprisonment for a period not exceeding 3 months, for offences against the regulations.”; and

(d) by omitting sub-section (2).

Formal amendments.

89. The Principal Act is amended as set out in Schedule 2.

PART IV—AMENDMENTS OF THE AIR FORCE ACT 1923-1973

Citation.

90. (1) The *Air Force Act 1923-1973*⁴ is in this Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Air Force Act 1923-1975*.

Title.

91. The Principal Act is amended by omitting the title and substituting the following title:—

“An Act relating to Air Defence.”.

Application of Defence Act.

92. Section 3 of the Principal Act is amended by omitting sub-section (2).

Australian Air Force.

93. Section 4A of the Principal Act is amended by omitting the words “The Air Force of the Commonwealth” and substituting the words “The Australian Air Force”.

Repeal of sections 6 and 7.

94. Sections 6 and 7 of the Principal Act are repealed.

Repeal of certain Air Force Regulations.

95. (1) Regulations 24, 25, 26, 27, 28, 29 and 30 of the Air Force Regulations are repealed.

(2) Notwithstanding the repeal of regulations 24, 25, 26, 27, 28, 29 and 30 of the Air Force Regulations effected by sub-section (1), Air Board Orders shall, subject to the succeeding provisions of this section,

continue in force after the commencement of this section and be as valid and effectual as if those regulations had not been repealed.

(3) A provision of Air Board Orders as in force from time to time after the commencement of this section may be revoked or varied—

- (a) by or with the authority of the Secretary to the Department of Defence and the Chief of Defence Force Staff in pursuance of the powers vested in them jointly by virtue of sub-section 9A (1) of the *Defence Act 1903-1975*; and
- (b) if the Chief of the Air Staff is so authorized under sub-section 9A (3) of the *Defence Act 1903-1975*—by or with his authority.

(4) Air Board Orders as in force from time to time after the commencement of this section shall, for the purposes of section 9A of the *Defence Act 1903-1975*, be deemed to be Defence Instructions (Air).

(5) In this section, “Air Board Orders” means orders and instructions made or issued by or with the authority of the Air Board and in force immediately before the commencement of this section.

96. The Principal Act is amended as set out in Schedule 3.

Formal
amendments.

PART V—AMENDMENTS OF THE SUPPLY AND DEVELOPMENT ACT 1939-1973

97. (1) The *Supply and Development Act 1939-1973*³ is in this Part referred to as the Principal Act. Citation.

(2) The Principal Act, as amended by this Part, may be cited as the *Supply and Development Act 1939-1975*.

98. Section 4 of the Principal Act is amended—

Definitions.

- (a) by omitting from the definition of “the Department” the word “Supply” and substituting the words “Manufacturing Industry”;
- (b) by omitting from the definition of “undertaking” the words “, experimental station”;
- (c) by omitting from the definition of “undertaking” the words “research, design or development in relation to war material or for” and substituting the words “, or for purposes incidental to,”.

99. (1) Section 5 of the Principal Act is amended by omitting paragraph (d) of sub-section (1).

Functions of
Department.

(2) Section 5 of the Principal Act is amended by omitting paragraph (f) of sub-section (1) and substituting the following paragraph:—

- “(f) any matter incidental to a matter referred to in a preceding paragraph of this sub-section.”.

Advisory Committees. **100.** Section 8 of the Principal Act is amended by omitting sub-section (3).

101. After section 8 of the Principal Act the following section is inserted:—

Remuneration and allowances of members of committees. “8A. (1) The members of a committee constituted under section 8 shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, they shall be paid remuneration at the rate that was applicable immediately before the commencement of this section.

“(2) The members of a committee referred to in sub-section (1) shall be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunals Act 1973-1974*.”

Formal amendments.

102. The Principal Act is amended as set out in Schedule 4.

PART VI—AMENDMENTS OF THE DEFENCE (VISITING FORCES) ACT 1963-1973

Citation. **103.** (1) The *Defence (Visiting Forces) Act 1963-1973*⁶ is in this Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Defence (Visiting Forces) Act 1963-1975*.

Interpretation.

104. Section 5 of the Principal Act is amended by omitting from sub-section (1) the definitions of “the Air Board”, “the Military Board” and “the Naval Board”.

Exercise of powers by service tribunals and authorities of countries sending visiting forces.

105. (1) Section 8 of the Principal Act is amended—

(a) by omitting from sub-section (7) the words “Naval Board, the Military Board or the Air Board” and substituting the words “Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff”; and

(b) by omitting from sub-section (7) the words “its administration and control” and substituting the words “his command”.

(2) An order made before the commencement of this section by the Naval Board, the Military Board or the Air Board under sub-section 8 (7) of the Principal Act, and in force immediately before the commencement of this section, has effect after the commencement of this section as if it had been made by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be, under sub-section 8 (7) of the Principal Act as amended by sub-section (1) of this section immediately after the commencement of this section.

106. (1) Section 19 of the Principal Act is amended by omitting from sub-section (2) the words “Naval Board, the Military Board or the Air Board” and substituting the words “Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff”.

Apprehension of deserters and absentees without leave.

(2) Any officer of the Defence Force who, immediately before the commencement of this section, was an authorized officer for the purposes of section 19 of the Principal Act shall, after the commencement of this section, continue to be an authorized officer for the purposes of section 19 of the Principal Act as amended by sub-section (1) of this section as if he had been authorized by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case requires, under section 19 of the Principal Act as so amended.

107. (1) Section 24 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the words “Naval Board, the Military Board or the Air Board” and substituting the words “Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff”;
- (b) by omitting from paragraph (a) of sub-section (1) the words “the administration and control of the Board” and substituting the words “his command”;
- (c) by omitting from paragraph (a) of sub-section (1) the words “the disposal of the Board” and substituting the words “his disposal”;
- (d) by omitting from paragraph (b) of sub-section (1) the words “the administration and control of the Board” and substituting the words “his command”;
- (e) by omitting from sub-section (3) the words “Naval Board, the Military Board or the Air Board” and substituting the word “Minister”; and
- (f) by omitting from sub-section (3) the the words “Naval Forces, the Military Forces or the Air Force” and substituting the words “Australian Navy, the Australian Army or the Australian Air Force”.

Attachment to the Defence Force of members of the forces of another country and vice versa.

(2) An order made before the commencement of this section by the Naval Board, the Military Board or the Air Board under sub-section 24 (1) of the Principal Act, and in force immediately before the commencement of this section, has effect after the commencement of this section, as if it had been made by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be, under sub-section 24 (1) of the Principal Act as amended by sub-section (1) of this section immediately after the commencement of this section.

(3) An order made before the commencement of this section by the Naval Board, the Military Board or the Air Board under sub-section 24

(3) of the Principal Act, and in force immediately before the commencement of this section, has effect after the commencement of this section as if it had been made by the Minister under sub-section 24 (3) of the Principal Act as amended by sub-section (1) of this section immediately after the commencement of this section.

Forces
serving
together.

108. (1) Section 25 of the Principal Act is amended by omitting from sub-section (3) the words “Naval Board, the Military Board or the Air Board” and substituting the words “Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff”.

(2) An officer of the Defence Force who, immediately before the commencement of this section, was an officer who was authorized in writing by the Naval Board, the Military Board or the Air Board for the purposes of sub-section 25 (3) of the Principal Act shall, upon the commencement of this section, be deemed to be an officer authorized in writing by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be, for the purposes of sub-section 25 (3) of the Principal Act as amended by sub-section (1) of this section.

(3) A request made before the commencement of this section under sub-section 25 (3) of the Principal Act by an officer authorized for the purposes of that sub-section continues to have effect after the commencement of this section as if it had been made by an officer authorized for the purposes of sub-section 25 (3) of the Principal Act as amended by sub-section (1) of this section immediately after the commencement of this section.

Delegation
of powers
and
functions.

109. (1) Section 28 of the Principal Act is amended—

(a) by omitting sub-sections (3) and (4) and substituting the following sub-sections:—

“(3) Subject to sub-section (4), a chief of staff may, in relation to a matter or class of matters, or to a State, Territory, or other part of Australia, another country or part of another country, by writing signed by him, delegate to an officer who holds a rank not below the rank of Captain in the Australian Navy, Colonel in the Australian Army or Group Captain in the Australian Air Force any of his powers or functions under this Act, other than this power of delegation.

“(4) A chief of staff shall not delegate—

- (a) his power to make general orders for the purposes of sub-section (7) of section 8;
- (b) his power to authorize an officer of the Defence Force for the purposes of Part III; or
- (c) his power to authorize an officer for the purposes of sub-section (3) of section 25,

except to an officer who holds a rank not below the rank of Rear-Admiral in the Australian Navy, Major-General in the

Australian Army or Air Vice-Marshal in the Australian Air Force.”;

- (b) by omitting from sub-section (6) the word “Board” and substituting the words “chief of staff”;
- (c) by omitting from sub-section (7) the words “in the membership of a Board” and substituting the words “of chief of staff”;
- (d) by omitting paragraph (b) of sub-section (8) and substituting the following paragraph:—
 - “(b) a delegation by a chief of staff, or an order or written authority made or given by a chief of staff or by a delegate of a chief of staff, and bearing the signature or a facsimile of the signature of the chief of staff or of the delegate, as the case may be,”; and
- (e) by omitting sub-section (9).

(2) Notwithstanding the amendment of sub-section 28 (8) of the Principal Act made by sub-section (1) of this section, sub-section 28 (8) of the Principal Act continues to have effect after the commencement of this section in relation to a document purporting to be a copy of a delegation made by the Naval Board, the Military Board or the Air Board before the commencement of this section, or a document purporting to be a copy of an order or written authority made or given by such a Board or by a delegate of such a Board, before the commencement of this section.

110. The Principal Act is amended as set out in Schedule 5.

Formal
amendments.

PART VII—AMENDMENTS OF THE COURTS-MARTIAL APPEALS ACT 1955-1973

111. (1) The *Courts-Martial Appeals Act 1955-1973* is in this Part referred to as the Principal Act. Citation.

(2) The Principal Act, as amended by this Part, may be cited as the *Courts-Martial Appeals Act 1955-1975*.

112. Section 4 of the Principal Act is amended—

Interpret-
ation.

- (a) by omitting from the definition of “air force law” in sub-section (1) the words “the Royal Australian Air Force” and “that Force” (wherever occurring) and substituting the words “the Air Force”;
- (b) by omitting from the definition of “military law” in sub-section (1) the words “the military forces of the Commonwealth” and “those forces” (wherever occurring) and substituting the words “the Army”;

- (c) by omitting from the definition of “naval court-martial” in sub-section (1) the words “the naval forces of the Commonwealth” and “those forces” and substituting the words “the Navy”;
- (d) by omitting from the definition of “naval law” in sub-section (1) the words “the naval forces of the Commonwealth” and “those forces” and substituting the words “the Navy”; and
- (e) by omitting from sub-section (1) the definitions of “the Air Board”, “the Military Board” and “the Naval Board”.

113. Section 10 of the Principal Act is repealed and the following section substituted:—

Remuneration and allowances of members and deputies.

“10. (1) The President, Deputy President and other members shall be paid such remuneration as is determined by the Remuneration Tribunal.

“(2) The President, Deputy President and other members shall be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunals Act* 1973-1974.”.

114. Section 13 of the Principal Act is repealed and the following section substituted:—

Officers’ Rights Declaration Act.

“13. Where a member was, immediately before his appointment, an officer of the Australian Public Service or a person to whom the *Officers’ Rights Declaration Act* 1928-1975 applied—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it was service in the Australian Public Service; and
- (c) the *Officers’ Rights Declaration Act* 1928-1975 applies as if this Act and this section had been specified in the Schedule to that Act.”.

Bringing of appeals.

115. (1) Section 20 of the Principal Act is amended—

- (a) by omitting from sub-section (2) the words “, other than a conviction involving sentence of death”;
- (b) by omitting from sub-section (4) the words “Naval Board” and substituting the words “Chief of Naval Staff”;
- (c) by omitting from sub-section (4) the words “Military Board” and substituting the words “Chief of the General Staff”; and
- (d) by omitting from sub-section (4) the words “Air Board” and substituting the words “Chief of the Air Staff”.

(2) Where, before the commencement of this section—

- (a) a person has, for the purposes of sub-section 20(2) of the Principal Act, lodged a petition praying that a conviction be quashed by the Naval Board, the Military Board or the Air Board; and
- (b) the Naval Board, the Military Board or the Air Board, as the case may be, has decided that the petition should be refused,

then, after the commencement of this section, any notification received by the person that the petition has been refused, whether received by him before or after the commencement of this section, has effect for the purposes of sub-section 20(2) of the Principal Act as amended by sub-section (1) of this section.

(3) Where—

- (a) before the commencement of this section, a person has, for the purposes of sub-section 20 (2) of the Principal Act, lodged a petition praying that a conviction be quashed by the Naval Board, the Military Board or the Air Board; and
- (b) at the time that this Act comes into force—
 - (i) the conviction has not been quashed; and
 - (ii) the Naval Board, the Military Board or the Air Board, as the case may be, has not decided that the petition should be refused,

section 20 of the Principal Act as amended by sub-section (1) of this section has effect as if the petition had been lodged with the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be.

116. Section 33 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:—

Power to examine upon oath.

“(2) A witness to be examined before the Tribunal, or before a person appointed to receive evidence on behalf of the Tribunal, may make an affirmation in lieu of taking an oath.”

117. Section 42 of the Principal Act is amended—

Defence of appeals.

- (a) by omitting from sub-section (1) the words “Naval Board” and substituting the words “Chief of Naval Staff”;
- (b) by omitting from sub-section (2) the words “Military Board” and substituting the words “Chief of the General Staff”; and
- (c) by omitting from sub-section (3) the words “Air Board” and substituting the words “Chief of the Air Staff”.

118. (1) Section 51 of the Principal Act is amended by omitting the words “the Naval Board, the Military Board or the Air Board” and substituting the words “the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff”.

Tribunal may be requested to refer a question of law to the High Court.

(2) A request made by the Naval Board, the Military Board or the Air Board pursuant to section 51 of the Principal Act, being a request that was made before the commencement of this section, shall, after the

commencement of this section, have effect as if it had been made by the Chief of Naval Staff, Chief of the General Staff or Chief of the Air Staff, as the case requires.

Detention of appellant pending determination of question of law by High Court.

119. (1) Section 56 of the Principal Act is amended by omitting from sub-section (1) the words “the Naval Board, the Military Board or the Air Board” and substituting the words “the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff”.

(2) Notice given to the Courts-Martial Appeals Tribunal by or on behalf of the Naval Board, the Military Board or the Air Board pursuant to sub-section 56 (1) of the Principal Act, being notice that was given before the commencement of this section, shall, after the commencement of this section, have effect, for the purposes of the Principal Act as amended by this section, as if it had been made by or on behalf of the Chief of Naval Staff, Chief of the General Staff or Chief of the Air Staff, as the case requires.

Repeal of section 59.

120. Section 59 is repealed.

Regulations.

121. Section 60 of the Principal Act is amended by omitting from paragraph (g) the words “the Naval Board, the Military Board or the Air Board” and substituting the words “the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff”.

Formal amendments.

122. The Principal Act is amended as set out in Schedule 6.

PART VIII—AMENDMENTS OF SERVICES TRUST FUNDS ACT 1947-1973

Citation.

123. (1) The *Services Trust Funds Act 1947-1973*⁸ is in this Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Services Trust Funds Act 1947-1975*.

Definitions.

124. Section 4 of the Principal Act is amended—

(a) by omitting from the definition of “dependant” the words “the Forces” (wherever occurring) and substituting the words “the Defence Force”; and

(b) by omitting the definition of “member of the Forces” and substituting the following definition:—

“ ‘member of the Defence Force’ means a person who is, or was, prior to his discharge or death—

(a) a member of the Navy, Army or Air Force; or

- (b) a member of any nursing service or women's service attached or auxiliary to any branch of the Defence Force,

and includes a member of the canteens staff of any ship of the Navy and any person duly accredited to any part of the Defence Force who has served in an official capacity on full-time paid duty;”.

125. Section 15 of the Principal Act is amended by omitting the definition of “the appropriate Service Board” and “the appropriate Service Minister” and substituting the following definition:—

Interpretation.

“ ‘the appropriate chief of staff’ means—

- (a) in relation to matters affecting the Navy—the Chief of Naval Staff;
- (b) in relation to matters affecting the Army—the Chief of the General Staff; and
- (c) in relation to matters affecting the Air Force—the Chief of the Air Staff;”.

126. Section 17 of the Principal Act is amended by omitting the words “the appropriate Service Minister” (wherever occurring) and substituting “the Minister”.

Transfer of funds from Canteens Services.

127. Section 18 of the Principal Act is amended by omitting the words “the appropriate Service Minister” (wherever occurring) and substituting “the Minister”.

Transfer of moneys to trustees.

128. Section 18A of the Principal Act is amended—

- (a) by omitting the words “the Military Board” and substituting the words “the Chief of the General Staff”; and
- (b) by omitting the words “the appropriate Service Minister” and substituting the words “the Minister”.

Profits of B.C.O.F. canteens.

129. Section 19 of the Principal Act is amended—

- (a) by omitting the words “the appropriate Service Board” (wherever occurring) and substituting the words “the appropriate chief of staff”;
- (b) by omitting from sub-section (1) the words “the appropriate Service Minister” and substituting the words “the Minister”; and
- (c) by omitting from sub-section (1) the words “the Board” and substituting the words “the chief of staff”.

Disposal of mess funds of disbanded war-time units.

130. Section 20 of the Principal Act is amended by omitting the words “the appropriate Service Board” (wherever occurring) and substituting the words “the appropriate chief of staff”.

Disposal of regimental funds of disbanded war-time units.

Repeal of
section 25.

131. Section 25 of the Principal Act is repealed.

132. Section 26 of the Principal Act is repealed and the following section substituted:—

Administration
of the R.A.N.
Relief Trust
Fund.

“26. The trustees of the Royal Australian Navy Relief Trust Fund shall, subject to and in accordance with the regulations, apply that Fund in providing benefits for members of the Defence Force who have served in, or in association with, the Navy and to the dependants of such members.”.

Repeal of
section 28.

133. Section 28 of the Principal Act is repealed.

134. Section 29 of the Principal Act is repealed and the following section substituted:—

Administration
of the A.M.F.
Relief Trust
Fund.

“29. The trustees of the Australian Military Forces Relief Trust Fund shall, subject to and in accordance with the regulations, apply that Fund in providing benefits for members of the Defence Force who have served in, or in association with, the Army and to the dependants of such members.”.

Repeal of
section 31.

135. Section 31 of the Principal Act is repealed.

136. Section 32 of the Principal Act is repealed and the following section substituted:—

Administration
of the
R.A.A.F.
Welfare
Trust Fund.

“32. The trustees of the Royal Australian Air Force Welfare Trust Fund, shall, subject to and in accordance with the regulations, apply that Fund in providing benefits for members of the Defence Force who have served in, or in association with, the Air Force and to the dependants of such members.”.

Formal
amendments.

137. The Principal Act is amended as set out in Schedule 7.

PART IX—AMENDMENTS OF THE DEFENCE (PARLIAMENTARY CANDIDATES) ACT 1969-1974

Citation.

138. (1) The *Defence (Parliamentary Candidates) Act 1969-1974* is in this Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Defence (Parliamentary Candidates) Act 1969-1975*.

Interpretation.

139. Section 5 of the Principal Act is amended—

(a) by omitting from sub-section (1) the definition of “arm of the Defence Force” and substituting the following definitions:—

“ ‘appropriate chief of staff’ means—

- (a) in relation to a person who is or has been a member of the navy—the Chief of Naval Staff;
- (b) in relation to a person who is or has been a member of the Army—the Chief of the General Staff; and
- (c) in relation to a person who is or has been a member of the Air Force—the Chief of the Air Staff;

‘arm of the Defence Force’ means the Navy, the Army or the Air Force;”;

- (b) by omitting from sub-section (1) the definitions of “national serviceman” and “national service officer”;
- (c) by omitting from the definition of “Reserve” in sub-section (1) the words “Naval Forces” and substituting the word “Navy”; and
- (d) by omitting from sub-section (1) the definitions of the “the Air Force”, “the appropriate Service Board”, “the Military Forces”, “the National Service Act” and “the Naval Forces”.

140. Section 7 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the words “Service Board” (wherever occurring) and substituting the words “chief of staff”; and
- (b) and by omitting sub-section (2).

Transfer of officers to reserve.

141. Section 8 of the Principal Act is amended by omitting the words “Service Board” (wherever occurring) and substituting the words “chief of staff”.

Discharge of enlisted members.

142. Section 9 of the Principal Act is amended by omitting the words “Service Board” (wherever occurring) and substituting the words “chief of staff”.

Termination of continuous full-time service.

143. Section 10 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the words “Service Board” and substituting the words “chief of staff”;
- (b) by omitting from sub-section (1) the words “the Board” (first occurring) and substituting the word “him”; and
- (c) by omitting from sub-section (1) the words “the Board” (last occurring) and substituting the words “the appropriate chief of staff”.

Re-instatement of officers.

144. Section 11 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the words “Service Board” and substituting the words “chief of staff”;
- (b) by omitting from sub-section (1) the words “the Board” (first occurring) and substituting the word “him”;

Re-instatement of enlisted members.

- (c) by omitting from sub-section (1) the words “, and was not a national serviceman immediately before he was discharged,”; and
- (d) by omitting from sub-section (1) the words “the Board” (last occurring) and substituting the words “the appropriate chief of staff”.

Re-instate-
ment of
members
rendering
continuous
full-time
service.

145. Section 12 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the words “Service Board” and substituting the words “chief of staff”;
- (b) by omitting from sub-section (1) the words “the Board” (first occurring) and substituting the word “him”;
- (c) by omitting from sub-section (1) the word “Board” (second occurring) and substituting the words “appropriate chief of staff”; and
- (d) by omitting from sub-section (1) the word “Board” (last occurring) and substituting the words “appropriate chief of staff”.

Compulsory
re-instate-
ment of
officers.

146. Section 13 of the Principal Act is amended—

- (a) by omitting from paragraph (b) of sub-section (1) the words “Service Board” and substituting the words “chief of staff”;
- (b) by omitting from sub-section (1) the words “Service Board” and substituting the words “appropriate chief of staff”;
- (c) by omitting from sub-section (1) the words “or, if he is a national service officer, shall,”;
- (d) by omitting from sub-section (1) the words “the Board” and substituting the words “the appropriate chief of staff”; and
- (e) by omitting from sub-section (2) the word “Board” and substituting the words “appropriate chief of staff”.

Compulsory
re-instate-
ment of
enlisted
members.

147. Section 14 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1) the words “and he was not a national serviceman immediately before he was discharged”;
- (b) by omitting from sub-section (1) the words “the appropriate Service Board”, “Service Board” and “the Board” and substituting the words “the appropriate chief of staff”; and
- (c) by omitting from sub-section (2) the words “the Board” and substituting the words “the appropriate chief of staff”.

Repeal of
section 15.

148. Section 15 of the Principal Act is repealed.

149. Section 16 of the Principal Act is amended—

- (a) by omitting from sub-section (1) and (2) the words “Service Board” (wherever occurring) and substituting the words “chief of staff”;
- (b) by omitting from sub-sections (1) and (2) the word “Commonwealth” and substituting the words “Defence Force”; and
- (c) by omitting from sub-section (2) the words “the Board” (wherever occurring) and substituting the words “the appropriate chief of staff”.

Return of member, family and household effects, &c., to place of enlistment.

150. Section 17 of the Principal Act is amended by omitting from paragraph (b) of sub-section (1) the words and figures “, sub-section (2) of section 12 or sub-section (4) of section 15 ” and substituting the words and figures “or sub-section (2) of section 12 ”.

Refund of gratuity.

151. Section 18 of the Principal Act is amended by omitting the words “A notice by the Naval Board, the Military Board or the Air Board under section 13, 14 or 15 of this Act” and substituting the words “A notice by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff under section 13 or 14”.

Service of notice.

152. Section 19 of the Principal Act is repealed and the following section substituted:—

“19. (1) The Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers or functions under this Act, other than this power of delegation.

Delegation.

“(2) A power or function so delegated, when exercised or performed by the delegate, shall for the purposes of this Act, be deemed to have been exercised by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case requires.

“(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be.

“(4) A delegation under this section continues in force notwithstanding a change in the occupancy of, or a vacancy in, the office of Chief of Naval Staff, Chief of the General Staff or Chief of the Air Staff, as the case may be.”.

153. Sections 20 and 21 of the Principal Act are repealed.

Repeal of sections 20 and 21.

154. The Principal Act is amended as set out in Schedule 8.

Formal amendments.

Transitional. **155.** (1) Where, before the commencement of sections 23, 65 and 95, a member of the Defence Force has, under or for the purposes of a provision of the Principal Act amended by this Part, made an application or request to the Naval Board, the Military Board or the Air Board, but the application or request has not been dealt with by the Naval Board, the Military Board or the Air Board, as the case may be, the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case requires, shall treat the application or request as having been made to him under the Principal Act as amended by this Part.

(2) Where, before the commencement of sections 23, 65 and 95, the Naval Board, the Military Board or the Air Board has, under section 13 or 14 of the Principal Act, by notice served on a member of the Defence Force, required him to make to the Board not later than the expiration of the period provided for in the relevant section, application of the kind referred to in the notice and, before the commencement of sections 23, 65 and 95, the period so specified has not expired and the member has not made application to the Board as required by the notice, the Principal Act as amended by this Part applies to and in relation to the notice as if the Principal Act as so amended had been in force at the time the notice was given and as if it had been given by the appropriate chief of staff.

**PART X—AMENDMENTS OF THE DEFENCE FORCE
RETIREMENT AND DEATH BENEFITS ACT 1973-1974, AS
AMENDED BY THE DEFENCE FORCE RETIREMENT AND
DEATH BENEFITS ACT 1975¹¹**

Citation. **156.** (1) The *Defence Force Retirement and Death Benefits Act 1973-1974*,¹⁰ as amended by the *Defence Force Retirement and Death Benefits Act 1975*,¹¹ is in this Part referred to as the Principal Act.

(2) Section 1 of the *Defence Force Retirement and Death Benefits Act 1975*¹¹ is amended by omitting sub-section (3).

(3) The Principal Act, as amended by this Part, may be cited as the *Defence Force Retirement and Death Benefits Act 1973-1975*.

Interpretation.

157. Section 3 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definitions of “Air Force”, “Military Forces” and “Naval Forces”;
- (b) by omitting from the definitions of “eligible member of the Defence Force”, “Permanent Forces” and “Reserve” the words “the Naval Forces” (wherever occurring) and substituting the words “the Navy”; and

- (c) by omitting from the definitions of “eligible member of the Defence Force” and “Reserve” the words “the Military Forces” (wherever occurring) and substituting the words “the Army”.

158. (1) Section 8 of the Principal Act is amended—

Constitution
of Authority.

- (a) by omitting from paragraph (b) of sub-section (3) the words “Naval Board” and substituting the words “Chief of Naval Staff”;
- (b) by omitting from paragraph (c) of sub-section (3) the words “Military Board” and substituting the words “Chief of the General Staff”; and
- (c) by omitting from paragraph (d) of sub-section (3) the words “Air Board” and substituting the words “Chief of the Air Staff”.

(2) The appointment, before the commencement of this section, of a member of the Defence Force Retirement and Death Benefits Authority under paragraph 8 (3) (b), (c) or (d) of the Principal Act is not affected by the amendments made by sub-section (1) of this section.

159. (1) Section 9 of the Principal Act is amended—

Deputies of
members.

- (a) by omitting from sub-section (3) the words “Naval Board” (wherever occurring) and substituting the words “Chief of Naval Staff”;
- (b) by omitting from sub-section (4) the words “Military Board” (wherever occurring) and substituting the words “Chief of the General Staff”; and
- (c) by omitting from sub-section (5) the words “Air Board” (wherever occurring) and substituting the words “Chief of the Air Staff”.

(2) The appointment, before the commencement of this section, of the deputy of a member of the Defence Force Retirement and Death Benefits Authority under section 9 of the Principal Act is not affected by the amendments made by sub-section (1) of this section.

160. Section 10 of the Principal Act is repealed and the following section substituted:—

“10. The validity of the appointment of a member referred to in paragraph 8 (2) (b), or of a deputy of such a member, shall not be called in question by reason only of a defect or irregularity in connexion with the nomination of the member or deputy member.”

Irregularities
in nomi-
nation of
members
and deputy
members.

Entitlement
to retirement
pay.

161. (1) Section 23 of the Principal Act is amended by omitting from sub-section (4) the words “Naval Board, the Military Board or the Air Board” and substituting the words “Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff or a person authorized in writing by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff”.

(2) Where, before the commencement of this section, the Naval Board, the Military Board or the Air Board had stated in writing that an officer was retired at his own request or was retired upon disciplinary grounds, section 23 of the Principal Act as amended by sub-section (1) of this section has effect as if the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be, had stated in writing that he was so retired.

Service Chief
may inform
authority of
grounds of
retirement.

162. (1) Section 37 of the Principal Act is amended by omitting the words “Naval Board, the Military Board or the Air Board” and substituting the words “Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff or a person authorized in writing by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff”.

(2) Where, before the commencement of this section, a contributing member had been retired otherwise than on the ground of invalidity or of physical or mental incapacity to perform his duties and, after his retirement but before the commencement of this section, the Naval Board, the Military Board or the Air Board had informed the Defence Force Retirement and Death Benefits Authority that, at the time the member was retired, grounds existed on which he could have been retired on the ground of invalidity or of physical or mental incapacity, section 37 of the Principal Act as amended by sub-section (1) of this section has effect as if the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be, had so informed the Authority.

Schedule 2.

163. Schedule 2 of the Principal Act is amended—

- (a) by omitting the words “Naval Forces” and substituting the word “Navy”; and
- (b) by omitting the words “Military Forces” and substituting the word “Army”.

PART XI—AMENDMENTS OF DEFENCE FORCES RETIREMENT BENEFITS ACT 1948-1973

Citation.

164. (1) The *Defence Forces Retirement Benefits Act 1948-1973*¹² is in this Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Defence Forces Retirement Benefits Act 1948-1975*.

165. Section 4 of the Principal Act is amended by omitting from sub-section (1) the definitions of “Air Force”, “Military Forces”, “Naval Forces”, “Service Board” and “Service Minister”. Interpretation.

166. (1) Section 5 of the Principal Act is amended—

- (a) by omitting from paragraph (d) of sub-section (1) the words “Naval Forces” and substituting the word “Navy”;
- (b) by omitting from paragraph (e) of sub-section (1) the words “Military Forces” and substituting the word “Army”; and
- (c) by omitting from sub-section (3) the words “relevant Service Board” and substituting the words “Chief of Naval Staff, Chief of the General Staff or the Chief of the Air Staff, as the case may be”.

Constitution
of Defence
Forces
Retirement
Benefits
Board.

(2) The appointment, before the commencement of this section, of a member of the Defence Forces Retirement Benefits Board representing the Naval Forces, the Military Forces or the Air Force, being a member referred to in paragraph (2) (d), (e) or (f) of the Principal Act, is not affected by the amendments made by this section.

167. (1) Section 51 of the Principal Act is amended by omitting from sub-section (6) the words “Naval Board, the Military Board or the Air Board” and substituting the words “Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff or a person authorized in writing by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff”. Invalidity
benefits.

(2) Where a member who is a contributor was retired before 1 October 1972 otherwise than on the ground of invalidity or of physical or mental incapacity to perform his duties and, before the commencement of this section, the Naval Board, the Military Board or the Air Board had informed the Defence Force Retirement and Death Benefits Authority that, at the time the member was retired, grounds existed on which he could have been retired on the ground of invalidity or of physical or mental incapacity to perform his duties, sub-section 51 (6) of the Principal Act as amended by sub-section (1) of this section has effect as if the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be, had so informed the Authority.

PART XII—AMENDMENTS OF DEFENCE FORCE (PAPUA NEW GUINEA) RETIREMENT BENEFITS ACT 1973

168. (1) The *Defence Force (Papua New Guinea) Retirement Benefits Act 1973*¹³ is in this Part referred to as the Principal Act. Citation.

(2) The Principal Act, as amended by this Part, may be cited as the *Defence Force (Papua New Guinea) Retirement Benefits Act 1973-1975*.

Interpretation.

169. Section 3 of the Principal Act is amended—

(a) by inserting in sub-section (1), after the definition of “Board”, the following definition:—

“ ‘chief of staff’ means the Chief of Naval Staff or the Chief of the General Staff, as the case requires;”;

(b) by omitting from the definitions of “officer”, “rank” and “the Service” in sub-section (1) the words “Naval Forces” and substituting the words “Australian Navy”;

(c) by omitting from the definitions of “officer”, “rank” and “the Service” in sub-section (1) the words “Military Forces” and substituting the words “Australian Army”; and

(d) by omitting the definition of “the Service Board”.

Polygamous marriages.

170. (1) Section 5 of the Principal Act is amended by omitting from sub-sections (2), (4) and (8) the words “Service Board” (wherever occurring) and substituting the words “chief of staff”.

(2) A notice given under section 5 of the Principal Act before the commencement of this Act to the Naval Board or Military Board has the same effect after the commencement of this section as a notice given under section 5 of the Principal Act as amended by this Act to the Chief of Naval Staff or the Chief of the General Staff, as the case may be.

Transitional provisions: benefits.

171. Section 7 of the Principal Act is amended by omitting from sub-section (2) the words “the Service Board” and substituting the words “the Naval Board or the Military Board, as the case requires,”.

Constitution of Board.

172. (1) Section 10 of the Principal Act is amended by omitting paragraphs (c) and (d) of sub-section (1) and substituting the following paragraphs:—

“(c) one, being a contributor and a member of the Australian Navy, shall be appointed by the Governor-General upon the nomination of the Chief of Naval Staff; and

(d) one, being a contributor and a member of the Australian Army, shall be appointed by the Governor-General upon the nomination of the Chief of the General Staff.”.

(2) The appointment, before the commencement of this section, of a member of the Defence Force (Papua New Guinea) Retirement Benefits Board under paragraph 10 (1) (c) or (d) of the Principal Act is not affected by the amendments made by sub-section (1) of this section.

173. (1) Section 12 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-section:— Deputies of members of Board.

“(3) The deputy of a member appointed under paragraph 10 (1) (c) or (d) shall be a contributor and a member of the Australian Navy or the Australian Army, as the case may be, and his appointment shall be on the nomination of the Chief of Naval Staff or the Chief of the General Staff, as the case may be.”.

(2) The appointment, before the commencement of this section, of the deputy of a member of the Defence Force (Papua New Guinea) Retirement Benefits Board under section 12 of the Principal Act is not effected by the amendments made by sub-section (1) of this section.

174. (1) Section 14 of the Principal Act is repealed and the following section substituted:—

“14. (1) A member of the Board, or the deputy of a member, shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid remuneration at the rate that was applicable immediately before the commencement of this section. Remuneration and allowances.

“(2) A member of the Board, or the deputy of a member, shall be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunals Act 1973-1974*.”.

(2) Subject to the *Remuneration Tribunals Act 1973-1974*, regulations in force at the commencement of this section for the purposes of sub-section 14 (2) of the Principal Act continue in force as if made for the purposes of sub-section 14 (2) of the Principal Act as amended by this Act.

175. (1) Section 40 of the Principal Act is amended by omitting from sub-paragraph (i) of paragraphs (b) and (d) of sub-section (1) the words “Service Board”, and substituting the words “chief of staff”. Pensions on super-annuation.

(2) An approval given by the Naval Board or the Military Board, before the commencement of this section, for the purposes of paragraph 40 (1) (b) or (d) of the Principal Act, has effect, after the commencement of this Act as if the approval had been given by the Chief of Naval Staff or the Chief of the General Staff for the purposes of paragraph 40 (1) (b) or (d) of the Principal Act as amended by this Act.

176. Schedule 1 of the Principal Act is amended—

Schedule 1.

- (a) by omitting the words “Naval Forces” and substituting the word “Navy”; and
- (b) by omitting the words “Military Forces” and substituting the word “Army”.

Formal amendments. **177.** The Principal Act is amended as set out in Schedule 9.

**PART XIII—AMENDMENTS OF THE WAR SERVICE
ESTATES ACT 1942-1973**

Citation. **178.** (1) The *War Service Estates Act 1942-1973*¹⁴ is in this Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *War Service Estates Act 1942-1975*.

Title. **179.** The title of the Principal Act is amended by omitting the words “Naval, Military and Air Forces of the Commonwealth” and substituting the words “Defence Force”.

Interpretation. **180.** Section 4 of the Principal Act is amended—

- (a) by omitting from the definition of “member” in sub-section (1) the words “naval, military or air forces of the Commonwealth” and substituting the words “Defence Force”;
- (b) by omitting from the definition of “member” in sub-section (1) the words “any of those forces” and substituting the words “the Defence Force”;
- (c) by omitting from the definition of “member” in sub-section (1) the words “any part of those forces” and substituting the words “any part of the Defence Force”;
- (d) by omitting from sub-section (1) the definition of “the Minister”; and
- (e) by omitting from the definition of “war service” in sub-section (1) the words “naval, military or air forces of the Commonwealth” and substituting the words “Defence Force”.

Formal amendments. **181.** The Principal Act is amended as set out in Schedule 10.

**PART XIV—AMENDMENTS OF REMUNERATION
TRIBUNALS ACT 1973-1974**

Citation. **182.** The *Remuneration Tribunals Act 1973-1974*,¹⁵ as amended by this Part, may be cited as the *Remuneration Tribunals Act 1973-1975*.

Interpretation. **183.** Section 3 of the *Remuneration Tribunals Act 1973-1974* is amended—

- (a) by omitting paragraph (o) of sub-section (4) and substituting the following paragraph:—
 - “(o) the office of a person employed under section 10 of the *Supply and Development Act 1939-1975*”; and

- (b) by omitting sub-paragraph (i) of paragraph (r) of sub-section (4) and substituting the following paragraph:—

“(i) Chief of Defence Force Staff;”.

**PART XV—AMENDMENTS OF DEFENCE
(RE-ESTABLISHMENT) ACT 1965-1973**

184. (1) The *Defence Re-establishment Act 1965-1973*¹⁶ is in this Citation. Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Part, may be cited as the *Defence (Re-establishment) Act 1965-1975*.

185. The title of the Principal Act is amended by omitting the word Title. “Forces” and substituting the words “Defence Force”.

186. Section 4 of the Principal Act is amended—

Interpretation.

- (a) by omitting sub-paragraph (ii) of paragraph (a) of sub-section (2) and substituting the following sub-paragraph:—

“(ii) the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, or a person authorized in that behalf by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, has stated that the discharge was on disciplinary grounds;”;

- (b) by omitting sub-paragraph (ii) of paragraph (b) of sub-section (2) and substituting the following sub-paragraph:—

“(ii) the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, or a person authorized in that behalf by the Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, has stated that the termination of the appointment was on disciplinary grounds;”.

187. Section 4A of the Principal Act is amended—

Former regular servicemen.

- (a) by omitting from paragraph (a) of sub-section (2) the words “Naval Forces” and substituting the word “Navy”; and
- (b) by omitting from paragraph (b) of sub-section (2) the words “Military Forces” and substituting the word “Army”.

SCHEDULE 1

Section 61

FORMAL AMENDMENTS OF DEFENCE ACT 1903-1973

1. The following provisions are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act, or of another Act, and substituting that number expressed in figures:—

Sections 10A (1), 61A (2), 61B (2), 73E, 90 (3), 124 (1) (gb).

SCHEDULE 1—continued

2. The following provisions are amended by omitting the words “of this Act” and “of this section” (wherever occurring):—

Sections 10A (1), 61B (2), 69 (2), 73E, 78(b) and (c), 80B (3), 118A (1), (2) and (4), 124(1) (c) and (t), 124(3).

3. The following provisions are amended by omitting the words “the Commonwealth” (wherever occurring) and substituting the word “Australia”:

Sections 4 (definitions of “Service Decoration” and “War”), 12, 42A (2), 55, 58, 61A (1) (b), 63 (1) (f), 66, 73A (2), 73D (1), 79 (1) and (1A), 82 (1), 97 (c), 109 (2), 114, 117, 118A (2) and (4), 122, 124 (1) (na), (1) (nb), (1) (nc) (ii) and (2) (b) (i).

4. The following provisions are amended by omitting the words “Naval Forces” (wherever occurring) and substituting the word “Navy”:

Sections 4 (definition of “sailor”), 61 (1) (g), 61B (1), 86 (2).

5. The following provisions are amended by omitting the words “Military Forces” (wherever occurring) and substituting the word “Army”:

Sections 4 (definition of “soldier”, “War Service” and “War Substantive Rank”), 10 (1) and (2) (b) (ii), 10A (1), (2), (3) and (7), 10C (2), 16A, 19, 33, 34, 36, 37, 39 (5), 40A, 42A, 49, 50C, 54, 55, 57, 61 (1) (g), 61B (1), 86 (2), 88, 117A, 123A, 123BB, 147 (1).

6. The Act is further amended as set out in the following table:—

Provision	Amendment
Title	Omit “the Commonwealth”, substitute “Australia”.
Section 6	(a) Omit “the First Schedule”, substitute “Schedule 1”. (b) Omit “the Naval and Military Forces of the Commonwealth”, substitute “the Navy and the Army”.
Sub-section 10A (5)	Omit “the Military Forces”, substitute “the Army”.
Section 13	Omit “the King or the Commonwealth”, substitute “the Crown or Australia”.
Section 31	Omit “The Military Forces of the Commonwealth consist”, substitute “The Army consists”.
Sub-section 32A (2)	Omit “the Military Forces”, substitute “the Army”.
Section 33	Omit “those Forces”, substitute “The Army”.
Section 34	Omit “those Forces” (wherever occurring), substitute “the Army”.
Section 36	Omit “those Forces”, substitute “the Army”.
Sub-section 37 (1)	Omit “the Second Schedule to this Act”, substitute “Schedule 2”.
Section 42	Omit “the Second Schedule to this Act”, substitute “Schedule 2”.
Sub-section 42A (1)	Omit “those Forces”, substitute “the Army”.
Heading to Division 3 of Part III	Omit “the Forces”, substitute “the Army”.
Paragraph 61A (1) (c)	Omit “the Commonwealth”, substitute “a Territory”.
Sub-section 61A (2)	Omit “of this Act”.
Paragraph 61C (b)	Omit “the thirteenth day of February, One thousand nine hundred and forty-six”, substitute “13 February 1946”.
Paragraph 61C (c)	Omit “the twenty-first day of November, One thousand nine hundred and forty-seven”, substitute “21 November 1947”.
Sub-section 73A (1)	(a) Omit “Public Service of the Commonwealth”, substitute “Australian Public Service”. (b) Omit “the Commonwealth”, substitute “Australia”.
Sub-section 83 (2)	Omit “the Commonwealth” (last occurring), substitute “Australia”.
Sub-section 123BA (1)	Omit “the Second Schedule to this Act”, substitute “Schedule 2”.
Sub-paragraph 124 (2) (b) (ii)	(a) Omit “the twenty-sixth day of June, One thousand nine hundred and fifty”, substitute “26 June 1950”. (b) Omit “the twenty-eighth day of June, One thousand nine hundred and fifty”, substitute “28 June 1950”.
Headings to Schedules	(a) Omit “First Schedule”, substitute “Schedule 1”. (b) Omit “Second Schedule”, substitute “Schedule 2”.

SCHEDULE 2

Section 89

FORMAL AMENDMENTS OF NAVAL DEFENCE ACT 1910-1973

1. The following provisions are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act, or of another Act, and substituting that number expressed in figures:—

Sections 5 (1), 9 (1), 32A (4), 41, 42B (1) and (2) (b), 42C.

2. The following provisions are amended by omitting the words “of this Act”, “to this Act” and “of this section” (wherever occurring):—

Sections 9 (1), 26 (1), 38 (2) (c), 42B (1) and (2) (b), 43 (1).

3. The following provisions are amended by omitting the words “Naval Forces” (wherever occurring) and substituting the word “Navy”:—

Sections 4 (definitions of “regulations” and “sailor”), 8 (1) and (2), 9 (1), (2), (3) and (6), 11 (2), 14, 17, 18 (1), 23, 24, 25 (1), 26, 28 (5), 33, 38 (3) and (4), 42, 44, 45 (1).

4. The Act is further amended as set out in the following table:—

Provision	Amendment
Sub-section 5 (1)	Omit “the Naval Forces and the members of those Forces”, substitute “the Navy and the members of the Navy”.
Sub-section 9 (5)	Omit “the Naval Forces”, substitute “the Navy”.
Heading to Part III	Omit “NAVAL FORCES”, substitute “AUSTRALIAN NAVY”.
Section 19	Omit “Naval Forces of the Commonwealth consist”, substitute “Navy consists”.
Section 23	Omit “those Forces”, substitute “the Navy”.
Section 24	Omit “those Forces” (wherever occurring), substitute “the Navy”.
Sub-section 25 (1)	Omit “those Forces”, substitute “the Navy”.
Heading to Part IV	Omit “NAVAL FORCES”, substitute “NAVY”.
Section 34	Omit “the Naval Forces and the members of those Forces”, substitute “the Navy and the members of the Navy”.
Paragraph 42A (4) (b)	Omit “the Commonwealth” (wherever occurring), substitute “Australia”.
Sub-section 42B (1) and paragraph 42B (2) (b)	Omit “Public Service of the Commonwealth” (wherever occurring), substitute “Australian Public Service”.
Paragraph 42B (2) (c)	Omit “the Commonwealth”, substitute “Australia”.

SCHEDULE 3

Section 96

FORMAL AMENDMENTS OF AIR FORCE ACT 1923-1973

1. The following provisions are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of another Act and substituting that number expressed in figures:—

Sections 3 (1), 4J (4).

2. The following provision is amended by omitting the words “the Commonwealth” and substituting the word “Australia”:—

Section 9.

SCHEDULE 4

Section 102

FORMAL AMENDMENTS OF SUPPLY AND DEVELOPMENT ACT 1939-1973

1. The following provisions are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act or of another Act and substituting that number expressed in figures:—

Sections 8 (1), 12 (1), 14, 27 (1) (a).

2. The following provisions are amended by omitting the words “of this Act” and “of this sub-section” (wherever occurring):—

Sections 8 (1), 27 (1) (a) and (1) (bj).

3. The following provisions are amended by omitting the words “the Commonwealth” (wherever occurring) and substituting the word “Australia”:

Sections 4 (definitions of “undertaking” and “war”), 5 (1) (b) and (1) (e) (ii), 6 (1), 25, 25A (2), 27 (1) (bc), (1) (bd), (1) (be), (2) (a) and (3) (definition of “trade union”).

4. The Act is further amended as set out in the following table:—

Provision	Amendment
Sub-section 13 (2)	Omit “of this section”.
Sub-section 13 (3)	Omit “of this section”.

SCHEDULE 5

Section 110

FORMAL AMENDMENTS OF DEFENCE (VISITING FORCES) ACT 1963-1973

1. The following provisions are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act or of another Act, and substituting that number expressed in figures:—

Sections 6 (2), 11 (1), 12 (1), (2) and (3), 14 (2) (a), 18 (1), (2) and (3), 23, 24 (6) and (7).

Clauses 1 and 3 of the Schedule.

2. The following provisions are amended by omitting the words “of this Act”, “to this Act”, “of this section” and “of this sub-section” (wherever occurring):—

Sections 5 (3), 8 (6) (a) and (7), 9 (3), (4) (a) and (6), 11 (1), 12 (1) and (2), 14 (2) (a), 16 (6) and (7), 18 (1), (2) and (3), 21 (3) (b) (i) and (4), 23, 24 (4).

Clauses 1 and 3 of the Schedule.

3. The following provisions are amended by omitting the words “the Commonwealth” (wherever occurring) and substituting the word “Australia”:

Sections 5 (8), 9 (1) and (5), 10 (1), 12 (1) (a), (2) and (3), 15 (1), 17 (1), 18 (2) and (4) (a).

Clauses 1 and 4 of the Schedule.

4. The Act is further amended as set out in the following table:—

Provision	Amendment
Sub-section 12 (3)	Omit “of this Act” (first occurring).
Sub-section 16 (7)	Omit “the Crown in right of the Commonwealth”, substitute “Australia”.
Sub-section 19 (1)	Omit “any member of the police force of the Commonwealth or of a State or Territory”, substitute “a Commonwealth Police Officer or a member of the Police Force of a State or of a Territory”.

SCHEDULE 5—continued

Provision	Amendment
Sub-section 20 (1)	Omit "A member of the police force of the Commonwealth or of a State or Territory", substitute "A member of a Police Force of a State or Territory".
Sub-section 24 (3)	Omit "of the Commonwealth".
Sub-section 24 (6)	Omit "of this Act" (last occurring).
Sub-section 28 (2)	Omit "for the Commonwealth" (wherever occurring).

SCHEDULE 6

Section 122

FORMAL AMENDMENTS OF COURTS-MARTIAL APPEALS ACT 1955-1973

1. The following provisions are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act or of another Act, and substituting that number expressed in figures:—

Sections 4 (1) (definitions of "the Deputy President" and "the Registrar"), 17 (1) (e), (1) (f) and (2), 34 (2), 37 (3), 40 (1), 47, 48 (3), 49, 50 (1) and (10), 60 (e).

2. The following provisions are amended by omitting the words "of this Act", "to this Act" and "of this section" (wherever occurring):—

Sections 4 (1) (definitions of "the Deputy President" and "the Registrar"), 9, 17 (1) (e), (1) (f) and (2), 21 (3) (b), 34 (2), 37 (3), 38 (3), (4) and (5), 40 (1), 47, 49, 50 (1) and (7), 60 (e).

3. The following provisions are amended by omitting the words "the Commonwealth" (wherever occurring) and substituting the word "Australia":—

Sections 17 (1) (f), 18 (2), 37 (1), (2) and (3).

SCHEDULE 7

Section 137

FORMAL AMENDMENTS OF SERVICES TRUSTS FUNDS ACT 1947-1973

The Act is amended as set out in the following table:—

Provision	Amendment
Section 4 (definition of "the prescribed date")	Omit "the thirtieth day of June, One thousand nine hundred and forty-seven", substitute "30 June 1947".
Section 4 (definition of "the time of war")	Omit "the third day of September, One thousand nine hundred and thirty-nine", substitute "3 September 1939".
Paragraph 8 (b)	Omit "the Commonwealth", substitute "Australia".
Section 15 (definition of "the interim Force")	Omit "twenty-three", substitute "23".
Paragraph 21 (a)	Omit "the sixth day of May, One thousand nine hundred and twenty-two", substitute "6 May 1922".
Paragraph 21 (b)	Omit "the thirteenth day of October, One thousand nine hundred and forty-four", substitute "13 October 1944".
Paragraph 22 (1) (b)	Omit "of this sub-section".
Paragraph 22 (2) (c)	Omit "of this sub-section".
Section 23	Omit "section one hundred and eleven of the <i>Defence Act 1903-1945</i> ", substitute "section 111 of the <i>Defence Act 1903-1975</i> ".
Sub-section 35 (1)	Omit "for the Commonwealth".

SCHEDULE 8

Section 154

FORMAL AMENDMENTS OF DEFENCE (PARLIAMENTARY CANDIDATES)
ACT 1969-1974

1. The following provisions are amended by omitting the words "of this Act" and "of this section" (wherever occurring):—

Sections 5 (1) (definition of "the declared date") and (2), 6 (1) and (3), 10 (1), 11 (1), (4) and (5), 12 (1), 13 (1) (a), (1) (c) and (2), 14 (1) (a), (1) (c) and (2), 16 (1), (2) (a), (2) (c) and (2) (d), 17 (1).

2. The following provisions are amended by omitting the words "the Commonwealth" and substituting the word "Australia":—

Sections 5 (1) (definition of "the Defence Force") 10 (4), 11 (4) and (5), 12 (3), 14 (3), 17 (1) and (2).

SCHEDULE 9

Section 177

FORMAL AMENDMENTS OF DEFENCE FORCE (PAPUA NEW GUINEA)
RETIREMENT BENEFITS ACT 1973

The following provisions are amended by omitting the words "the Commonwealth" (wherever occurring) and substituting the word "Australia":—

Sections 23 (b), 25, 26 (2), 27 (1) (a) and (1) (c), 28, 31 (2), 37, 38, 39 (1), 68 (2) (c).

Heading to Division 2 of Part IV.

SCHEDULE 10

Section 181

FORMAL AMENDMENTS OF WAR SERVICE ESTATES ACT 1942-1973

1. The following provisions are amended by omitting any number expressed in words that is used to identify a section of that Act and substituting that number expressed in figures:—

Sections 7 (1) (c), 11.

2. The following provisions are amended by omitting the words "of this Act" (wherever occurring):—

Sections 7 (1) (c), 11.

3. The following provision is amended by omitting the words "the pay of the Commonwealth" and substituting the words "the pay of Australia":—

Section 4 (1) (definition of "member").

4. The following provisions are amended by omitting the words "the Commonwealth" (wherever occurring) and substituting the word "Australia":—

Sections 4 (1) (definition of "war service estate"), 8, 9, 10 (1), 12.

NOTES

1. Act No. 96, 1975; assented to 9 September 1975.
2. Act No. 20, 1903, as amended by No. 12, 1904; No. 15, 1909; Nos. 30 and 37, 1910; No. 15, 1911; No. 5, 1912; No. 36, 1914; No. 3, 1915; No. 36, 1917; Nos. 16 and 47, 1918; No. 1, 1927; No. 50, 1932; No. 45, 1934; Nos. 13, 38, 70 and 74, 1939; No. 4, 1941; No. 11, 1945; No. 78, 1947; No. 35, 1948; No. 71, 1949;

NOTES—continued

No. 80, 1950; Nos. 19 and 59, 1951; No. 98, 1952; No. 20, 1953; No. 72, 1956; No. 92, 1964; No. 51, 1965; No. 93, 1966; No. 33, 1970; and No. 216, 1973 (as amended by No. 20, 1974).

3. Act No. 30, 1910, as amended by No. 16, 1911; No. 21, 1912; No. 45, 1918; No. 45, 1934; No. 35, 1948; No. 72, 1949; No. 14, 1952; No. 93, 1964; No. 53, 1965; No. 93, 1966; No. 24, 1968; No. 14, 1971; and No. 216, 1973 (as amended by No. 20, 1974).
4. Act No. 33, 1923, as amended by No. 74, 1939; No. 12, 1941; No. 80, 1950; No. 15, 1952; No. 73, 1956; No. 94, 1964; No. 50, 1965; and No. 216, 1973 (as amended by No. 20, 1974).
5. Act No. 26, 1939, as amended by Nos. 40 and 71, 1939; No. 9, 1944; No. 18, 1948; No. 93, 1966; and No. 216, 1973 (as amended by No. 20, 1974).
6. Act No. 81, 1963, as amended by No. 216, 1973 (as amended by No. 20, 1974).
7. Act No. 16, 1955, as amended by No. 93, 1966; and No. 216, 1973 (as amended by No. 20, 1974).
8. Act No. 23, 1947, as amended by No. 67, 1950; and No. 216, 1973 (as amended by No. 20, 1974).
9. Act No. 60, 1969, as amended by No. 84, 1973; No. 216, 1973 (as amended by No. 20, 1974); and No. 59, 1974.
10. Act No. 81, 1973, as amended by No. 59, 1974.
11. No *Defence Force Retirement and Death Benefits Act* 1975 was enacted.
12. Act No. 31, 1948, as amended by No. 37, 1949; No. 73, 1950; No. 29, 1951; No. 93, 1952; No. 80, 1953; No. 20, 1954; No. 19, 1955; No. 24, 1956; No. 95, 1957; No. 46, 1958; No. 103, 1959; No. 67, 1962; No. 103, 1963; Nos. 25, 98 and 135, 1965; No. 70, 1966; Nos. 55, 56 and 128, 1968; No. 61, 1969; No. 34, 1970; No. 47, 1971; No. 82, 1973; and No. 216, 1973 (as amended by No. 20, 1974).
13. Act No. 86, 1973.
14. Act No. 57, 1942, as amended by No. 39, 1943; and No. 216, 1973 (as amended by No. 20, 1974).
15. Act No. 215, 1973, as amended by No. 80, 1974.
16. Act No. 54, 1965, as amended by No. 93, 1966; No. 89, 1967; No. 10, 1968; No. 101, 1973; and No. 216, 1973 (as amended by No. 20, 1974).