



Defence Legislation Amendment Act 1984

No. 164 of 1984

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FORCE STAFF**



Defence Legislation Amendment Act 1984

No. 164 of 1984

An Act to amend certain legislation concerning the Defence Force and for other purposes

[Assented to 25 October 1984]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Defence Legislation Amendment Act 1984*.

Commencement

2. (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(2) Section 1, this section and sections 16, 17, 18, 19 and 120 and Part XIV shall come into operation on the day on which this Act receives the Royal Assent.

(3) Section 71 shall be deemed to have come into operation immediately after the commencement of Part XI of the *Defence Force Discipline Act 1982*.

(4) The provisions of Part IV (other than section 71) shall come into operation on the day fixed under sub-section 2 (2) of the *Defence Force Discipline Act 1982*.

(5) The provisions of Part VI, other than sections 84 and 86, shall be deemed to have come into operation on 1 July 1983.

(6) Sections 84 and 86 shall be deemed to have come into operation on 1 October 1972.

(7) Part XI shall come into operation on 1 January 1985.

(8) Part XV shall come into operation, or shall be deemed to have come into operation, as the case requires, immediately after the commencement of the *Transfer of Prisoners Act 1983*.

(9) Section 121 shall be deemed to have come into operation on 1 January 1982.

PART II—AMENDMENTS OF THE AIR FORCE ACT 1923

Principal Act

3. The *Air Force Act 1923*¹ is in this Part referred to as the Principal Act.

Continuous full time service of the Air Force Emergency Force

4. Section 4H of the Principal Act is amended—

- (a) by omitting from sub-section (1) “but are bound to render air-force service for such periods as are fixed by or in accordance with the regulations”; and
- (b) by omitting from sub-sections (3), (6), (7) and (8) “prescribed authority” and substituting “Chief of the Air Staff”.

5. After section 4H of the Principal Act the following section is inserted:

Service of the Air Force Emergency Force other than continuous full time service

“4HA. (1) Where the Chief of the Air Staff is of the opinion that a particular member of the Air Force Emergency Force, or members within a particular class of members of that Force, should undergo a period of training, he may, by instrument in writing, require the member or members to render air-force service (other than continuous full time air-force service) for that purpose.

“(2) Subject to sub-section (3), while a member is required to render air-force service pursuant to sub-section (1), he is bound to render that service for such period or periods in a specified training period as the Chief of the Air Staff directs in the instrument requiring him to render air-force service.

“(3) The period or periods of service by a member specified in an instrument or instruments pursuant to sub-section (2) shall not, either continuously or in the aggregate, exceed 30 days in any training period.

“(4) A member of the Air Force Emergency Force may, at any time, voluntarily undertake to render air-force service (other than continuous full time air-force service) for a period specified by him, and, if that undertaking is accepted, he is bound to render air-force service in accordance with that undertaking or for such period or periods within that specified period as the Chief of the Air Staff directs.

“(5) In this section, ‘training period’, in relation to a member of the Air Force Emergency Force, means a period of 12 consecutive months commencing on the date of the member’s transfer or appointment to, or enlistment in, that Force or on an anniversary of that date, as the case requires.”.

Service of the Australian Air Force Reserve

6. Section 4J of the Principal Act is amended by omitting from sub-sections (3) and (4) “prescribed authority” and substituting “Chief of the Air Staff”.

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

Delegation

“8A. (1) The Chief of the Air Staff may, by instrument in writing, delegate to an officer of the Air Force all or any of his powers under sections 4H, 4HA and 4J.

“(2) A delegation under this section may be made either generally or as otherwise provided in the instrument of delegation.

“(3) A power delegated under this section shall, when exercised by the delegate, be deemed, for the purposes of this Act, to have been exercised by the Chief of the Air Staff.

“(4) A delegation under this section does not prevent the exercise of a power by the Chief of the Air Staff.

“(5) A delegation under this section continues in force notwithstanding a change in the occupancy of, or a vacancy in, the office of Chief of the Air Staff.

“(6) A document purporting to be a copy of an instrument of delegation under this section and purporting to bear the signature, or a facsimile of the signature, of the Chief of the Air Staff and an endorsement in writing that the delegation is, or was on a specified date, in force, is, upon mere production in a court or otherwise for any purpose arising under this Act, *prima facie* evidence that the delegation was duly made in the terms set out in the document and is, or was on the date specified, in force.”.

PART III—AMENDMENTS OF THE DEFENCE ACT 1903

Principal Act

8. The *Defence Act 1903*² is in this Part referred to as the Principal Act.

Remuneration of chiefs of staff

9. Section 9B of the Principal Act is amended by omitting from sub-section (2) "section 58B" and substituting "Part IIIA".

Service of the Permanent Military Forces

10. Section 45 of the Principal Act is amended—

- (a) by omitting from sub-section (2) " , but are bound to render military service for such periods as are fixed by or in accordance with the regulations"; and
- (b) by omitting from sub-section (4) "prescribed authority" and substituting "Chief of the General Staff".

Calling out of the Regular Army Emergency Reserve for continuous full time military service

11. Section 46 of the Principal Act is amended by omitting from sub-sections (2) and (5) "prescribed authority" and substituting "Chief of the General Staff".

Direction by Chief of the General Staff

12. Section 48 of the Principal Act is amended by omitting "prescribed authority" and substituting "Chief of the General Staff".

13. After section 48 of the Principal Act the following section is inserted:

Service of the Regular Army Emergency Reserve other than continuous full time service

"48A. (1) Where the Chief of the General Staff is of the opinion that a particular member of the Regular Army Emergency Reserve, or members within a particular class of members of that force, should undergo a period of training, he may, by instrument in writing, require the member or members to render military service (other than continuous full time military service) for that purpose.

"(2) Subject to sub-section (3), while a member is required to render military service pursuant to sub-section (1), he is bound to render that service for such period or periods in a specified training period as the Chief of the General Staff directs in the instrument requiring him to render military service.

"(3) The period or periods of service by a member specified in an instrument or instruments pursuant to sub-section (2) shall not, either continuously or in the aggregate, exceed 30 days in any training period.

"(4) A member of the Regular Army Emergency Reserve may, at any time, voluntarily undertake to render military service (other than continuous full time military service) for a period specified by him, and, if that undertaking is accepted, he is bound to render military service in accordance with that undertaking or for such period or periods within that specified period as the Chief of the General Staff directs.

“(5) In this section, ‘training period’, in relation to a member of the Regular Army Emergency Reserve, means a period of 12 consecutive months commencing on the date of the member’s transfer or appointment to, or enlistment in, that force or on an anniversary of that date, as the case requires.”.

Service of the Australian Army Reserve

14. Section 50 of the Principal Act is amended by omitting from sub-sections (3) and (4) “prescribed authority” and substituting “Chief of the General Staff”.

Service of Reserve Forces after call out

15. Section 50B of the Principal Act is amended by omitting “prescribed authority” and substituting “Chief of Naval Staff, the Chief of the General Staff or the Chief of the Air Staff, as the case may be,”.

Insertion of new Division heading

16. Before section 58A of the Principal Act the following heading is inserted:

“Division 1—Determinations by the Minister”

Interpretation

17. Section 58A of the Principal Act is amended—

- (a) by omitting “Part” and substituting “Division”;
- (b) by omitting the definition of “cadet” and substituting the following definition:

“ ‘cadet’ means—

- (a) an officer or cadet in the Australian Cadet Corps; or
- (b) an officer, instructor or cadet in the Naval Reserve Cadets or the Air Training Corps,

and includes a person who has ceased to be a person referred to in paragraph (a) or (b), whether by reason of death or otherwise;”;

- (c) by omitting the definition of “member of the family” and substituting the following definition:

“ ‘member of the family’ includes—

- (a) in relation to a member—a member of the household of the member and a dependant of the member; or
- (b) in relation to a cadet—a member of the household of the cadet and a dependant of the cadet;”.

Minister may make determinations

18. Section 58B of the Principal Act is amended—

- (a) by adding at the end of paragraph (1) (c) “or cadets”;

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- (b) by inserting in paragraph (1) (e) “or cadets” after “members” (first occurring);
- (c) by omitting from paragraph (1) (e) “; and” and substituting “or cadets;”;
- (d) by adding at the end of sub-section (1) the following paragraphs:
 - “(g) deductions from the remuneration of a member or cadet or from allowances or other pecuniary benefits referred to in paragraphs (b) and (c); and
 - (h) the meanings to be attributed to words and expressions used in existing determinations and future determinations made under this section, and the circumstances in which those meanings are to apply.”;
- (e) by inserting after sub-section (1) the following sub-sections:
 - “(1A) A determination made under this section may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification—
 - (a) the provisions of any Act or of any regulations made under an Act or of any determination made under this section, section 58H of this Act or section 82D of the *Public Service Act 1922*, as in force at a particular time or as in force from time to time; or
 - (b) any matter contained in any other instrument or writing as in force or existing at the time when the first-mentioned determination takes effect.
 - “(1B) A determination under this section may provide that, where an amount has been paid (whether before or after the commencement of this sub-section) to a member or cadet or to a member of the family of a member or cadet under the regulations or under a determination made under this section or under Division 2, the member or cadet or the member of the family of the member or cadet is required to pay to the Commonwealth an amount, not exceeding the first-mentioned amount, upon the occurrence of an event specified in the determination, and may provide for the manner of recovery of such an amount.”; and
- (f) by omitting paragraphs (3) (b), (c) and (d) and substituting the following word and paragraph:
 - “or (b) the suspension, variation or cancellation of allotments of remuneration made by a member.”.

Insertion of new Divisions

19. After section 58E of the Principal Act the following Divisions are inserted in Part IIIA:

“Division 2—The Defence Force Remuneration Tribunal

Interpretation

“58F. In this Division, unless the contrary intention appears—

‘Chairman’ means the Chairman of the Tribunal appointed under section 58G;

‘Commission’ means the Australian Conciliation and Arbitration Commission established by sub-section 6 (1) of the *Conciliation and Arbitration Act 1904*;

‘Defence Force Advocate’ means the Defence Force Advocate appointed under section 58S;

‘member of the Tribunal’ means a member of the Tribunal appointed under section 58G, and includes the Chairman;

‘presidential member of the Commission’ means the President of the Commission or a Deputy President of the Commission appointed under section 6 of the *Conciliation and Arbitration Act 1904*;

‘relevant allowances’, in relation to a member, means allowances by way of remuneration payable to the member and, without limiting the generality of the foregoing, includes any allowance payable to the member—

- (a) in respect of the service of the member on a ship or aircraft;
- (b) as general compensation for the disadvantages of rendering naval, military or air force service;
- (c) in respect of particular skills or qualifications possessed by the member; or
- (d) as compensation for the hazardous nature of the duties that the member is required to perform or for the conditions under which the member is required to perform his duties;

‘Remuneration Tribunal’ means the Remuneration Tribunal established by sub-section 4 (1) of the *Remuneration Tribunals Act 1973*;

‘salary’ includes pay;

‘Tribunal’ means the Defence Force Remuneration Tribunal established by section 58G.

Establishment of Defence Force Remuneration Tribunal

“58G. (1) There is established by this section a Defence Force Remuneration Tribunal.

“(2) The Tribunal shall consist of—

- (a) a Chairman;
- (b) a person who is experienced in industrial relations matters; and
- (c) a person who has been a member.

“(3) The members of the Tribunal shall be appointed by the Governor-General on a part-time basis.

“(4) The person appointed as Chairman shall be a presidential member of the Commission.

“(5) A person shall not be appointed as a member of the Tribunal if he has at any time during the 5 years preceding his appointment been a member.

“(6) The performance of the duties and functions and the exercise of the powers of the Tribunal are not affected by reason only of there being one vacancy in the membership of the Tribunal.

Functions and powers of Tribunal

“58H. (1) The functions of the Tribunal are to inquire into and determine, in accordance with this section, the matters referred to in sub-section (2).

“(2) The Tribunal shall, as provided for by this section—

- (a) inquire into and determine the salaries and relevant allowances to be paid to members; and
- (b) inquire into and make determinations in respect of prescribed matters that have been referred to the Tribunal.

“(3) The Minister or, subject to sub-section (4), the Secretary or the Chief of the Defence Force may, by notice in writing given to the Chairman, refer a prescribed matter to the Tribunal.

“(4) The Secretary or the Chief of the Defence Force shall not, without the approval in writing of the Minister, refer a prescribed matter to the Tribunal pursuant to sub-section (3) if—

- (a) at any time during the preceding 12 months, the Minister has made a determination under section 58B that relates, in whole or in part, to that matter; or
- (b) the Secretary or the Chief of the Defence Force is aware that, at any time during the preceding 12 months, submissions have been made to the Minister requesting the Minister to make a determination that relates, in whole or in part, to that matter and the Minister has not made such a determination.

“(5) The Tribunal shall, within 2 years of the commencement of this section or within such shorter period as the Minister, by notice in writing given to the Chairman, determines, inquire into and make a determination in respect of the salaries and relevant allowances to be paid to members.

“(6) Where a determination of the Tribunal in respect of the salaries and relevant allowances to be paid to members is in force, the Tribunal shall inquire into and make a further determination in respect of those salaries and allowances—

- (a) within 2 years of the first-mentioned determination taking effect; or
- (b) if the Minister, by notice in writing given to the Chairman, requests the Tribunal to make a further determination in respect of those salaries and allowances within a shorter period of the first-mentioned determination taking effect—within that shorter period.

“(7) A determination of the Tribunal shall be in writing and shall take effect, or shall be deemed to have taken effect, on such day as the Tribunal specifies for the purpose in the determination.

“(8) The Tribunal shall not specify as the day on which a determination of the Tribunal takes effect a day earlier than the day on which the determination is made in any case where, if the determination so took effect—

- (a) the rights of a person (other than the Commonwealth) which existed immediately before the last-mentioned day would be affected in a manner prejudicial to that person; or
- (b) liabilities would be imposed on a person (other than the Commonwealth) in respect of anything done or omitted to be done before that last-mentioned day,

and where, in a determination of the Tribunal, any provision is made in contravention of this sub-section, that provision shall be of no effect.

“(9) The Chairman shall give a copy of each determination made by the Tribunal to the Minister, to the Secretary and to the Chief of the Defence Force.

“(10) Where the Tribunal has made a determination (not being a determination made pursuant to sub-section (12)), the Minister, the Secretary or the Chief of the Defence Force may, by notice in writing given to the Chairman within 28 days of the determination being made, request the Tribunal to reconsider the determination.

“(11) A notice of request under sub-section (10) shall set out the grounds on which the reconsideration is being sought.

“(12) As soon as practicable after a request is made under sub-section (10) for reconsideration of a determination, the Tribunal shall reconsider the determination and shall make a further determination affirming, varying or replacing the first-mentioned determination.

“(13) The Minister shall cause a copy of each determination of the Tribunal to be laid before each House of the Parliament within 15 sitting days of that House after the determination is received by him.

“(14) Any regulation made under this Act, the *Air Force Act 1923* or the *Naval Defence Act 1910*, and any determination made under section 58B of this Act, has no effect to the extent that it is inconsistent with any determination of the Tribunal.

“(15) In this section, ‘prescribed matter’ means a matter in relation to which the Minister may make determinations under section 58B, not being a matter referred to in paragraph (2) (a).

Reports by Tribunal

“58J. (1) The Minister may, by notice in writing given to the Chairman, request the Tribunal to inquire into and report to the Minister on a matter

specified in the notice, being a matter in relation to which the Tribunal may make a determination pursuant to section 58H.

“(2) When a request is made under sub-section (1), the Tribunal shall inquire into the matter concerned and give to the Minister a report in writing on that matter.

Procedure of Tribunal

“58K. (1) The Chairman shall convene such meetings of the Tribunal as he considers necessary for the efficient performance of its functions.

“(2) Meetings of the Tribunal shall be held at such places as the Chairman determines.

“(3) The Chairman shall preside at all meetings of the Tribunal at which he is present.

“(4) If the Chairman is not present at a meeting of the Tribunal, another member of the Tribunal nominated by the Chairman shall preside at the meeting.

“(5) The Tribunal shall keep records of its meetings.

“(6) At a meeting of the Tribunal—

- (a) 2 members of the Tribunal constitute a quorum;
- (b) all questions shall be decided by a majority of votes of the members of the Tribunal present and voting; and
- (c) the member of the Tribunal presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

“(7) The Tribunal shall, in making a determination, have regard to any decision of, or principles established by, the Commission that is or are, in the opinion of the Tribunal, relevant to the making of that determination.

“(8) In the performance of the functions of the Tribunal—

- (a) the Tribunal may regulate the conduct of its proceedings as it thinks fit and is not bound to act in a formal manner; and
- (b) the Tribunal may inform itself on any matter in such manner as it thinks fit and is not bound by the rules of evidence.

“(9) The Defence Force Advocate and a person representing the Commonwealth are entitled to be present, and to make submissions to the Tribunal, during any proceedings before the Tribunal.

Terms and tenure of office

“58L. (1) Subject to this Division, a member of the Tribunal holds office for 5 years, but is eligible for re-appointment.

“(2) A person shall not continue to hold office as a member of the Tribunal if—

- (a) he becomes a member of the Defence Force;

- (b) he becomes the Defence Force Advocate; or
- (c) in the case of the Chairman, he ceases to be a presidential member of the Commission.

Resignation

“58M. A member of the Tribunal may resign his office by writing signed by him and delivered to the Governor-General.

Termination of appointment

“58N. The Governor-General may terminate the appointment of a member of the Tribunal by reason of misbehaviour or physical or mental incapacity.

Acting appointments

“58P. (1) The Minister may appoint a person to act as a member (including the Chairman) of the Tribunal—

- (a) during a vacancy in the office of that member; or
- (b) during any period, or during all periods, when that member is absent from duty or from Australia or is, for any other reason (including the reason that, in the case of a member not being the Chairman, he is acting as Chairman), unable to perform the duties of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) While a person is acting as Chairman or as a member of the Tribunal other than the Chairman, he has and may exercise all the powers, and shall perform all the functions, of the Chairman or that member, as the case may be.

“(3) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(4) The Minister may—

- (a) determine the terms and conditions of appointment, including fees and allowances, of a person acting as a member of the Tribunal; and
- (b) terminate such an appointment at any time.

“(5) Where a person is acting as a member of the Tribunal in accordance with paragraph (1) (b) and that office becomes vacant while that person is so acting, then, subject to sub-section (3), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

“(6) The appointment of a person to act as a member of the Tribunal ceases to have effect if he resigns his appointment by writing signed by him and delivered to the Minister.

“(7) The validity of anything done by a person purporting to act under this section shall not be called in question on the ground that the occasion for his

appointment had not arisen, that there was a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased.

“(8) A reference in section 58H, 58J or 58K to the Chairman or to a member of the Tribunal shall be read as including a reference to a person acting as the Chairman or as a member of the Tribunal, as the case may be.

Fees and allowances

“58Q. (1) A member of the Tribunal shall be paid such fees and allowances as the Remuneration Tribunal determines.

“(2) The appointment of the holder of a prescribed office as a member of the Tribunal, or service by the holder of a prescribed office as such a member, does not affect his tenure of that prescribed office or his rank, title, status, precedence, salary, annual or other allowances or other rights or privileges as the holder of that prescribed office and, for all purposes, his service as a member of the Tribunal shall be taken to be service as the holder of the prescribed office.

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

“(4) In this section, ‘prescribed office’ means an office, appointment or other employment which is referred to in sub-section 7 (11) of the *Remuneration Tribunals Act 1973* as an office, appointment or other employment on a full-time basis or a judicial office referred to in sub-section 7 (12) of that Act.

“Division 3—The Defence Force Advocate

Interpretation

“58R. In this Division, unless the contrary intention appears—

‘Advocate’ means the Defence Force Advocate appointed under section 58S;

‘Remuneration Tribunal’ means the Remuneration Tribunal established by sub-section 4 (1) of the *Remuneration Tribunals Act 1973*;

‘Tribunal’ means the Defence Force Remuneration Tribunal established by section 58G.

Defence Force Advocate

“58S. (1) There shall be a Defence Force Advocate, who shall be appointed by the Minister on a part-time basis.

“(2) The person appointed as the Advocate shall be a person who—

(a) is experienced in industrial relations matters; and

(b) has a knowledge of the nature of service in the Defence Force.

“(3) In making an appointment under sub-section (1), the Minister shall have regard to any recommendations made by the Chief of the Defence Force.

Functions of Advocate

“58T. The functions of the Advocate are—

- (a) to advise the Chief of the Defence Force in relation to matters that have been, or may be, referred to the Tribunal by the Chief of the Defence Force pursuant to sub-section 58H (3);
- (b) to prepare submissions to be made to the Tribunal on behalf of the Defence Force concerning any matter that is being considered by the Tribunal; and
- (c) to represent the Defence Force in proceedings before the Tribunal.

Tenure and terms of office

“58U. (1) Subject to this Division, the Advocate holds office for 3 years, but is eligible for re-appointment.

“(2) A person shall not continue to hold the office of Advocate if he becomes a member of the Tribunal.

Resignation

“58V. The Advocate may resign his office by writing signed by him and delivered to the Minister.

Termination of appointment

“58W. The Minister may terminate the appointment of the Advocate by reason of misbehaviour or physical or mental incapacity.

Acting Defence Force Advocate

“58X. (1) The Minister may appoint a person to act as the Advocate—

- (a) during a vacancy in the office of the Advocate; or
- (b) during any period, or during all periods, when the Advocate is absent from duty or from Australia or is, for any other reason, unable to perform the duties of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) While a person is acting as the Advocate, he has and may exercise all the powers, and shall perform all the functions, of the Advocate.

“(3) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

“(4) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as the Advocate; and
- (b) terminate such an appointment at any time.

“(5) Where a person is acting as the Advocate in accordance with paragraph (1) (b) and the office becomes vacant while that person is so acting,

then, subject to sub-section (3), that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

“(6) The appointment of a person to act as the Advocate ceases to have effect if he resigns his appointment by writing signed by him and delivered to the Minister.

“(7) The validity of anything done by a person purporting to act under this section shall not be called in question on the ground that the occasion for his appointment had not arisen, that there was a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had ceased.

Fees and allowances

“58Y. (1) The Defence Force Advocate shall be paid such fees and allowances as the Remuneration Tribunal determines.

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

Unauthorized use or supply of uniforms and emblems

20. Section 83 of the Principal Act is amended by omitting from paragraph (1) (a) “, wear or have in his possession” and substituting “or wear”.

Delegation

21. Section 120A of the Principal Act is amended—

(a) by omitting from sub-section (4) “and 44” and substituting “, 44, 45, 48, 48A, 50 and 50B”; and

(b) by inserting after sub-section (4) the following sub-sections:

“(4A) The Chief of Naval Staff may, by instrument in writing, delegate to an officer of the Navy his powers under section 50B.

“(4B) The Chief of the Air Staff may, by instrument in writing, delegate to an officer of the Air Force his powers under section 50B.”.

Regulations

22. Section 124 of the Principal Act is amended—

(a) by omitting paragraph (1) (v); and

(b) by inserting after sub-section (1) the following sub-section:

“(1A) The regulations may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification, the provisions of a determination, as in force at a particular time or as in force from time to time, made under section 58B or 58H of this Act or under section 82D of the *Public Service Act 1922*.”.

**PART IV—AMENDMENTS OF THE DEFENCE FORCE
DISCIPLINE ACT 1982**

Principal Act

23. The *Defence Force Discipline Act 1982*³ is in this Part referred to as the Principal Act.

Interpretation

24. Section 3 of the Principal Act is amended—

- (a) by omitting “Chief of Defence Force Staff” from the definition of “chief of staff” in sub-section (1) and substituting “Chief of the Defence Force”;
- (b) by inserting after the definition of “convicted person” in sub-section (1) the following definitions:
 - “ ‘custodial offence’ means—
 - (a) an offence against sub-section 54A (1) or (2); or
 - (b) an offence that—
 - (i) is an ancillary offence in relation to an offence against sub-section 54A (1) or (2); and
 - (ii) was committed by a person at a time when he was a detainee;
 - “ ‘custodial punishment’ means a punishment of a kind referred to in sub-section 68A (1);”;
- (c) by omitting from sub-section (1) the definitions of “detainee”, “detention centre” and “document” and substituting the following definitions:
 - “ ‘detainee’ means a person who is undergoing a punishment of detention in a detention centre;
 - “ ‘detention centre’ means a place, not being a prison, that is operated by the Defence Force as a place for the detention of persons on whom punishments of detention have been imposed;”;
- (d) by omitting paragraph (c) of the definition of “general order” in sub-section (1) and substituting the following paragraph:
 - “(c) a general, standing, routine or daily order in force with respect to a part of the Defence Force;”;
- (e) by omitting “or a barrister and solicitor” from the definition of “legal practitioner” in sub-section (1) and substituting “, a barrister and solicitor or a legal practitioner”;
- (f) by inserting after the definition of “legal practitioner” in sub-section (1) the following definition:
 - “ ‘medical practitioner’ means a person who is registered or licensed as a medical practitioner under a law of a State or Territory that provides for the registration or licensing of medical practitioners;”;

- (g) by omitting from paragraph (a) of the definition of “Territory offence” in sub-section (1) all the words after “other” and substituting “than this Act or the regulations”; and
- (h) by adding at the end thereof the following sub-sections:

“(16) Where—

(a) a detainee is granted leave of absence from a detention centre; and

(b) the detainee refuses or fails to return to the detention centre before the end of the leave of absence,

the detainee shall be taken, for the purposes of this Act, to have escaped from custody and from the detention centre.

“(17) A reference in a provision of this Act to the officer in charge of a detention centre is a reference to the officer who is responsible for the administration of the detention centre, and includes a reference to a member of the Defence Force, or to a member of the Defence Force included in a class of members of the Defence Force, authorized by a commanding officer, in writing, for the purposes of the provision in relation to the detention centre.

“(18) The provisions of this Act in so far as they protect the individual are in addition to, and not in derogation of, any rights and freedoms of the individual, whether under the law of the Commonwealth or of a State or Territory, and this Act is not intended to exclude or limit the operation of any law of the Commonwealth or of a State or Territory providing for those rights and freedoms in so far as it is capable of operating concurrently with this Act.”.

Further provision with respect to certain members of the Defence Force

25. Section 6 of the Principal Act is amended—

- (a) by omitting paragraph (1) (d);
- (b) by inserting in paragraph (2) (b) “or sub-section 68 (1) or 68A (1)” after “this section”; and
- (c) by adding at the end thereof the following sub-section:

“(3) Regulations made by virtue of sub-section (2) shall not modify a provision of this Act so as to increase the severity of the punishment provided by this Act for a service offence.”.

Prisoners of war

26. Section 7 of the Principal Act is amended—

- (a) by inserting in paragraph (2) (b) “or sub-section 68 (1) or 68A (1)” after “this section”; and
- (b) by inserting after sub-section (2) the following sub-section:

“(2A) Regulations made by virtue of sub-section (2) shall not modify a provision of this Act so as to increase the severity of the punishment provided by this Act for a service offence.”.

Aiding enemy

27. Section 15 of the Principal Act is amended by inserting in sub-section (3) "by act or omission," after "enemy,".

Communication with enemy

28. Section 16 of the Principal Act is amended by inserting in sub-section (3) "by act or omission," after "enemy,".

Desertion

29. Section 22 of the Principal Act is amended by omitting paragraphs (a), (b) and (c) and substituting the following paragraphs:

- "(a) while on active service or having been warned for active service, with intent to avoid that service, departs from, or does not attend at, his place of duty without leave; or
- (b) while absent without leave, manifests by his behaviour an intent to avoid active service,".

Person on guard or on watch

30. Section 32 of the Principal Act is amended by inserting in sub-section (2) "by act or omission," after "enemy,".

Loss of service property

31. Section 44 of the Principal Act is amended by omitting from sub-section (2) "safekeeping" and substituting "safe-keeping".

Looting

32. Section 48 of the Principal Act is amended by omitting paragraphs (a), (b) and (c) and substituting the following paragraphs:

- "(a) takes any property that has been left exposed or unprotected;
- (b) takes any property from the body of a person who has been killed or from a person who has been wounded, injured or captured; or
- (c) takes any vehicle, equipment or stores captured from or abandoned by the enemy,".

33. After Division 6 of Part III of the Principal Act the following Division is inserted:

"Division 6A—Custodial offences

Custodial offences

"54A. (1) A detainee who—

- (a) makes any unnecessary noise;
- (b) commits a nuisance;
- (c) is idle, careless or negligent at work;
- (d) without lawful authority, converses or otherwise communicates with another person (whether or not a detainee);

- (e) without lawful authority, gives any thing to, or receives any thing from, another person (whether or not a detainee);
- (f) without lawful authority, has in his possession any thing; or
- (g) without lawful authority, enters or leaves his cell,

is guilty of an offence.

“(2) A detainee who, while on leave of absence from a detention centre, refuses or fails to comply with a condition of the grant of the leave of absence is guilty of an offence.

“(3) It is a defence if a person charged with a custodial offence had a reasonable excuse for engaging in the behaviour to which the charge relates.

“(4) The maximum punishment for a custodial offence is segregated confinement for 10 days.

“(5) Sub-section (4) has effect notwithstanding anything contained in section 64.

“(6) Where—

- (a) a person (not being a detainee) commits an offence against sub-section (1) or (2) of this section by virtue of section 5 of the *Crimes Act 1914*; or
- (b) a person commits an offence against section 73 of the *Defence Act 1903* that relates to an offence against sub-section (1) or (2) of this section,

section 5 of the *Crimes Act 1914* or section 73 of the *Defence Act 1903*, as the case may be, has effect as if the maximum punishment for an offence against sub-section (1) or (2) of this section were imprisonment for 10 days.”.

Authorized punishments

34. Section 67 of the Principal Act is amended by omitting from sub-section (2) “and Schedule 3” and substituting “, Schedule 3 and Schedule 3A”.

Scale of punishments

35. Section 68 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “The only” and substituting “Subject to sections 68A and 68C, the only”; and
- (b) by omitting from sub-section (2) “The regulations may make provision” and substituting “A chief of staff may, by instrument in writing, make rules”.

36. After section 68 of the Principal Act the following sections are inserted:

Scale of custodial punishments

“68A. (1) The only punishments that may be imposed by a service tribunal on a person convicted of a custodial offence are, in decreasing order of severity, as follows:

- (a) segregated confinement for a period not exceeding 10 days;
- (b) confinement to cell for a period not exceeding 10 days;
- (c) extra drill for a period not exceeding 6 days;
- (d) restriction of custodial privileges for a period not exceeding 14 days.

“(2) A chief of staff may, by instrument in writing, make rules with respect to the consequences, in relation to a detainee, that are to flow from the imposition by a service tribunal on that detainee of any custodial punishment.

“(3) The officer in charge of a detention centre in which a detainee subject to a custodial punishment is undergoing a punishment of detention may moderate the consequences of the custodial punishment in relation to the detainee in such manner as the officer thinks appropriate having regard to the particular circumstances of the case and to any directions, in writing, of a chief of staff.

Disallowance, &c., of rules relating to certain punishments

“68B. Sections 48, 49 and 50 of the *Acts Interpretation Act 1901* apply in relation to rules made under sub-section 68 (2) or 68A (2) of this Act as if references in those sections of that Act to regulations were references to rules made under those sub-sections.

Custodial punishments may be imposed for certain non-custodial service offences

“68C. (1) Subject to sub-section 71 (4), where a person is convicted of a service offence to which this sub-section applies, a service tribunal may, in lieu of imposing a punishment of a kind referred to in sub-section 68 (1), impose a custodial punishment on the person in respect of the conviction.

“(2) Sub-section (1) applies to a service offence that—

- (a) is—
 - (i) an offence against section 23, 25, 26, 27, 29, 33, 43, 51 or 60; or
 - (ii) an offence that is an ancillary offence in relation to an offence referred to in sub-paragraph (i); and
- (b) was committed by a person at a time when he was a detainee.”.

Sentencing principles

37. Section 70 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(5) In the application of paragraph (2) (d) to a convicted person who is not a detainee, a conviction of the person by a summary authority that resulted

in the imposition of a custodial punishment on the person shall be disregarded.”.

Restrictions on power to impose punishments

38. Section 71 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “or another conviction”; and
- (b) by adding at the end thereof the following sub-sections:

“(4) A service tribunal shall not impose a custodial punishment on a person who is not a detainee.

“(5) A custodial punishment imposed on a detainee shall not extend beyond the period during which the detainee is undergoing a punishment of detention in a detention centre.”.

Concurrent or cumulative punishments

39. Section 74 of the Principal Act is amended—

- (a) by adding at the end of sub-section (1) the following paragraphs:

- “(f) segregated confinement;
- (g) confinement to cell;
- (h) extra drill;
- (j) restriction of custodial privileges.”;

- (b) by inserting in sub-section (4) “all or any of” after “tribunal may order that”;

- (c) by inserting after sub-section (4) the following sub-sections:

“(4A) Subject to this section, where—

- (a) a service tribunal convicts of a service offence a person who is already subject to a prescribed punishment (being a punishment that is suspended) and, on that conviction—

- (i) recommends to a reviewing authority, under sub-section 80 (3), that the suspension be revoked by the reviewing authority; and

- (ii) imposes another prescribed punishment; and

- (b) the reviewing authority revokes the suspension under sub-section 80 (4),

the punishments so imposed (including the punishment the suspension of which is revoked) shall be concurrent.

“(4B) Subject to sub-section (5), where—

- (a) a service tribunal convicts of a service offence a person who is already subject to a prescribed punishment (being a punishment that is suspended) and, on that conviction—

- (i) recommends to a reviewing authority, under sub-section 80 (3), that the suspension be revoked by the reviewing authority;

- (ii) imposes another prescribed punishment that is of the same kind as the suspended punishment; and
 - (iii) recommends to the reviewing authority that the punishments be made cumulative; and
- (b) the reviewing authority revokes the suspension under sub-section 80 (4),
- the reviewing authority may order that the punishments so imposed (including the punishment the suspension of which is revoked) shall be cumulative.”; and
- (d) by inserting in sub-section (5) “or a reviewing authority that has revoked a suspension of a punishment on the recommendation of a service tribunal” after “service tribunal”.

Revocation of suspension of punishment

40. Section 80 of the Principal Act is amended by inserting in sub-sections (1) and (4) “, subject to sub-sections 172 (1) and (2),” after “shall”.

Reparation orders

41. Section 84 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section:

“(2) The amount or the sum of the amounts that a convicted person may be ordered to pay by a service tribunal under this section shall not exceed—

- (a) in a case where—
 - (i) the service tribunal is a summary authority; and
 - (ii) the convicted person is a member of the Defence Force, the amount of the convicted person’s pay for 14 days; or
- (b) in any other case—5 times the maximum fine that the service tribunal could impose on the convicted person.”.

Summons and order in the nature of summons

42. Section 87 of the Principal Act is amended by omitting from sub-paragraph (1) (a) (iii) “109,”.

43. After section 95 of the Principal Act the following section is inserted:

Search of persons in custody in custodial facilities

“95A. (1) Where—

- (a) a person (in this section referred to as the ‘accused person’) is in custody on a charge in a custodial facility; and
- (b) an authorized person in relation to the custodial facility believes that it is necessary to do so for the purpose of ascertaining whether there is concealed on the accused person or in his clothing—
 - (i) a weapon or other thing capable of being used to—
 - (A) inflict death or bodily injury; or
 - (B) assist him to escape from custody; or

- (ii) any thing that is likely to affect the security or discipline of the custodial facility,

the authorized person may direct an authorized member in relation to the custodial facility to search the accused person and the clothing that the accused person is wearing.

“(2) The search shall be conducted in accordance with the following provisions:

- (a) the search shall be conducted in the presence of at least 2 other persons who are authorized persons, or authorized members, in relation to the custodial facility;
- (b) the search shall not be conducted in the presence of a person who is not an authorized person, or an authorized member, in relation to the custodial facility;
- (c) the accused person shall not be searched by, or in presence of, a person who is not of the same sex as the accused person.

“(3) The authorized member directed to conduct the search may—

- (a) require the accused person to remove any clothing that the accused person is wearing;
- (b) if the accused person refuses or fails to comply with such a requirement—remove the clothing;
- (c) use such reasonable force as is necessary to conduct the search; and
- (d) seize any weapon or thing of a kind referred to in paragraph (1) (b) found as in the course of the search.

“(4) In this section—

‘authorized member’, in relation to a custodial facility, means a member of the Defence Force, or a member of the Defence Force included in a class of members of the Defence Force, appointed by a commanding officer, in writing, to be an authorized member or authorized members, as the case may be, in relation to the custodial facility;

‘authorized person’, in relation to a custodial facility, means a member of the Defence Force, or a member of the Defence Force included in a class of members of the Defence Force, appointed by a commanding officer, in writing, to be an authorized person or authorized persons, as the case may be, in relation to the custodial facility;

‘custodial facility’ means a place or facility—

- (a) under the control of the Defence Force; and
- (b) at or in which a person in custody on a charge is detained.”.

44. Part VI of the Principal Act is repealed and the following Part is substituted:

“PART VI—INVESTIGATION OF SERVICE OFFENCES

“Division 1—Preliminary

Interpretation

“101. (1) In this Part, unless the contrary intention appears—

‘confession’ includes any admission or incriminating statement;

‘interview’, in relation to a person, includes asking the person questions in the course of investigating a service offence;

‘investigating officer’ means—

(a) a service policeman; or

(b) an officer, warrant officer or non-commissioned officer (not being a service policeman) engaged in the investigation of a service offence;

‘relevant act’, in relation to a service offence, means—

(a) an act or omission that constituted, or was done or omitted to be done, as the case requires, in connection with, the commission of the service offence; or

(b) an act or omission believed by an investigating officer investigating the service offence to have constituted, or to have been done or omitted to have been done, as the case requires, in connection with, the commission of the service offence;

‘relevant person’, in relation to a relevant act, means a person who was seen by another person doing or omitting to do, as the case requires, the relevant act;

‘serious service offence’ means a service offence punishable by a maximum punishment, or a fixed punishment, of imprisonment for life or a period exceeding 6 months;

‘suspect’, in relation to a relevant act, means a person whom an investigating officer investigating the service offence in relation to the relevant act believes may be a person who did or omitted to do, as the case requires, the relevant act;

‘telephone’ includes telex, radio or similar facilities;

‘witness’, in relation to a relevant act, means a person who saw another person doing or omitting to do, as the case requires, the relevant act.

“(2) For the purposes of this Part, a person is in custody in respect of a service offence if he is being detained as a person charged with the service offence or as a person arrested for, but not yet charged with, the service offence.

“(3) If a person is not in custody in respect of a particular service offence (in this sub-section referred to as ‘the relevant service offence’), but—

- (a) is in custody, or is undergoing detention or imprisonment, in respect of another service offence or is in custody for another reason; or
- (b) in connection with the investigation of the relevant service offence, is in the company of an investigating officer,

and an investigating officer concerned in the investigation of the relevant service offence—

- (c) in the case of a person to whom paragraph (a) applies—has come to the belief, or has given the person reasonable grounds for believing that he has come to the belief, that it is probable that the person committed the relevant service offence; or
- (d) in the case of a person to whom paragraph (b) applies—would not allow the person to leave, or has given the person reasonable grounds for believing that he would not be allowed to leave, if he wished to do so,

then, unless the contrary intention appears, the provisions of this Part have effect as if the person were in custody in respect of the relevant service offence.

“(4) Unless the contrary intention appears, a reference in this Part to custody includes a reference to custody that was unlawfully commenced or is being unlawfully continued.

“(5) Unless the contrary intention appears, a reference in this Part to a service offence includes a reference to a service offence that an investigating officer has reasonable grounds for believing is being, has been, or will be committed.

“(6) Without prejudice to the interpretation of a provision of this Act (other than a provision of this Part)—

- (a) it is the duty of an investigating officer to comply with the provisions of this Part in exercising his powers, or performing his duties, as an investigating officer; and
- (b) where an investigating officer contravenes a provision of this Part that is applicable to him—the contravention is not punishable as a service offence unless a penalty is provided by this Act or the regulations in respect of the contravention.

“(7) Nothing in sub-section (6) shall be taken to affect—

- (a) the operation of any provision of this Act or the regulations relating to the exclusion of evidence; or
- (b) any civil proceedings.

“Division 2—Duties of investigating officers when interviewing suspects

Interpretation

“101A. Where the investigating officer in charge of investigating a service offence has grounds for believing that a person who is in custody in respect of

the service offence has committed another service offence, the person shall, for the purposes of this Division, be deemed to be in custody in respect of both of the service offences.

Investigating officer may question persons

“101B. (1) Where an investigating officer who is investigating a service offence believes that a person (including a person believed by the investigating officer to have committed the service offence) may be able to furnish information that may assist the investigating officer in his investigation of the service offence, the investigating officer may, subject to this Part, ask the person questions relevant to his investigation of the service offence.

“(2) A person who is asked a question by an investigating officer under sub-section (1) is not required to answer the question.

Investigating officers to inform persons of rights

“101C. (1) Where a person is in custody, an investigating officer shall not ask him any questions or ask him to do any thing, for a purpose connected with the investigation of a service offence, unless the investigating officer has told him his name and rank.

“(2) Where, at or after the time when a person comes into custody in respect of a service offence, an interview of the person in connection with the service offence is being conducted by an investigating officer, the investigating officer shall not—

- (a) ask him any questions, or ask him to do any thing, for a purpose connected with the investigation of the service offence; or
- (b) cause or permit another person to ask him any questions, or ask him to do any thing, for a purpose connected with the investigation of the service offence,

unless an investigating officer has, at or since the commencement of the interview—

- (c) cautioned the person in the manner described in sub-section 101D (2); or
- (d) informed the person, or caused the person to be informed, in a language in which the person is reasonably fluent, of the matters referred to in sub-paragraphs 101D (2) (a) (i), (ii) and (iii).

“(3) Sub-section (2) does not apply in relation to asking a person to take part in an identification parade conducted in accordance with section 101N.

Persons to be charged or summoned to be given caution

“101D. (1) After an investigating officer has decided to charge a person with a service offence, to seek the issue of a summons against a person for a service offence or to recommend that a person be so charged or that a summons be so sought—

- (a) an investigating officer shall not ask the person any question, or request the person to do any thing, for a purpose connected with the

investigation of the service offence unless an investigating officer has, at or since the commencement of the interview in which the question is asked or the request is made, cautioned the person in the manner described in sub-section (2); and

- (b) the investigating officer who made the decision shall take reasonable steps to ensure that other investigating officers comply with paragraph (a).

“(2) The caution shall be given to a person in the following manner:

- (a) by handing him a document, in accordance with the prescribed form and written in a language in which the person is reasonably fluent, informing him to the following effect:

- (i) that he is not obliged to, but may if he wishes, answer any questions, or do any thing, asked of him by an investigating officer and that anything said or done by him may be used in evidence;
- (ii) that he may communicate with a legal practitioner and have, as provided by this Part, the assistance of a legal practitioner while he is being questioned;
- (iii) that he may, as provided by this Part, communicate with a relative or friend; and

- (b) by reading a copy of the document, or causing a copy of the document to be read, to him in the language in which it is written, unless it is impracticable for the document to be so read to him.

“(3) Sub-section (1) does not apply in relation to asking a person to take part in an identification parade conducted in accordance with section 101N.

Access to legal practitioner

“101E. (1) In this section, ‘investigative action’, in relation to a person who is in custody in respect of a service offence, means action taken in the presence of the person for a purpose connected with the investigation of the service offence, and includes asking the person questions or further questions for such a purpose.

“(2) Where an investigating officer concerned in the investigation of a service offence—

- (a) is informed by a person who is in custody in respect of the service offence that he wishes to consult a legal practitioner; or
- (b) has reasonable grounds for believing that a person who is in custody in respect of the service offence wishes to consult a legal practitioner,

the investigating officer—

- (c) shall forthwith, but after complying with sub-section 101F (3) (if applicable), cause reasonable facilities to be provided to enable the person to communicate with a legal practitioner of his choice and to arrange for a legal practitioner of his choice to be present while any

investigative action is being taken by an investigating officer in relation to the person; and

- (d) shall not take, and shall not cause or permit another person to take, any investigative action in relation to the person until the person has had a reasonable opportunity to communicate with a legal practitioner of his choice.

“(3) Where a person who is in custody in respect of a service offence arranges for a legal practitioner to be present while investigative action is being taken by an investigating officer in relation to him, no such action shall be taken by an investigating officer until the legal practitioner has arrived, or a period that is reasonable in the circumstances has been allowed for his arrival, unless the investigating officer has reasonable grounds for believing that it is necessary to take the investigative action without delay in order to—

- (a) avoid danger of the death of, or serious injury to, any person;
- (b) avoid serious damage to property; or
- (c) prevent concealment, loss or destruction of evidence of, or relating to, the service offence.

“(4) Where a legal practitioner attends to consult with a person who is in custody in respect of a service offence, or to be present while investigative action is being taken by an investigating officer in relation to a person who is in custody in respect of a service offence—

- (a) reasonable facilities shall be made available to enable the legal practitioner to consult with and advise the person without being overheard;
- (b) no investigative action shall be taken by an investigating officer in relation to the person until the legal practitioner has had a reasonable opportunity to consult with and advise the person;
- (c) the legal practitioner is entitled to be present while any investigative action is being taken by an investigating officer in relation to the person and to give advice to the person on any matter on which his advice is sought by the person, but only while he does not otherwise interfere with the taking of the investigative action; and
- (d) if the legal practitioner is a legal officer—the legal officer shall consult with and advise the person without expense to the person.

“(5) Where an investigating officer gives a person who is not in custody in respect of a service offence a caution of a kind referred to in sub-section 101C (2) before he commences to interview the person or during an interview with the person, the preceding sub-sections of this section apply as if the person were in custody in respect of the service offence during the period commencing when the caution is given and ending when the interview terminates or the person comes into such custody, whichever first occurs.

“(6) The requirements of this section apply only if, and to the extent that, the exigencies of service permit.

Lists of legal officers

“101F. (1) In this section, ‘prescribed place’ means a place prescribed for the purposes of this section.

“(2) Subject to and in accordance with the regulations, the Judge Advocate General shall establish and, so far as it is reasonably practicable to do so, update at such intervals as the Judge Advocate General thinks appropriate, a list, in relation to each prescribed place, of the names of legal officers who are willing to assist persons who are in custody at, or in the vicinity of, the prescribed place.

“(3) Where a person is in custody in respect of a service offence at, or in the vicinity of, a prescribed place, an investigating officer shall furnish to the person a copy of the list of the names of legal officers kept in relation to the prescribed place if—

- (a) the person, to the knowledge of the investigating officer, seeks to communicate, but is unable to communicate, with a legal practitioner of his choice; or
- (b) the investigating officer has reasonable grounds for believing that the person wishes to communicate with a legal practitioner but does not know of a legal practitioner whom he could consult.

“(4) The requirements of sub-section (3) apply only if, and to the extent that, the exigencies of service permit.

“(5) A reference in this section to a person in custody in respect of a service offence shall be read—

- (a) as not including a reference to a person who is undergoing a punishment of detention or imprisonment in respect of the service offence or is in custody under sub-section 172 (3A), (4) or (5) in respect of the service offence; and
- (b) as including a reference to a person (other than a person referred to in paragraph (a)) who is being, or will be, interviewed by an investigating officer in connection with the investigation of the service offence and has been given a caution of a kind referred to in sub-section 101C (2).

Communication with relative or friend

“101G. (1) Subject to sub-section (2), where an investigating officer—

- (a) is informed by a person who is in custody in respect of a service offence that he wishes to communicate with a relative or friend; or
- (b) has reasonable grounds for believing that a person who is in custody in respect of a service offence wishes to communicate with a relative or friend,

the investigating officer shall, as soon as practicable, cause reasonable facilities to be provided to enable the person to communicate with a relative or friend of his choice.

“(2) An investigating officer is not required to comply with sub-section (1) in respect of a person who is in custody in respect of a service offence if the

investigating officer believes on reasonable grounds that the non-compliance is necessary for the purpose of preventing—

- (a) the escape of an accomplice;
- (b) the concealment, loss, destruction or fabrication of evidence of, or relating to, the service offence; or
- (c) the intimidation of a witness.

“(3) The requirements of sub-section (1) apply only if, and to the extent that, the exigencies of service permit.

“(4) A reference in this section to a person who is in custody in respect of a service offence shall be read—

- (a) as not including a reference to a person who is undergoing a punishment of detention or imprisonment in respect of the service offence or is in custody under sub-section 172 (3A), (4) or (5) in respect of the service offence; and
- (b) as including a reference to a person (other than a person referred to in paragraph (a)) who is being, or will be, interviewed by an investigating officer in connection with the investigation of the service offence and has been given a caution of a kind referred to in sub-section 101C (2).

Treatment of persons in custody

“101H. (1) A person shall, while in custody in respect of a service offence, be treated with humanity and with respect for human dignity.

“(2) A person shall not, while in custody in respect of a service offence, be subjected to cruel, inhuman or degrading treatment.

“(3) Where a member of the Defence Force responsible for the custody of a person—

- (a) is informed by the person that he wishes to be provided with medical treatment in respect of illness or an injury; or
- (b) has reasonable grounds for believing that the person wishes to be provided with, or requires, medical treatment in respect of illness or an injury,

the member of the Defence Force shall, forthwith, take such reasonable action as is necessary to provide the person with medical treatment.

“(4) Where a person is in custody in respect of a service offence, the investigating officer in charge of investigating the service offence shall take all reasonable steps to ensure that the person is provided with reasonable refreshments and reasonable access to toilet facilities.

“(5) Where a person who is in custody in respect of a service offence is to be brought before a service tribunal while still in custody, the investigating officer in charge of investigating the service offence shall take all reasonable steps to ensure that the person is provided with facilities to wash or shower, and with the opportunity to obtain, and change into, other clothes, before he is brought before the service tribunal.

“(6) Where an investigating officer has reasonable grounds for believing that a person in custody is unable, by reason of inadequate knowledge of the English language or any physical disability, to communicate orally with reasonable fluency in the English language, the investigating officer shall not ask the person any questions in connection with the investigation of a service offence unless—

- (a) a person competent to act as interpreter is present and acts as interpreter during the questioning;
- (b) the investigating officer questions the person in a language in which both he and the person are able to communicate with reasonable fluency, or by any other means by which he and the person are able to communicate with reasonable proficiency; or
- (c) he has reasonable grounds for believing that it is necessary to question the person otherwise than in accordance with paragraph (a) or (b) without delay in order to avoid danger of the death of, or serious injury to, any person or serious damage to property.

“(7) The provisions of sub-section (1) or (2) shall not be taken to be contravened by the taking of any action by an investigating officer in accordance with section 101L or by the taking of necessary custodial measures.

“Division 3—Confessions

Admissibility of confessional evidence

“101J. (1) Evidence of a confession made by a person in the presence of an investigating officer is not admissible in proceedings against the person for a service offence unless the service tribunal, or, in the case of a court martial, the judge advocate of the court martial, is satisfied that the confession was made voluntarily.

“(2) For the purposes of sub-section (1), a confession that is obtained from a person in consequence of—

- (a) the use of physical violence, or a threat of physical violence, to any person; or
- (b) the making of a promise, threat or other inducement (not being physical violence or a threat of physical violence) likely to cause the person to make a confession that is untrue,

shall be deemed not to be made voluntarily.

Admissibility of oral confessions

“101K. (1) Subject to sub-section (10), in proceedings against a person (in this section referred to as the ‘accused’) before a service tribunal in respect of a serious service offence, evidence by an investigating officer of a confession made by the accused in his presence, after the proclaimed date, is not admissible on behalf of the prosecution unless the requirements of sub-section (2), (3) or (4) are complied with in respect of the interview during which the confession is alleged to have been made.

“(2) This sub-section is complied with in respect of an interview—

- (a) if 2 sound recordings of everything said by and to the accused during the interview are made by the one multiple sound recording apparatus; or**
- (b) where a multiple sound recording apparatus is not available at the place of interview for use by the investigating officer conducting the interview—if one sound recording of everything said by and to the accused during the interview is made by a sound recording apparatus and a copy of the sound recording is made as soon as practicable thereafter,**

and the requirements of sub-sections (5) and (6) are observed in respect of the sound recordings.

“(3) This sub-section is complied with in respect of an interview if, at the time of the interview or as soon as practicable thereafter, a record in writing is made, either in English or in another language used by the accused during the interview, of everything said by and to the accused during the interview and—

- (a) the record, with or without alteration, is acknowledged, in writing in the prescribed manner, by the accused to be a full and correct record and a copy of the record as so acknowledged is given to him; and**
- (b) if the language used by the accused during the interview is a language other than English but the record is made in English—the record is read to the accused, in the language used by him during the interview, before he so acknowledges it.**

“(4) This sub-section is complied with in respect of an interview if—

- (a) at the time of the interview or as soon as practicable thereafter, a record in writing is made, either in English or in another language used by the accused during the interview, of everything said by and to the accused during the interview;**
- (b) as soon as practicable after the record is made, the record is read to the accused in the language used by him during the interview and a copy of the record is given to him;**
- (c) the accused is given the opportunity to interrupt the reading at any time for the purpose of drawing attention to any error or omission that he claims has been made in or from the record and, at the end of the reading, the accused is given the opportunity of stating whether he claims that there are any errors in or omissions from the record, in addition to any to which he has drawn attention during the reading;**
- (d) either—**
 - (i) 2 sound recordings are made by the one multiple sound recording apparatus of the reading referred to in paragraph (b) and of everything said by and to the accused as a result of compliance with paragraph (c) and the requirements of sub-sections (5) and (6) are observed in respect of the sound recordings; or**

(ii) an appropriate witness is present when the requirements of paragraphs (b) and (c) are complied with and—

(A) a record in writing is made of everything said by and to the accused as a result of compliance with paragraph (c) while it is being said or as soon as practicable thereafter; and

(B) the appropriate witness signs a certificate in the prescribed form certifying that paragraphs (b) and (c) were complied with in his presence and that the record is a full and correct record; and

(e) before conducting the reading referred to in paragraph (b), an explanation, in accordance with the prescribed form, is given to the accused of the procedure that will be followed for the purpose of compliance with that paragraph and paragraphs (c) and (d).

“(5) Where 2 sound recordings are made as referred to in paragraph (2) (a) or sub-paragraph (4) (d) (i), the investigating officer in charge of the making of the sound recordings shall—

(a) hand one of the sound recordings to the accused;

(b) inform the accused that the other sound recording will be retained by the Defence Force and may be used in evidence; and

(c) advise the accused to make arrangements for the safe-keeping of the sound recording handed to him so that it will be available for comparison with the sound recording retained by the Defence Force and, if requested to do so by the accused, afford the accused an opportunity of making arrangements for the safe-keeping of the sound recording on his behalf.

“(6) Where a sound recording has been handed to a person in accordance with sub-section (5), the investigating officer in charge of the investigation shall, upon request, provide, as soon as practicable, reasonable facilities to the accused or his legal practitioner to enable the sound recording to be reproduced in sound.

“(7) For the purposes of sub-section (1), the requirements of sub-section (4) shall be taken to be complied with in respect of an interview if, where the explanation referred to in paragraph (4) (e) is given to the accused after paragraph (4) (a) has been complied with in respect of the interview, the actions of the accused prevent the following of the procedure that would, but for this sub-section, be required to be followed for the purposes of compliance with paragraphs (4) (b), (c) and (d).

“(8) In proceedings against a person before a service tribunal, the burden of satisfying the service tribunal, or, in the case of a court martial, the judge advocate of the court martial, that, in relation to evidence to which this section applies, the requirements of this section have been complied with lies on the prosecution.

“(9) Subject to the power of a service tribunal, or, in the case of a court martial, the judge advocate of the court martial, to exclude evidence—

- (a) on the ground of unfairness to the accused;
- (b) on the ground that it is evidence of a confession not shown to have been made voluntarily; or
- (c) otherwise in the interests of justice,

the prosecution is not prevented from leading evidence of a confession by reason only of anything said by the accused, during, or at the end of, the reading to him of a record in writing containing the confession, concerning the accuracy of the record, but this sub-section does not prevent a judge advocate from directing the members of a court martial with respect to the weight to be accorded to the statement as evidence.

“(10) A service tribunal, or, in the case of a court martial, the judge advocate of the court martial, may admit evidence of a confession notwithstanding that the requirements of this section have not been complied with, or that there is insufficient evidence of compliance with those requirements, if, having regard to the nature of, and the reasons for, the non-compliance or insufficiency of evidence and any other relevant matters, the service tribunal or the judge advocate, as the case may be, is satisfied that, in the special circumstances of the case, admission of the evidence would not be contrary to the interests of justice.

“(11) Where the judge advocate of a court martial, in pursuance of sub-section (10), permits evidence to be given before the members of the court martial, the judge advocate shall, if he considers that the interests of justice so require, inform the members of the court martial of the non-compliance with the requirements of this section, or of the absence of sufficient evidence of compliance with those requirements, and give the members of the court martial such warning concerning the evidence as he thinks appropriate in the circumstances.

“(12) A reference in this section to a multiple sound recording apparatus is a reference to a sound recording apparatus—

- (a) capable of making 2 or more recordings of the same sound at the one time; or
- (b) that, at the same time as, or immediately after, it makes one recording, automatically makes a copy of the recording.

“(13) A reference in this section to an interview includes a reference to any occasion on which anything is said by the accused in the presence of an investigating officer.

“(14) A reference in sub-section (4) to an appropriate witness is a reference to—

- (a) a person included in a prescribed class of persons;
- (b) a legal practitioner advising the accused; or

- (c) a relative or friend of the accused who is present at the reading referred to in paragraph (4) (b) at the request or with the approval of the accused.

“Division 4—Other investigative action

Fingerprints, photographs, &c.

“101L. (1) An investigating officer who is an officer or warrant officer may take, or cause to be taken, prints of the hands, fingers, feet or toes, sound recordings of the voice, samples of the handwriting, or photographs, of a person who is in lawful custody in respect of a service offence if—

- (a) the investigating officer believes on reasonable grounds that it is necessary to do so for the purpose of establishing who the person is or of identifying the person as the person who committed the service offence or of providing evidence of, or relating to, the service offence;
- (b) the investigating officer believes on reasonable grounds that the person has committed another service offence and the prints, recordings, samples or photographs are to be taken for the purpose of identifying the person as the person who committed the other service offence or of providing evidence of, or relating to, the other service offence; or
- (c) the investigating officer has the consent in writing of the person to do so.

“(2) Except as provided in sub-section (1) or in accordance with an approval under sub-section (4), or for the purposes of section 101K or sub-section 101N (5), an investigating officer shall not—

- (a) take, or cause to be taken, a print, recording, sample or photograph of a kind referred to in sub-section (1) in respect of a person who is in custody in respect of a service offence; or
- (b) require any other person to submit to the taking of any such print, recording, sample or photograph.

“(3) An investigating officer who is an officer or warrant officer may—

- (a) make application to an authorized officer in person; or
- (b) if it is impracticable for him to make application to an authorized officer in person—make application to an authorized officer by telephone,

for approval to take, or cause to be taken, prints of the hands, fingers, feet or toes, sound recordings of the voice, samples of the handwriting, or photographs, of—

- (c) a person who is in lawful custody in respect of a service offence; or
- (d) a person against whom proceedings have been instituted under section 87 in respect of a service offence.

“(4) The authorized officer may, if he thinks it proper in all the circumstances, give his approval, in writing, to the taking of the prints, recordings, samples or photographs, as the case may be.

“(5) Where the application was made to the authorized officer by telephone, the authorized officer shall cause the instrument of approval to be forwarded to the applicant.

“(6) An investigating officer may use such reasonable force as may be necessary in acting in accordance with sub-section (1) or in pursuance of an approval of an authorized officer under sub-section (4).

Identification by means of photographs

“101M. (1) Where a suspect in relation to a relevant act in relation to a service offence is in custody, an investigating officer investigating the service offence shall not show a photograph of a person, or a series of photographs of persons, to a witness to the relevant act for the purpose of ascertaining, or obtaining evidence of, the identity of a relevant person in relation to the relevant act unless—

- (a) the suspect has refused to take part in an identification parade; or
- (b) the holding of an identification parade would be—
 - (i) unfair to the suspect; or
 - (ii) impracticable in all the circumstances.

“(2) Where an investigating officer investigating a service offence shows a photograph of a person, or a series of photographs of persons, to a witness to a relevant act in relation to the service offence for the purpose of ascertaining, or obtaining evidence of, the identity of a relevant person in relation to the relevant act, the investigating officer—

- (a) shall not, in doing so, act unfairly towards a suspect in relation to the relevant act or suggest to the witness that a particular photograph is the photograph of such a suspect or of a person who is being sought by the police or by the Defence Force in respect of a civil court offence, an overseas offence or a service offence;
- (b) shall keep, or cause to be kept, a record identifying each photograph or series of photographs that is shown to the witness; and
- (c) shall, upon application by a suspect in relation to the relevant act—
 - (i) provide the suspect with a copy of the record so kept; and
 - (ii) afford the suspect a reasonable opportunity to inspect each photograph or series of photographs shown to the witness.

“(3) Where a suspect in relation to a relevant act in relation to a service offence is in custody, an investigating officer investigating the service offence shall not show a picture of the kind known as an ‘Identikit’ picture or a picture of a similar kind, or a series of pictures of the kind known as an ‘Identikit’ picture or a series of pictures of a similar kind, to a witness to the relevant act for the purpose of assisting the witness to describe the features of a relevant person in relation to the relevant act.

“(4) Nothing in sub-section (3) precludes an investigating officer from obtaining the assistance of a witness to a relevant act in relation to a service

offence in the preparation of a picture of the kind known as an 'Identikit' picture or a picture of a similar kind.

"(5) Where, after an investigating officer investigating a service offence has shown a witness to a relevant act in relation to the service offence a picture or series of pictures for the purpose of assisting the witness to describe the features of a relevant person in relation to the relevant act, a suspect in relation to the relevant act comes into custody, the investigating officer in charge of investigating the service offence shall, unless it is impracticable to do so, cause the witness to attend an identification parade in relation to the suspect.

"(6) Where, after a witness to a relevant act in relation to a service offence has been shown a picture or series of pictures for the purpose of assisting the witness to describe the features of a relevant person in relation to the relevant act, a person is charged with the service offence, the investigating officer in charge of investigating the service offence shall, upon application by the person, provide him with particulars of the picture or series of pictures that was shown to the witness and the comments (if any) of the witness concerning the picture or series of pictures.

"(7) Where a suspect in relation to a relevant act in relation to a service offence is in custody and an investigating officer investigating the service offence believes on reasonable grounds that a person who is not in custody is a relevant person in relation to the relevant act—

- (a) sub-section (1) shall not be taken to prevent an investigating officer from showing a photograph of a person, or a series of photographs of persons, to a witness to the relevant act for the purpose of ascertaining, or obtaining evidence of, the identity of the other person; and
- (b) sub-section (3) shall not be taken to prevent an investigating officer from showing a picture of the kind known as an 'Identikit' picture or a picture of a similar kind, or a series of pictures of the kind known as an 'Identikit' picture or a series of pictures of a similar kind, to a witness to the relevant act for the purpose of assisting the witness to describe the features of a relevant person in relation to the relevant act (other than the suspect).

Identification parades

"101N. (1) An investigating officer investigating a service offence shall not cause or permit an identification parade to be held for the purpose of ascertaining whether a witness to a relevant act in relation to the service offence can identify a suspect in relation to the relevant act as a relevant person in relation to the relevant act unless the suspect has agreed to the holding of the parade and has been informed by an investigating officer in writing in a language in which he is reasonably fluent and, if practicable, orally in such a language—

- (a) that he is entitled to refuse to agree to the holding of the parade;
- (b) that, if he does not agree to the holding of the parade and take part in the parade, evidence may be given, in any proceedings with respect to

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the service offence, of any identification of him by the witness as a result of—

- (i) having seen a photograph or series of photographs; or
 - (ii) having seen him otherwise than during an identification parade;
- (c) that, if he does take part in the identification parade, evidence may be given, in any proceedings with respect to the service offence—
- (i) of any identification made by the witness;
 - (ii) of any doubts expressed by the witness, during or immediately following the holding of the parade; and
 - (iii) of any unfairness in the conducting of the parade; and
- (d) that he may have present, during the holding of the parade, a legal practitioner or other person of his choice if arrangements can be made for the legal practitioner or other person to be present within a reasonable time.

“(2) Where the investigating officer informs the suspect as provided in sub-section (1), the investigating officer shall ask the suspect to sign an acknowledgment, in accordance with the prescribed form, of the fact that he has been so informed and of the date on which, and the time at which, he was so informed.

“(3) Where it is necessary, in proceedings with respect to a service offence, for a service tribunal to determine whether an investigating officer has informed a person as provided in sub-section (1) and an acknowledgment of the kind referred to in sub-section (2), signed by the person, is not produced in evidence, the service tribunal shall presume, unless the contrary is proved, that the person was not so informed.

“(4) Where an identification parade is held in relation to a suspect in relation to a relevant act in relation to a service offence, for the purpose of ascertaining whether a witness to the relevant act can identify the suspect as a relevant person in relation to the relevant act, the investigating officer responsible for conducting the parade—

- (a) shall arrange and conduct the parade in such a manner as will not unfairly prejudice the suspect; and
- (b) shall, as far as he is able to do so, ensure that nothing in the arranging and conducting of the parade, or in what happens during the conducting of the parade, suggests, or is likely to suggest, to the witness which of the persons included in the parade is the suspect.

“(5) The investigating officer responsible for conducting the identification parade shall—

- (a) cause—
 - (i) at least one photograph, if practicable in colour, to be taken of the identification parade while it is being conducted; or
 - (ii) a videotape recording of the parade to be taken; and

- (b) cause to be recorded particulars of—
 - (i) what happens during the parade (including particulars of any words spoken by the witness and of any doubts expressed, and any gestures made, by the witness); and
 - (ii) the name, address and occupation of each person (other than the suspect) who is included in the parade and consents to the recording of those particulars.

“(6) The suspect is entitled, upon request to the investigating officer responsible for conducting the identification parade, to be provided with—

- (a) if a photograph of the identification parade has been taken in pursuance of paragraph (5) (a)—a copy of the photograph;
- (b) if a videotape recording of the identification parade has been taken in pursuance of paragraph (5) (a)—reasonable facilities to enable the videotape recording to be reproduced in images and, if practicable, sound; and
- (c) a copy of the record made in pursuance of sub-paragraph (5) (b) (i).

Searches of arrested persons

“101P. (1) An investigating officer may, upon lawfully taking a person into custody in respect of a service offence, search the person, the clothing he is wearing and any property under his immediate control if the investigating officer believes on reasonable grounds that it is necessary to do so—

- (a) for the purpose of ascertaining whether there is concealed on the person, in his clothing or in that property a weapon or other thing capable of being used to—
 - (i) inflict death or bodily injury; or
 - (ii) assist him to escape from custody; or
- (b) for the purpose of preventing the concealment, loss or destruction of evidence of, or relating to, the service offence.

“(2) Sub-section (1) does not authorize the investigating officer to remove, or to require the person to remove, any clothing that the person is wearing.

“(3) The investigating officer may seize—

- (a) any weapon or other thing of a kind referred to in paragraph (1) (a);
or
- (b) any thing that he has reasonable grounds to believe is a thing—
 - (i) with respect to which a service offence has been committed;
 - (ii) that will afford evidence of the commission of a service offence;
or
 - (iii) that was used, or is intended to be used, for the purpose of committing a service offence,

being a weapon or thing found in the course of the search.

“(4) Nothing in this section shall be taken to affect the operation of section 95A or 178A.

Medical examinations

“101Q. (1) An investigating officer may arrange for a medical practitioner to examine a person in lawful custody in respect of a service offence for the purpose of securing evidence of, or relating to, the service offence if, and only if, the investigating officer believes on reasonable grounds that the examination is likely to provide such evidence and—

- (a) the person has given his consent in writing; or
- (b) an authorized officer has, under sub-section (4), approved the examination.

“(2) An investigating officer may arrange for a medical practitioner to take a specimen from a person in lawful custody in respect of a service offence for the purpose of having the specimen analysed or otherwise examined if, and only if, the investigating officer believes on reasonable grounds that analysis or other examination of the specimen is likely to provide evidence of, or relating to, the service offence and—

- (a) the person has given his consent in writing; or
- (b) an authorized officer has, under sub-section (4), approved the taking of the specimen.

“(3) An investigating officer may—

- (a) make application to an authorized officer in person; or
- (b) if it is impracticable for him to make application to an authorized officer in person—make application to an authorized officer by telephone,

for an approval for the purpose of sub-section (1) or (2).

“(4) The authorized officer may, if he is satisfied that the investigating officer has reasonable grounds for the belief referred to in sub-section (1) or (2), whichever is applicable, give his approval by instrument in writing.

“(5) Where the application was made to the authorized officer by telephone, the authorized officer shall cause the instrument of approval to be forwarded to the investigating officer.

“(6) Before arranging for a medical practitioner to examine a person in lawful custody or to take a specimen from such a person, an investigating officer shall inquire whether the person wishes to have a medical practitioner of his choice present during the examination or the taking of the specimen, as the case may be, and, if the person states that he does so wish, shall—

- (a) provide reasonable facilities to enable the person to arrange for a medical practitioner of his choice to be so present; and
- (b) unless it would be impracticable to do so—arrange for the examination to be made or the specimen to be taken, as the case may be, at a time when the medical practitioner chosen by the person can be present.

“(7) Sub-section (6) does not apply in relation to a person in custody in respect of a service offence where an investigating officer believes on reasonable grounds that, if the examination of the person or the taking of a specimen from the person, as the case requires, is delayed until a time when a medical practitioner chosen by the person can be present, evidence of, or relating to, the service offence may be lost or destroyed or may otherwise disappear.

“(8) An investigating officer may use such reasonable force as is necessary to take a person to a medical practitioner for the purpose of an examination of the person in accordance with sub-section (1) or the taking of a specimen from the person in accordance with sub-section (2), as the case requires.

“(9) Where, in accordance with this section, a medical practitioner examines a person in lawful custody in respect of a service offence or takes a specimen from such a person and—

- (a) no proceedings in respect of the service offence, or a related service offence, are instituted against the person—
 - (i) within a period of 12 months after the examination is made or the specimen is taken, as the case may be; or
 - (ii) if that period is extended under sub-section (10)—within that period as from time to time so extended; or
- (b) proceedings in respect of the service offence, or a related service offence, are instituted within that period, but a service tribunal acquits the person of a charge of the service offence, or a related service offence, or dismisses such a charge,

the person having the custody of the report of the examination or the report of the analysis or other examination of the specimen, as the case may be, and any investigating officer having the custody of a copy of such a report, shall cause it to be destroyed.

“(10) An authorized officer may, upon application by a person having the custody of the report of an examination by a medical practitioner of a person in lawful custody in respect of a service offence, or of the report of an analysis or other examination of a specimen taken from such a person, or by an investigating officer having the custody of a copy of such a report, and upon being satisfied, by information on oath or affirmation, that there are special reasons for doing so, extend, in respect of the examination or the analysis or other examination of the specimen, as the case may be, the period referred to in sub-paragraph (9) (a) (i), or that period as previously extended under this sub-section.

“(11) Where a person in lawful custody in respect of a service offence is examined by a medical practitioner in accordance with sub-section (1), or a specimen is taken from such a person in accordance with sub-section (2), an investigating officer concerned in the investigation of the service offence, shall, upon application by the person, cause the person to be provided with a copy of the report of the medical practitioner in respect of the examination or the report of the analysis or other examination of the specimen, as the case may be.

“(12) Where a medical practitioner makes an examination of a person, or takes a specimen from a person, in pursuance of arrangements duly made, or purporting to be duly made, by an investigating officer under this section, proceedings do not lie against the medical practitioner, or against any other person acting under his direction or otherwise assisting him, in respect of anything reasonably done in good faith by the medical practitioner or by the other person for the purpose of making the examination or taking the specimen, as the case may be.

“(13) Nothing in this section—

- (a) prevents a medical practitioner from examining, or taking a specimen from, a person at the request of the person or for the purpose of treating the person for illness or an injury; or
- (b) affects the power of a service tribunal, or, in the case of a court martial, the judge advocate of the court martial, to exclude evidence obtained through unreasonable force or inhuman treatment.

“(14) In this section, ‘specimen’, in relation to a person, includes a sample of, or taken from, the body of the person.

“(15) In the application of this section to a person who is in custody at a place outside Australia, a reference to a medical practitioner includes a reference to a person who is registered or licensed as a medical practitioner under—

- (a) a law of that place; or
- (b) a law of a prescribed place,

being a law that provides for the registration or licensing of medical practitioners.

Application of Division

“101R. This Division shall not be taken to prohibit an investigating officer from taking investigative action of a kind not referred to in this Division where the taking of that action is not inconsistent with a provision of this Division.

“Division 5—Rights of persons charged with service offences

Persons to be cautioned

“101S. Immediately after a person in custody is charged with a service offence, the investigating officer in charge of investigating the service offence shall caution the person, or cause him to be cautioned, in a language in which the person is reasonably fluent, in writing, and also, if practicable, orally, that he is not obliged to, but may if he wishes to do so, answer any questions, or do any thing, asked of him by an investigating officer and that anything said or done by him may be used in evidence.

Questioning of persons charged with service offences

“101T. (1) An investigating officer shall not, after a person is charged with, or summoned in respect of, a service offence, ask the person any question in relation to the service offence other than—

- (a) a question with respect to an ambiguity in an answer previously made by the person to a question asked of him by an investigating officer, being a question asked before he was charged with, or summoned in respect of, the service offence or duly asked in accordance with this section after he was so charged;
- (b) a question with respect to an ambiguity in a statement made by the person, whether before or after he was charged with, or summoned in respect of, the service offence; or
- (c) a question necessary to assist the investigating officer in dealing with an emergency.

“(2) Sub-section (1) shall not be taken to prevent an investigating officer from asking a person who has been charged with, or summoned in respect of, a service offence, whether he wishes to make a statement with respect to any information or other evidence of, or relating to, the service offence, that, at the time when the person was so charged or summoned, was not in the possession of any investigating officer concerned in the investigation of the offence, but nothing in this sub-section shall be taken to permit an investigating officer to ask such a person any further question other than a question with respect to an ambiguity in a statement referred to in this sub-section.

“(3) Immediately before an investigating officer asks a person who has been charged with, or summoned in respect of, a service offence any questions relating to the service offence, the investigating officer shall give the person a caution of the kind referred to in section 101S or draw the attention of the person to the caution previously given to the person in accordance with that section, as the case requires.

“(4) Where a person who has been charged with, or summoned in respect of, a service offence voluntarily proposes to make, or commences to make, a statement to an investigating officer in relation to the service offence (including a statement of the kind referred to in sub-section (2)), the investigating officer shall caution the person in a language in which he is reasonably fluent, in writing, and also, if practicable, orally, before the person commences to make the statement or, if it is not practicable to do so, as soon as practicable after the person commences to make the statement, that he is not obliged to, but may if he wishes, make a statement and that the statement may be used in evidence.

Persons charged with same service offence

“101U. (1) Where, after 2 or more persons have been charged with the same service offence, one of those persons furnishes to an investigating officer a written statement in relation to the service offence, not being a statement made jointly with the other person or all the other persons, as the case may be, charged with the service offence, the investigating officer to whom the

statement is furnished may cause a copy of the statement to be furnished to the other person or each of the other persons, as the case may be, charged with the service offence who did not join in making the statement, but shall not, subject to sub-section (2), read the statement to the other person or any of those other persons, as the case may be, or invite, either orally or otherwise, the other person or any of those other persons, as the case may be, to comment on the statement.

“(2) Where a person to whom a copy of a statement is furnished in accordance with sub-section (1) is unable for any reason to read the copy of the statement, the investigating officer shall—

- (a) in a case where the person is not reasonably fluent in the language in which the statement is written—cause the statement to be translated into a language in which the person is reasonably fluent and cause a copy of the translation to be furnished to the person and, if the person is unable to read the copy of the translation and the person consents, read the copy of the translation, or cause the copy of the translation to be read, to the person; or
- (b) in any other case—if the person consents, read the copy of the statement, or cause the copy of the statement to be read, to the person.

“(3) Where a person to whom a copy of a statement is furnished in accordance with sub-section (1) voluntarily proposes to make, or commences to make, a statement to an investigating officer in relation to the relevant service offence by way of comment on the first-mentioned statement, the investigating officer shall caution the person in a language in which the person is reasonably fluent, in writing, and also, if practicable, orally, before the person commences to make the statement or, if it is not practicable to do so, as soon as practicable after the person commences to make the statement, that he is not obliged to, but may if he wishes, make a statement and that the statement may be used in evidence.

“(4) A reference in this section to a written statement includes a reference to a record in writing of an interview, being an interview in respect of which sub-section 101K (3) has been complied with.

“Division 6—Search and seizure

Interpretation

“101V. (1) For the purposes of this Division, a thing is connected with a particular service offence if it is—

- (a) a thing with respect to which the service offence has been committed;
- (b) a thing that will afford evidence of the commission of the service offence; or
- (c) a thing that was used, or is intended to be used, for the purpose of committing the service offence.

“(2) A reference in this Division to land or premises is a reference to service land or premises on service land (other than land or premises in Australia occupied by, or comprising, married quarters), as the case requires.

“(3) A reference in this Division to a ship, aircraft or vehicle is a reference to—

- (a) a service ship, service aircraft or service vehicle, as the case requires; or
- (b) a ship, aircraft or vehicle, as the case requires, on service land.

Search and seizure

“101W. (1) An investigating officer may search a defence member or defence civilian, or clothing being worn by, or property under the immediate control of, a defence member or defence civilian, and may seize any thing found in the course of the search that the investigating officer believes on reasonable grounds to be connected with a service offence if, and only if, the search and seizure is made by the investigating officer—

- (a) in pursuance of a search warrant issued under section 101X or 101Y;
- (b) in accordance with section 101P or 101Z; or
- (c) after obtaining, in accordance with section 101ZA, the consent of the defence member or defence civilian, as the case may be, to the search.

“(2) An investigating officer may enter upon land, or upon or into premises or a ship, aircraft or vehicle, and may search the land, premises, ship, aircraft or vehicle and may seize any thing found in the course of the search that the investigating officer believes on reasonable grounds to be connected with a service offence if, and only if, the entry, search and seizure is made by the investigating officer—

- (a) in pursuance of a search warrant issued under section 101X or 101Y;
- (b) in accordance with section 101Z; or
- (c) after obtaining, in accordance with section 101ZA, the consent of the occupier of the land or premises or of the person in charge of the ship, aircraft or vehicle, as the case may be, to the entry.

Search warrants

“101X. (1) Where an information on oath or affirmation is laid before an authorized officer alleging that there are reasonable grounds for suspecting that a thing of a particular kind connected with a particular service offence may be found on a defence member or defence civilian, or in clothing being worn by, or property under the immediate control of, a defence member or defence civilian, and the information sets out those grounds, the authorized officer may issue a search warrant authorizing an investigating officer named in the warrant, with such assistance as he thinks necessary and if necessary by force—

- (a) to search the defence member or defence civilian, as the case may be, and clothing being worn by, and property under the immediate control of, the defence member or defence civilian, as the case may be, for things of that kind; and

- (b) to seize any thing of that kind found in the course of the search that he believes on reasonable grounds to be connected with the service offence.

“(2) Where an information on oath or affirmation is laid before an authorized officer alleging that there are reasonable grounds for suspecting that there may be, at that time or within the next following 24 hours, upon any land or upon or in any premises, ship, aircraft or vehicle, a thing of a particular kind connected with a particular service offence, and the information sets out those grounds, the authorized officer may issue a search warrant authorizing an investigating officer named in the warrant, with such assistance as he thinks necessary and if necessary by force—

- (a) to enter upon the land or upon or into the premises, ship, aircraft or vehicle, as the case may be;
- (b) to search the land, premises, ship, aircraft or vehicle, as the case may be, for things of that kind; and
- (c) to seize any thing of that kind found in the course of the search that he believes on reasonable grounds to be connected with the service offence.

“(3) An authorized officer shall not issue a warrant under sub-section (1) or (2) unless—

- (a) the informant or some other person has given to the authorized officer, either orally or by affidavit, such further information (if any) as the authorized officer requires concerning the grounds on which the issue of the warrant is being sought; and
- (b) the authorized officer is satisfied that there are reasonable grounds for issuing the warrant.

“(4) There shall be stated in a warrant issued under this section—

- (a) in the case of a warrant issued under sub-section (1)—
 - (i) a statement of the purpose for which the warrant is issued, which shall include a reference to the nature of the service offence in relation to which the search is authorized;
 - (ii) a description of the kind of things authorized to be seized; and
 - (iii) a date, not being later than one month after the day on which the warrant is issued, upon which the warrant ceases to have effect; and
- (b) in the case of a warrant issued under sub-section (2)—
 - (i) a statement of the purpose for which the warrant is issued, which shall include a reference to the nature of the service offence in relation to which the entry and search are authorized;
 - (ii) whether entry is authorized to be made at any time of the day or night or only during specified hours of the day or night;
 - (iii) a description of the kind of things authorized to be seized; and

- (iv) a date, not being later than one month after the day on which the warrant is issued, upon which the warrant ceases to have effect.

“(5) Where—

- (a) in the course of searching, in accordance with a warrant issued under this section or section 101Y, for things connected with a particular service offence, being things of a kind specified in the warrant, an investigating officer finds—
 - (i) any thing that he believes on reasonable grounds to be connected with the service offence, although not of the kind specified in the warrant; or
 - (ii) any thing that he believes on reasonable grounds to be connected with another service offence; and
 - (b) the investigating officer believes on reasonable grounds that it is necessary to seize that thing in order to—
 - (i) prevent its concealment, loss or destruction; or
 - (ii) its use in committing, continuing or repeating a service offence,
- the warrant shall be deemed to authorize him to seize that thing.

“(6) An investigating officer acting in accordance with a warrant issued under sub-section (1) may—

- (a) require a person to remove any clothing that the person is wearing; and
- (b) if the person refuses or fails to comply with the requirement—remove the clothing.

“(7) A person shall not be searched by, or in the presence of, a person who is not of the same sex as the first-mentioned person.

Search warrants may be granted by telephone

“101Y. (1) Where, by reason of circumstances of urgency, an investigating officer considers it necessary to do so, the investigating officer may make application to an authorized officer, by telephone, for a search warrant.

“(2) Before making the application, the investigating officer shall prepare an information of the kind referred to in sub-section 101X (1) or (2), as the case requires, being an information that sets out the grounds on which the issue of the warrant is being sought, but may, if it is necessary to do so, make the application before the information has been sworn or affirmed.

“(3) Where, upon application under sub-section (1), an authorized officer is satisfied, after having—

- (a) considered the terms of the information prepared in accordance with sub-section (2); and
- (b) had given to him such further information (if any) as he requires concerning the grounds on which the issue of the warrant is being sought,

that there are reasonable grounds for issuing the warrant, the authorized officer shall complete and sign a search warrant of such a kind as he would have issued under section 101X if the application had been made in accordance with that section.

- “(4) Where an authorized officer signs a warrant under sub-section (3)—
- (a) the authorized officer shall—
 - (i) inform the investigating officer of—
 - (A) the terms of the warrant; and
 - (B) the date on which, and the time at which, it was signed; and
 - (ii) record on the warrant his reasons for granting the warrant; and
 - (b) the investigating officer shall—
 - (i) complete a form of warrant in the terms furnished to him by the authorized officer; and
 - (ii) write on the form of warrant—
 - (A) the name of the authorized officer; and
 - (B) the date on which, and the time at which, the warrant was signed.

“(5) Where an investigating officer completes a form of warrant in accordance with paragraph (4) (b), the investigating officer shall, not later than the day next following the date of expiry of the warrant, send to the authorized officer who signed the warrant the form of warrant and the information duly sworn or affirmed by him in connection with the issue of the warrant.

“(6) Upon receipt of the form of warrant and information, the authorized officer shall attach to them the warrant.

“(7) A form of warrant duly completed by an investigating officer in accordance with paragraph (4) (b) is, if it is in the terms of the warrant signed by the authorized officer, authority for any search, seizure or entry that the warrant so signed authorizes.

“(8) Where it is material, in any action or proceeding, for a civil court or service tribunal to be satisfied that a search, seizure or entry was authorized by this section, and a warrant signed by an authorized officer in accordance with this section authorizing the search, seizure or entry is not produced in evidence, the civil court or service tribunal, as the case may be, shall presume, unless the contrary is proved, that the search, seizure or entry was not authorized by such a warrant.

Searches in emergencies

- “101Z. (1) An investigating officer may—
- (a) search a defence member or defence civilian, or clothing being worn by, or property under the immediate control of, a defence member or

defence civilian, whom he believes on reasonable grounds to be carrying any thing connected with a service offence; or

- (b) enter upon land, or upon or into premises or a ship, aircraft or vehicle, on or in which he believes on reasonable grounds that any thing connected with a service offence is situated and search the land, premises, ship, aircraft or vehicle, as the case may be,

and may seize any such thing found in the course of the search if—

- (c) the investigating officer believes on reasonable grounds that it is necessary to do so in order to—
 - (i) prevent its concealment, loss or destruction; or
 - (ii) prevent its use in committing, continuing or repeating a service offence; and
- (d) the search or entry and search, as the case may be, is made in circumstances of such seriousness and urgency as to require and justify immediate search or entry and search, as the case may be, without the authority of a warrant issued under section 101X or 101Y.

“(2) Where an investigating officer believes on reasonable grounds that a defence member or defence civilian is, without lawful authority or reasonable excuse, carrying an offensive weapon, or any thing connected with a serious service offence, the investigating officer may—

- (a) stop the defence member or defence civilian;
- (b) search the defence member or defence civilian, and the clothing being worn by, and property under the immediate control of, the defence member or defence civilian, as the case may be; and
- (c) seize any such weapon or thing found in the course of the search.

“(3) Where an investigating officer believes on reasonable grounds that an offensive weapon, or any thing connected with a serious service offence, is in a ship, aircraft or vehicle, the investigating officer may—

- (a) stop the ship, aircraft or vehicle;
- (b) enter upon or into the ship, aircraft or vehicle;
- (c) search the ship, aircraft or vehicle; and
- (d) seize any such weapon or thing found in the course of the search.

“(4) An investigating officer conducting a search in accordance with paragraph (1) (a) may—

- (a) require a person to remove any clothing that the person is wearing; and
- (b) if the person refuses or fails to comply with the requirement—remove the clothing.

“(5) A person shall not be searched by, or in the presence of, a person who is not of the same sex as the first-mentioned person.

“(6) In sub-sections (2) and (3), ‘offensive weapon’ means any thing—

- (a) made or adapted for use for causing death or bodily injury; or
- (b) intended by the person having it for such use.

Consent to search

“101ZA. (1) Before obtaining the consent of a person for the purposes of section 101W, an investigating officer shall inform the person that he may refuse to give his consent.

“(2) An investigating officer who obtains the consent of a person for the purposes of section 101W shall ask the person to sign an acknowledgement, in accordance with the prescribed form—

- (a) of the fact that he has been informed that he may refuse to give his consent;
- (b) of the fact that he has voluntarily given his consent; and
- (c) of the date on which, and the time at which, he gave his consent.

“(3) A search or entry and search, as the case requires, by an investigating officer by virtue of the consent of a person is not lawful unless the person concerned voluntarily consented to the search or entry and search, as the case may be.

“(4) Where it is material, in any action or proceeding, for a civil court or service tribunal to be satisfied of the voluntary consent of a person for the purposes of section 101W and an acknowledgment of the kind referred to in sub-section (2) signed by the person is not produced in evidence, the civil court or service tribunal, as the case may be, shall presume, unless the contrary is proved, that the person did not give such a voluntary consent.

“Division 7—Exclusion of evidence

Exclusion of evidence illegally obtained

“101ZB. (1) Where, in proceedings before a service tribunal in respect of a service offence, upon objection being taken to the admission of evidence on the ground that the evidence was obtained in contravention of, or in consequence of a contravention of, a provision of this Part, the service tribunal, or, in the case of a court martial, the judge advocate of the court martial, is satisfied, on the balance of probabilities but having regard to any provision of this Act or the regulations relating to proof of particular matters, that the evidence was so obtained, the service tribunal or judge advocate, as the case may be, shall not admit the evidence unless the service tribunal or judge advocate, as the case may be, is of the opinion that—

- (a) admission of the evidence would substantially benefit the public interest in the administration of justice; and
- (b) this benefit would outweigh any prejudice to the rights and freedoms of any person, including the accused person, that has occurred, or is likely to occur, as a result of the contravention or the admission of the evidence.

“(2) The matters that the service tribunal or judge advocate, as the case may be, may have regard to in deciding whether to admit the evidence include—

- (a) the seriousness of the service offence, the urgency and difficulty of detecting the offender and the need to preserve evidence of the facts;
- (b) the nature and seriousness of the contravention;
- (c) the effect that admission of the evidence in the particular circumstances of the case is likely to have on the operation of the provisions of this Part;
- (d) the effect (if any) of the contravention on the cogency of the evidence so obtained; and
- (e) the extent to which the evidence might have been obtainable lawfully.

“(3) This section is in addition to, and not in substitution for, any other law or rule under which a service tribunal, or, in the case of a court martial, the judge advocate of the court martial, may refuse to admit evidence.

“(4) Sub-section (3) shall not be taken to authorize a service tribunal or judge advocate, in proceedings in respect of a service offence, to refuse to admit a statement in evidence on the ground that an investigating officer contravened the rules known as the Judge’s Rules.

“(5) Nothing in this section derogates from the application of section 101J or 101K.

“Division 8—Application of Part

Application of Part

“101ZC. Nothing in this Part shall be taken to limit or restrict, by implication—

- (a) any action that may be taken, in accordance with any other law of the Commonwealth or the law of a State or Territory, for a purpose not connected with the investigation of a service offence; or
- (b) any action that a constable, or any other person who is not an investigating officer, may take, in accordance with any other law of the Commonwealth or the law of a State or Territory, for the purpose of investigating a service offence.”

Courses open to convening authority

45. Section 103 of the Principal Act is amended by omitting from sub-section (1) “, 110 (1) (d)” and substituting “or 110 (1) (d), sub-section 129A (3), section 131A”.

Interpretation

46. Section 104 of the Principal Act is amended by omitting paragraphs (b) and (c) and substituting the following paragraphs:

- “(b) a service offence prescribed for the purposes of this paragraph; or

- (c) a service offence that is an ancillary offence in relation to an offence referred to in paragraph (a) or (b).”.

Jurisdiction of subordinate summary authority

47. Section 108 of the Principal Act is amended—

- (a) by inserting after sub-section (1) the following sub-section:

“(1A) A subordinate summary authority has jurisdiction to deal with a charge against a prescribed officer in respect of a service offence of a kind notified, in writing, to the authority by the commanding officer who appointed him.”; and

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

“(3) A subordinate summary authority has jurisdiction to try a charge against a prescribed officer in respect of a service offence (other than a prescribed offence) of a kind notified, in writing, to the authority by the commanding officer who appointed him.

“(4) In this section, ‘prescribed officer’ means an officer who is—

- (a) included in a prescribed class of officers; and
- (b) receiving instruction or training.”.

Dealing with a charge by superior summary authority

48. Section 109 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

- “(a) make a decision to try the charge under section 106; or”.

Dealing with a charge by commanding officer

49. Section 110 of the Principal Act is amended by omitting from paragraph (1) (a) “try the charge” and substituting “make a decision to try the charge under that sub-section”.

Dealing with a charge by subordinate summary authority

50. Section 111 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “against a member of the Defence Force who is not an officer, being a charge”;
- (b) by omitting from sub-section (1) “sub-section 108 (1),” and substituting “sub-section 108 (1) or (1A)”;
- (c) by omitting from paragraph (2) (a) all the words after “under” and substituting “sub-section 108 (2) or (3)—make a decision to try the charge under sub-section 108 (2) or (3), as the case requires”;
- (d) by omitting from paragraphs (2) (b) and (c) “sub-section 108 (2)” and substituting “sub-section 108 (2) or (3)”;
- (e) by omitting from paragraph (2) (c) “, if so directed by that commanding officer.”.

51. After section 111 of the Principal Act the following section is inserted:

Proceedings by way of dealing with a charge

“111A. (1) A summary authority may, if he thinks it desirable to do so, hear evidence in relation to a charge for the purpose of determining, under section 109, 110 or 111, the manner in which the charge is to be dealt with, but, if he does so, nothing in this sub-section precludes him from trying the charge.

“(2) Without limiting the generality of sub-section 146 (2), regulations made by virtue of that sub-section may make provision for and in relation to the admissibility, in proceedings before a service tribunal (including proceedings by way of trying a charge), of evidence adduced in proceedings before a summary authority for the purpose referred to in sub-section (1).”.

Jurisdiction of court martial

52. Section 115 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “and to sub-section (1A) of this section” after “63”;
- (b) by inserting after sub-section (1) the following sub-section:

“(1A) A court martial does not have jurisdiction to try a charge of a custodial offence.”; and
- (c) by inserting in sub-section (2) “or 125 (6) or 129A (4)” after “sub-section 103 (6) or (7)”.

Eligibility to be member of court martial

53. Section 116 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (c) “he is not junior in rank to the accused person (being a member of the Defence Force) or to” and substituting “he holds a rank that is not lower than the rank held by the accused person (being a member of the Defence Force) or by”;
- (b) by inserting after sub-section (2) the following sub-section:

“(2A) Sub-section (2) does not apply in relation to a person who becomes President of a court martial in pursuance of—

 - (a) an appointment made by virtue of paragraph 124 (1) (e); or
 - (b) sub-section 126 (1).”; and
- (c) by inserting in sub-section (3) “, and to the extent that,” after “if”.

Jurisdiction and powers of Defence Force magistrate

54. Section 129 of the Principal Act is amended by inserting in sub-section (2) “or 129A (4)” after “103 (6)”.

55. After section 129 of the Principal Act the following section is inserted in Part VII:

Discontinuance of proceedings before Defence Force magistrate, &c.

“129A. (1) Where—

- (a) a charge or case has been referred to a Defence Force magistrate under section 103 or sub-section (4) of this section; and
- (b) it appears to a convening authority—
 - (i) at a time before the Defence Force magistrate commences to try the charge or hear the case, that by reason of the exigencies of service, or for any other reason, it is desirable to do so; or
 - (ii) at a time after the Defence Force magistrate commences to try the charge or hear the case, that it would not be in the interests of justice for the Defence Force magistrate to continue,

the convening authority shall terminate the reference.

“(2) Where—

- (a) a charge or case has been referred to a Defence Force magistrate under section 103 or sub-section (4) of this section; and
- (b) at a time after the Defence Force magistrate commences to try the charge or hear the case, the Defence Force magistrate is unable to conclude the trial of the charge or the hearing of the case because of death, illness, the exigencies of service or other circumstances,

a convening authority shall terminate the reference.

“(3) Where a reference of a charge is terminated by a convening authority under sub-section (1) or (2) at a time before the dismissal of the charge or the acquittal or conviction of the accused person, the charge shall, by virtue of the termination of the reference, be taken to have been referred to the convening authority.

“(4) Where—

- (a) a reference of a charge is terminated under sub-section (1) or (2) after the conviction of the accused person and before action has been taken under Part IV in relation to the person; or
- (b) a reference of a case is terminated under sub-section (1) or (2) before action has been taken under Part IV in relation to the convicted person,

a convening authority may—

- (c) refer the charge or case, as the case may be, to a Defence Force magistrate to take action under Part IV in relation to the person; or
- (d) if no Defence Force magistrate is available or the convening authority considers that it would be more appropriate for the matter to be dealt with by a court martial—convene a general court martial or a restricted court martial to take action under Part IV in relation to the person.”.

Trial by summary authority

56. Section 130 of the Principal Act is amended by inserting after sub-section (3) the following sub-section:

“(3A) Nothing in sub-section (1) shall be taken to require the summary authority, in trying a charge in accordance with that sub-section, to form either an opinion of the kind referred to in paragraph (1) (c) or an opinion of the kind referred to in paragraph (1) (d) unless—

- (a) the accused person has submitted that the summary authority should form an opinion of the first-mentioned kind; or
- (b) the interests of justice require that the summary authority should form an opinion of the first-mentioned kind.”.

57. After section 130 of the Principal Act the following section is inserted:

Special proceedings before examining officers

“130A. (1) Subject to the rules of procedure, a commanding officer may, at any stage of dealing with or trying a charge, direct an officer to hear evidence in relation to the charge.

“(2) An officer directed under sub-section (1) to hear evidence in relation to a charge shall be a legal officer.

“(3) The requirement set out in sub-section (2) applies only if the exigencies of service permit.

“(4) Sections 52 and 53, sub-section 87 (5) and sections 138, 139, 146, 147, 148, 149 and 193 of this Act and Part VIII of the *Defence Act 1903* have effect in relation to an officer directed under sub-section (1) of this section to hear evidence in relation to a charge (in this sub-section referred to as ‘the examining officer’) and to proceedings before the examining officer as if the examining officer were the commanding officer and those proceedings were proceedings before the commanding officer.

“(5) Without limiting the generality of sub-section 146 (2), regulations made by virtue of that sub-section may make provision for and in relation to the admissibility, in proceedings before a service tribunal, of evidence adduced in proceedings before an officer directed under sub-section (1) to hear evidence in relation to a charge.”.

58. After section 131 of the Principal Act the following section is inserted in Division 1 of Part VIII:

Reference of charge to convening authority

“131A. Where on a trial of a charge a superior summary authority or commanding officer is of the opinion—

- (a) that the evidence adduced by the prosecution is sufficient to support the charge; and
- (b) that, in the event of his convicting the accused person, he would be precluded by a provision of this Act from taking such action under Part

IV in relation to the accused person as he considers to be warranted by that evidence,

the superior summary authority or commanding officer, as the case may be, shall terminate the trial and refer the charge to a convening authority.”.

Trial by court martial

59. Section 132 of the Principal Act is amended by inserting after sub-section (4) the following sub-section:

“(4A) Nothing in sub-section (1) shall be taken to require the judge advocate to give either a ruling of the kind referred to in paragraph (1) (c) or a ruling of the kind referred to in paragraph (1) (d) unless—

- (a) the accused person has submitted that the judge advocate should give a ruling of the first-mentioned kind; or
- (b) the interests of justice require that the judge advocate should give a ruling of the first-mentioned kind.”.

Determination of questions by court martial

60. Section 133 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(6) Notwithstanding anything contained in this Act, the members of a court martial—

- (a) in determining the question whether an accused person—
 - (i) is guilty or not guilty of a service offence; or
 - (ii) at the time of the act or omission the subject of the charge, was suffering from such unsoundness of mind as not to be responsible, in accordance with law, for that act or omission; or
- (b) in determining what action shall be taken under Part IV in relation to a convicted person,

shall sit without any other person present.”.

Trial by Defence Force magistrate

61. Section 135 of the Principal Act is amended by inserting after sub-section (4) the following sub-section:

“(4A) Nothing in sub-section (1) shall be taken to require the Defence Force magistrate to give either a ruling of the kind referred to in paragraph (1) (c) or a ruling of the kind referred to in paragraph (1) (d) unless—

- (a) the accused person has submitted that the Defence Force magistrate should give a ruling of the first-mentioned kind; or
- (b) the interests of justice require that the Defence Force magistrate should give a ruling of the first-mentioned kind.”.

62. After section 141 of the Principal Act the following section is inserted:

Amendment of charges

“141A. (1) Where it appears to—

- (a) a summary authority, before dealing with or trying a charge or at any stage of dealing with or trying a charge;
- (b) a convening authority, at any stage when a charge is before him under section 103;
- (c) the judge advocate of a court martial, before the court martial tries a charge or at any stage of the trial of a charge; or
- (d) a Defence Force magistrate, before trying a charge or at any stage of trying a charge,

that the charge is defective, the summary authority, convening authority, judge advocate or Defence Force magistrate, as the case may be, shall make such amendment of the charge as he thinks necessary unless the amendment cannot be made without injustice to the accused person.

“(2) In sub-section (1), ‘amendment’ includes the addition of a charge or the substitution of a charge for another charge.”.

Alternative offences

63. Section 142 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(3) Where—

- (a) a person is charged with a service offence;
- (b) the person pleads not guilty to the charge but guilty to another service offence that is an alternative offence in relation to the first-mentioned service offence; and
- (c) the prosecution consents to the acceptance of the last-mentioned plea, the trial shall proceed as if the person—
 - (d) had been charged with the other service offence;
 - (e) had pleaded guilty to a charge of the other service offence; and
 - (f) had not been charged with the first-mentioned offence.”.

64. After section 145 of the Principal Act the following section is inserted:

Notice of alibi

“145A. (1) Where a convening authority—

- (a) convenes a court martial to try a charge; or
- (b) refers a charge to a Defence Force magistrate for trial,

the convening authority shall—

- (c) inform the accused person of the requirements of sub-sections (2), (3) and (5); and
- (d) give a copy of this section to the accused person.

“(2) In a trial of a charge by a court martial or Defence Force magistrate, the accused person shall not, without the leave of the judge advocate of the court martial or the Defence Force magistrate, as the case requires, adduce evidence in support of an alibi or assert in any statement made by him otherwise than on oath or affirmation that he has an alibi unless, before the end of the period of 14 days commencing on the day of the making of the order convening the court martial or the referring of the charge to the Defence Force magistrate, as the case requires, he gives notice of particulars of the alibi.

“(3) In a trial of a charge by a court martial or Defence Force magistrate, the accused person shall not, without the leave of the judge advocate of the court martial or the Defence Force magistrate, as the case requires, call a person to give evidence in support of an alibi unless—

- (a) the notice given under sub-section (2) includes the name and address of the person or, if the name or address of the person is not known to the accused person at the time he gives the notice, all information then in his possession that may be of material assistance in ascertaining the identity of, or in locating, the person;
- (b) if the name or address of the person is not included in the notice—the judge advocate of the court martial or the Defence Force magistrate, as the case may be, is satisfied that, before giving notice, the accused person took, and, after giving the notice, the accused person continued to take, all reasonable steps to ascertain the name and address of the person;
- (c) if the name or address of the person is not included in the notice, but the accused person subsequently ascertains the name or address of the person or receives information that may be of material assistance in ascertaining the identity of, or in locating, the person—the accused person forthwith gives notice of the name, address or other information, as the case may be; and
- (d) if the accused person is notified by or on behalf of the prosecution that the person has not been found by the name, or at the address, given by the accused person—the accused person forthwith gives notice of all information that is then in his possession that may be of material assistance in ascertaining the identity of, or in locating, the person and, if the accused person subsequently receives any such information, the accused person forthwith gives notice of the information.

“(4) Evidence to disprove an alibi may, subject to any direction by the judge advocate of a court martial or a Defence Force magistrate, be adduced before or after evidence is adduced in respect of the alibi.

“(5) A notice under this section shall be given in writing to the convening authority concerned.

“(6) In this section, ‘evidence in support of an alibi’ means evidence tending to show that by reason only of the presence of the accused person at a particular place, or in a particular area, at a particular time he was not, or was

unlikely to have been, at the place where the service offence is alleged to have been committed at the time of the alleged commission of the service offence.”.

Rules of procedure

65. Section 149 of the Principal Act is amended by inserting after paragraph (1) (f) the following paragraph:

“(fa) the manner of taking the votes of the members of a court martial;”.

Review of action under Part IV

66. Section 162 of the Principal Act is amended by omitting from sub-section (5) all the words after “reviewing authority” (last occurring) and substituting the following words and paragraphs:

“shall not—

- (a) impose a punishment that is more severe than the punishment that was imposed by the service tribunal;
- (b) if the punishment imposed by the service tribunal was a custodial punishment—impose a punishment other than a custodial punishment;
- (c) if the punishment imposed by the service tribunal was not a custodial punishment—impose a custodial punishment; or
- (d) if the service tribunal made a reparation order—make a reparation order for an amount that exceeds the amount of the reparation order that was made by the service tribunal.”.

Punishments or orders not approved to be quashed or revoked

67. Section 169 of the Principal Act is amended by omitting from sub-section (2) all the words after “reviewing authority” (last occurring) and substituting the following words and paragraphs:

“shall not—

- (a) impose a punishment that is more severe than the punishment that was imposed by the service tribunal;
- (b) if the punishment imposed by the service tribunal was a custodial punishment—impose a punishment other than a custodial punishment;
- (c) if the punishment imposed by the service tribunal was not a custodial punishment—impose a custodial punishment; or
- (d) if the service tribunal made a reparation order—make a reparation order for an amount that exceeds the amount of the reparation order that was made by the service tribunal.”.

Warrants of commitment

68. Section 170 of the Principal Act is amended—

- (a) by inserting in sub-section (3) “, or a specified member of the Defence Force who is not a service policeman,” after “Police” (first occurring);

- (b) by adding at the end of sub-section (3) “or the member of the Defence Force specified in the warrant, as the case requires”;
- (c) by inserting in sub-section (4) “or Territory” after “State”;
- (d) by omitting from sub-section (4) “the detention centre” and substituting “that or any other detention centre”; and
- (e) by adding at the end thereof the following sub-section:
 - “(5) In this section, ‘detainee’ means a convicted person on whom a punishment of detention has been imposed.”.

Punishments and orders subject to approval

69. Section 172 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:
 - “(1) The following punishments imposed by a service tribunal do not take effect unless approved by a reviewing authority:
 - (a) imprisonment for life;
 - (b) imprisonment for a specific period;
 - (c) dismissal from the Defence Force;
 - (d) segregated confinement for a period exceeding 3 days;
 - (e) confinement to cell for a period exceeding 3 days;
 - (f) extra drill for a period exceeding 3 days;
 - (g) restriction of custodial privileges for a period exceeding 7 days.”; and
- (b) by inserting after sub-section (3) the following sub-section:
 - “(3A) A person on whom a punishment of imprisonment for life or imprisonment for a specific period is imposed may be kept in custody pending approval under sub-section (1) of the punishment and, if the punishment is approved, any day on which the person was so kept in custody counts as a day of that imprisonment.”.

70. Section 178 of the Principal Act is repealed and the following Part is substituted:

“PART XA—DETAINEES AND DETENTION CENTRES

Interpretation

“178. In this Part, ‘member of the staff’, in relation to a detention centre, means a member of the Defence Force on the staff of a detention centre.

Search of detainees

“178A. (1) Where the officer in charge of a detention centre believes that it is necessary to do so for the purpose of ascertaining whether there is concealed on a detainee of the detention centre, or in his clothing, any thing that the detainee is not authorized to have in his possession, the officer in charge of the detention centre may direct a member of the staff of the detention centre to search the detainee and the clothing that the detainee is wearing.

“(2) The search shall be conducted in accordance with the following provisions:

- (a) the search shall be conducted in the presence of at least 2 other members of the staff of the detention centre;
- (b) the search shall not be conducted in the presence of a person who is not the officer in charge, or a member of the staff, of the detention centre;
- (c) the detainee shall not be searched by, or in the presence of, a person who is not of the same sex as the detainee.

“(3) The member of the staff of the detention centre directed to conduct the search may—

- (a) require the detainee to remove any clothing that the detainee is wearing;
- (b) if the detainee refuses or fails to comply with such a requirement—remove the clothing;
- (c) use such reasonable force as is necessary to conduct the search; and
- (d) seize any thing of the kind referred to in sub-section (1) found in the course of the search.

Fingerprints, photographs, &c., of detainees

“178B. (1) Where the officer in charge of a detention centre believes that it is necessary to do so, a member of the staff of the detention centre may take prints of the hands, fingers, feet or toes, or photographs, of a detainee of the detention centre.

“(2) The member of the staff of the detention centre may use such reasonable force as may be necessary in acting in accordance with sub-section (1).

“(3) A copy of a print or photograph taken under sub-section (1) shall not be given to a person (other than the officer in charge, or a member of the staff of, the detention centre) except in accordance with the approval, in writing, of an authorized officer.

Leave of absence of detainees

“178C. (1) Subject to any directions, in writing, of a chief of staff, the officer in charge of a detention centre may, in writing grant leave of absence to a detainee of the detention centre on such conditions (if any) as he thinks fit.

“(2) Any day on which a detainee of a detention centre is on leave of absence from the detention centre counts as a day of his punishment of detention.

Regulations relating to detention centres

“178D. The regulations may make provision for or in relation to—

- (a) the remission of punishments of detention of detainees; and
- (b) the conduct and administration of detention centres.”.

Qualifications for appointment

71. Section 180 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “Justice or” after “has been a”; and
- (b) by omitting from sub-section (3) all the words after “General”.

Jurisdiction of civil courts in relation to offences

72. Section 190 of the Principal Act is amended by omitting from sub-section (2) “charge for” and substituting “charge of”.

Persons found to be of unsound mind

73. Section 194 of the Principal Act is amended by omitting from sub-section (7) “duly qualified”.

74. After section 194 of the Principal Act the following section is inserted:

Persons required as witnesses before service tribunals

“194A. Where—

- (a) a person (in this section referred to as the ‘prisoner’) who is required as a witness before a service tribunal is undergoing a sentence of imprisonment in a State or Territory other than the State or Territory in which the service tribunal is to sit during the period when the prisoner will be so required as a witness; and
- (b) the prisoner is produced in the last-mentioned State or Territory in pursuance of an instrument, issued under the rules of procedure, directed to the person in charge of the prison where the prisoner is undergoing the sentence of imprisonment,

then—

- (c) the prisoner, while in the last-mentioned State or Territory in pursuance of the instrument, shall be deemed to be undergoing the sentence of imprisonment; and
- (d) the person in whose custody the prisoner is placed has the same powers, in relation to the detention or disposition of the prisoner, as the person to whom the instrument was directed has in the first-mentioned State or Territory.”.

75. After section 196 of the Principal Act the following sections are inserted:

Annual report relating to Defence Force discipline law

“196A. (1) The Judge Advocate General shall, as soon as practicable after each 31 December, prepare and furnish to the Minister a report relating to—

- (a) the operation of this Act, the regulations and the rules of procedure; and

- (b) the operation of any other law of the Commonwealth or of the Australian Capital Territory in so far as that law relates to the discipline of the Defence Force,

during the year ending on that 31 December.

“(2) The Minister shall cause a copy of a report furnished to him under sub-section (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he receives the report.

“(3) A report under sub-section (1) shall set out such statistical information as the Judge Advocate General considers appropriate.

“(4) The first report under sub-section (1) shall relate to the period commencing on the proclaimed date and expiring on the next succeeding 31 December.

Independent review of Defence Force discipline law

“196B. (1) The Minister shall, as soon as practicable after the expiration of 3 years after the proclaimed date, establish a Board, to be known as the Defence Force Discipline Legislation Board of Review, consisting of such persons as he determines.

“(2) The Board shall, within 12 months after it is established, prepare and furnish to the Minister a report relating to—

- (a) the operation of this Act, the regulations and the rules of procedure; and
- (b) the operation of any other law of the Commonwealth or of the Australian Capital Territory in so far as that law relates to the discipline of the Defence Force.

“(3) The Minister may determine—

- (a) the manner in which the Board is to perform its functions; and
- (b) the procedure to be followed at or in relation to meetings of the Board, including, but without limiting the generality of the foregoing, matters with respect to—
 - (i) the convening of meetings of the Board;
 - (ii) the number of members of the Board who are to constitute a quorum;
 - (iii) the selection of a member of the Board to preside at meetings of the Board; and
 - (iv) the manner in which questions arising at a meeting of the Board are to be decided.

“(4) A member of the Board shall be paid such remuneration (if any) as is determined by the Remuneration Tribunal.

“(5) Subject to the *Remuneration Tribunals Act 1973*, a member of the Board shall be paid such allowances as the Minister determines in writing.

“(6) The Minister shall make available to the Board such secretarial and clerical assistance as is necessary to enable the Board to perform its functions.

“(7) The Secretary to the Department and each chief of staff shall make available to the Board such information and documents as are necessary to enable the Board to perform its functions.

“(8) Sub-section (7) does not apply in relation to information or a document if the Attorney-General certifies, by writing signed by him, that the disclosure of the information, or of the contents of the document, to the Board would be contrary to the public interest—

- (a) by reason that it would prejudice the security, defence or international relations of Australia;
- (b) by reason that it would involve the disclosure of deliberations or decisions of the Cabinet or of a Committee of the Cabinet; or
- (c) for any other reason specified in the certificate that could form the basis for a claim by the Crown in right of the Commonwealth in a judicial proceeding that the information or the contents of the documents should not be disclosed.

“(9) The Minister shall cause the report of the Board to be laid before each House of the Parliament within 15 sitting days of that House after the receipt of that report by the Minister.”.

Schedule 3

76. Schedule 3 to the Principal Act is amended by inserting in column 2 of that part of Table B of the Schedule that relates to a non-commissioned officer of the Australian Navy “Forfeiture of seniority” below “Reduction in rank by not more than one rank”.

Insertion of Schedule

77. After Schedule 3 to the Principal Act the Schedule set out in Schedule 1 to this Act is inserted.

Schedule 6

78. Schedule 6 to the Principal Act is amended by omitting from Column 1 of Item 13 “that relates” and substituting “relating”.

PART V—AMENDMENTS OF THE DEFENCE FORCE (MISCELLANEOUS PROVISIONS) ACT 1982

Principal Act

79. The *Defence Force (Miscellaneous Provisions) Act 1982* is in this Part referred to as the Principal Act.

Repeal of section 45

80. Section 45 of the Principal Act is repealed.

Repeal of section 82

81. Section 82 of the Principal Act is repealed.

**PART VI—AMENDMENTS OF THE DEFENCE FORCE
RETIREMENT AND DEATH BENEFITS ACT 1973**

Principal Act

82. The *Defence Force Retirement and Death Benefits Act 1973*^s is in this Part referred to as the Principal Act.

Commutation of retirement pay

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

- (a) by omitting from sub-section (2A) “4 times”;
- (b) by adding at the end of sub-section (2A) “multiplied by the maximum commutation factor”; and
- (c) by inserting after sub-section (2A) the following sub-section:

“(2B) For the purposes of sub-section (2A), the maximum commutation factor is the number calculated in accordance with the formula—

$$\frac{80 + A}{20} ,$$

where A is—

- (a) if the number (treating zero as a number) of whole periods of 12 months between 30 June 1982 and the date of retirement of the recipient member is less than 20—that number of periods; or
- (b) in any other case—20.”.

(2) Where a recipient member has become entitled to retirement pay after 30 June 1983 but before the commencement of section 2 of this Act, section 24 of the Principal Act as amended by this Act shall be deemed to apply to him as if the reference in sub-section 24 (1) of that Act to becoming entitled to retirement pay were a reference to that commencement.

Rate of retirement pay applicable to certain existing contributors

84. Section 25 of the Principal Act is amended—

- (a) by omitting from paragraph (a) of the definition of “previous pension percentage of pay” in sub-section (1) all the words after “sub-paragraph (2) (d) (i)—” and substituting—

“(i) in the case of a person who was, on 30 September 1972, an officer of the Permanent Forces—he had, on that date, attained the retiring age for the rank held by him on that date; or

- (ii) in the case of a person who was, on that date, a non-Permanent Forces officer as defined in section 54A of the previous Act—he had, on that date—
 - (A) retired with the rank held by him on that date; and
 - (B) reached the age that was his age on the date of his retirement,and had, on 30 September 1972, completed a number of years of service for pension equal to the number of years of service for pension completed by him on his retirement; or”;
- (b) by omitting from sub-section (1) the definition of “retiring age for the rank held” and substituting the following definition:
 - “ ‘retiring age for the rank held’ has the same meaning as it would have in the definition of ‘retiring age for the rank held’ in sub-section 4 (1) of the previous Act if the reference in that definition to the date of a member’s retirement were a reference to 30 September 1972;”;
- (c) by omitting from the definition of “service for pension” in sub-section (1) “*Defence Forces Retirement Benefits Act 1948-1971*” and substituting “previous Act”;
- (d) by inserting after sub-section 25 (2) the following sub-section:
 - “(2AA) For the purposes of sub-paragraph (2) (d) (ii)—
 - (a) a reference in sub-paragraph 39 (2) (b) (ii) or (2) (c) (ii) of the previous Act to the rank held by an officer shall be read as a reference to the rank held by the officer on 30 September 1972;
 - (b) the reference in sub-paragraph 39 (2) (c) (i) of the previous Act to the rank of an officer at the date of his retirement shall be read as a reference to the rank of the officer on 30 September 1972; and
 - (c) a reference in sub-paragraph 39 (2) (b) (ii) or (2) (c) (ii) of the previous Act to the retiring age for the rank held shall be read as a reference to the retiring age for the rank held within the meaning of this section.”; and
- (e) by omitting sub-section (5) and substituting the following sub-section:
 - “(5) In the application of this section to a person who was, on 30 September 1972, a non-Permanent Forces officer as defined by section 54A of the previous Act, the retiring age for the rank held shall be the age that would be deemed, for the purposes referred to in sub-section 54A (2) of that Act, to be the retiring age for the rank held by the person on his retirement if he had retired on 30 September 1972.”.

Commutation of Class C invalidity pay

- 85. (1)** Section 32A of the Principal Act is amended—
- (a) by omitting from sub-section (4) “4 times”;

- (b) by adding at the end of sub-section (4) “multiplied by the maximum commutation factor”; and
- (c) by inserting after sub-section (4) the following sub-section:

“(4A) For the purposes of sub-section (4), the maximum commutation factor is the number calculated in accordance with the formula—

$$\frac{80 + A}{20}$$

where A is—

- (a) if the number (treating zero as a number) of whole periods of 12 months between 30 June 1982 and the date of retirement of the member of the scheme is less than 20—that number of periods; or
- (b) in any other case—20.”.

(2) Where a recipient member has become entitled to invalidity pay after 30 June 1983 but before the commencement of section 2 of this Act, section 32A of that Act as amended by this Act shall be deemed to apply to him as if the reference in sub-section 32A (2) of the Principal Act to becoming entitled to invalidity pay were a reference to that commencement.

Rate of invalidity pay applicable to certain existing contributors

86. Section 33 of the Principal Act is amended—

- (a) by omitting from the definition of “previous pension percentage of pay” in sub-section (1) all the words after “duties” and substituting the following—

“and—

- (a) in the case of a person who was, on 30 September 1972, an officer of the Permanent Forces—he had, on that date, attained the retiring age for the rank held by him on that date; or
- (b) in the case of a person who was, on that date, a non-Permanent Forces officer as defined in section 54A of the previous Act—he had, on that date—
 - (i) retired with the rank held by him on that date; and
 - (ii) reached the age that was his age on the date of his retirement,

and had, on 30 September 1972, completed a number of years of service for pension equal to the number of years of service for pension completed by him on his retirement;”;

- (b) by omitting from sub-section (1) the definition of “retiring age for the rank held” and substituting the following definition:

“‘retiring age for the rank held’ has the same meaning as it would have in the definition of ‘retiring age for the rank held’ in

sub-section 4 (1) of the previous Act if the reference in that definition to the date of a member's retirement were a reference to 30 September 1972;";

- (c) by omitting from the definition of "service for pension" in sub-section (1) "*Defence Forces Retirement Benefits Act 1948-1971*" and substituting "previous Act"; and
- (d) by omitting sub-section (6) and substituting the following sub-section:

"(6) In the application of this section to a person who was, on 30 September 1972, a non-Permanent Forces officer as defined by section 54A of the previous Act, the retiring age for the rank held shall be the age that would be deemed, for the purposes referred to in sub-section 54A (2) of that Act, to be the retiring age for the rank held by the person on his retirement if he had retired on 30 September 1972."

Increase in certain pension benefits

87. Section 98B of the Principal Act is amended—

- (a) by omitting sub-paragraph (5) (aa) (ii) and substituting the following sub-paragraph:

"(ii) has not elected under section 32A to commute a portion of his invalidity pay equal to or greater than 4 times the amount per annum of the invalidity pay to which he was entitled upon his retirement,";
- (b) by omitting from paragraph (5) (aa) "so commuted his invalidity pay immediately upon his retirement" and substituting "immediately upon his retirement commuted a portion of his invalidity pay equal to 4 times the amount per annum of the invalidity pay to which he was entitled";
- (c) by omitting sub-paragraph (5) (ab) (ii) and substituting the following sub-paragraph:

"(ii) had not, before his death, elected under section 32A to commute a portion of his invalidity pay equal to or greater than 4 times the amount per annum of the invalidity pay to which he was entitled upon his retirement,";
- (d) by omitting from paragraph (5) (ab) "so commuted his invalidity pay immediately upon his retirement" and substituting "immediately upon his retirement commuted a portion of his invalidity pay equal to 4 times the amount per annum of the invalidity pay to which he was entitled";
- (e) by omitting from paragraph (5) (a) "his retirement pay to the maximum extent permitted under that section" and substituting "a portion of his retirement pay equal to or greater than 4 times the amount per annum of the retirement pay to which he was entitled upon his retirement";
- (f) by omitting from paragraph (5) (a) "so commuted his retirement pay immediately upon his retirement" and substituting "immediately upon

his retirement commuted a portion of his retirement pay equal to 4 times the amount per annum of the retirement pay to which he was entitled”;

- (g) by omitting from paragraph (5) (b) “his retirement pay to the maximum extent permitted under that section” and substituting “a portion of his retirement pay equal to or greater than 4 times the amount per annum of the retirement pay to which he was entitled upon his retirement”; and
- (h) by omitting from paragraph (5) (b) “so commuted his retirement pay immediately upon his retirement” and substituting “immediately upon his retirement commuted a portion of his retirement pay equal to 4 times the amount per annum of the retirement pay to which he was entitled”.

Regulations

88. Section 131 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(4) The regulations may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification, any of the provisions of a determination, as in force at a particular time or as in force from time to time, made under section 58B or 58H of the *Defence Act 1903* or under section 82D of the *Public Service Act 1922*.”.

Formal amendments

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

PART VII—AMENDMENTS OF THE DEFENCE FORCES RETIREMENT BENEFITS ACT 1948

Principal Act

90. The *Defence Forces Retirement Benefits Act 1948*⁶ is in this Part referred to as the Principal Act.

Abolition of the Defence Forces Retirement Benefits Board

91. The heading to Part II of the Principal Act is omitted, and sections 5 to 12 (inclusive) and section 14 of the Principal Act are repealed.

Invalidity benefits

92. Section 51 of the Principal Act is amended by omitting from sub-sections (1) and (2) and from paragraph (3) (b) “Board” and substituting “Authority”.

Special invalidity benefit to members under 18 years of age

93. Section 73 of the Principal Act is amended by omitting from sub-section (1) “Board” (twice occurring) and substituting “Authority”.

Category numbers of certain officers to be reduced

94. Section 82S of the Principal Act is amended by omitting from sub-sections (2), (3) and (6) “Board” (wherever occurring) and substituting “Authority”.

Formal amendments

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

**PART VIII—AMENDMENTS OF THE DEFENCE FORCES
RETIREMENT BENEFITS ACT 1971**

Principal Act

96. The *Defence Forces Retirement Benefits Act 1971*¹ is in this Part referred to as the Principal Act.

**Persons who became contributors on or after 1 January 1970 and before
commencement of Act**

97. Section 8 of the Principal Act is amended—

- (a) by omitting from sub-section (2), paragraph (4) (b) and sub-section (5) “Board” and substituting “Authority”; and
- (b) by adding at the end thereof the following sub-section:

“(6) In this section, ‘Authority’ means the Defence Force Retirement and Death Benefits Authority established by the *Defence Force Retirement and Death Benefits Act 1973*.”

**Persons who ceased to be contributors on or after 1 January 1970
and before commencement of Act**

98. Section 9 of the Principal Act is amended—

- (a) by omitting from sub-section (3), paragraph (8) (b) and sub-section (9) “Board” and substituting “Authority”; and
- (b) by adding at the end thereof the following sub-section:

“(10) In this section, ‘Authority’ means the Defence Force Retirement and Death Benefits Authority established by the *Defence Force Retirement and Death Benefits Act 1973*.”

**PART IX—AMENDMENTS OF THE DEFENCE FORCES
RETIREMENT BENEFITS FUND (DISTRIBUTION OF SURPLUS
TO PENSIONERS) ACT 1976**

Principal Act

99. The *Defence Forces Retirement Benefits Fund (Distribution of Surplus to Pensioners) Act 1976*⁸ is in this Part referred to as the Principal Act.

Interpretation

100. Section 3 of the Principal Act is amended by adding at the end of the definition of “Board” in sub-section (1) “as amended and in force before the commencement of section 91 of the *Defence Legislation Amendment Act 1984*”.

Allocation of amount to be distributed

101. Section 5 of the Principal Act is amended by omitting from sub-section (1) “Board” and substituting “Authority”.

Payments of amounts in respect of individual pensioners

102. Section 6 of the Principal Act is amended by omitting from paragraph (b) “Board” and substituting “Authority”.

PART X—AMENDMENTS OF THE NAVAL DEFENCE ACT 1910

Principal Act

103. The *Naval Defence Act 1910*⁹ is in this Part referred to as the Principal Act.

Continuous full time service of the Naval Emergency Reserve Forces

104. Section 32 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “, but are bound to render naval service for such periods as are fixed by or in accordance with the regulations”; and
- (b) by omitting from sub-sections (3), (6), (7) and (8) “prescribed authority” and substituting “Chief of Naval Staff”.

105. After section 32 of the Principal Act the following section is inserted:

Service of the Naval Emergency Reserve Forces other than continuous full time service

“32AA. (1) Where the Chief of Naval Staff is of the opinion that a particular member of the Naval Emergency Reserve Forces, or members within a particular class of members of those Forces, should undergo a period of training, he may, by instrument in writing, require the member or members to render naval service (other than continuous full time naval service) for that purpose.

“(2) Subject to sub-section (3), while a member is required to render naval service pursuant to sub-section (1), he is bound to render that service for such period or periods in a specified training period as the Chief of Naval Staff directs in the instrument requiring him to render naval service.

“(3) The period or periods of service by a member specified in an instrument or instruments pursuant to sub-section (2) shall not, either continuously or in the aggregate, exceed 30 days in any training period.

“(4) A member of the Naval Emergency Reserve Forces may, at any time, voluntarily undertake to render naval service (other than continuous full time naval service) for a period specified by him, and, if that undertaking is accepted, he is bound to render naval service in accordance with that undertaking or for such period or periods within that specified period as the Chief of Naval Staff directs.

“(5) In this section, ‘training period’, in relation to a member of the Naval Emergency Reserve Forces, means a period of 12 consecutive months commencing on the date of the member’s transfer or appointment to, or enlistment in, those Forces or on an anniversary of that date, as the case requires.”.

Service of the Australian Naval Reserve

106. Section 32A of the Principal Act is amended by omitting from sub-sections (3) and (4) “prescribed authority” and substituting “Chief of Naval Staff”.

Delegation

107. Section 44B of the Principal Act is amended by omitting from sub-section (3) “and 30” and substituting “, 30, 32, 32AA and 32A”.

PART XI—AMENDMENTS OF THE DEFENCE AMENDMENT ACT 1979

Principal Act

108. The *Defence Amendment Act 1979*¹⁰ is in this Part referred to as the Principal Act.

Regulations

109. Section 9 of the Principal Act is amended—

(a) by omitting proposed new paragraph 124(1) (e) of the *Defence Act 1903* and substituting the following paragraph:

“(e) the liability of a member or cadet, or a member of the family of a member or cadet, to pay an amount to the Commonwealth and the manner of recovery of an amount so payable;” and

(b) by inserting after paragraph (a) the following paragraph:

“(aa) by inserting after sub-section (1A) the following sub-section:

“(1B) In paragraphs (1) (b), (c), (d) and (e), “cadet”, “member” and “member of the family” have the same respective meanings as in Part IIIA.; and”.

**PART XII—AMENDMENTS OF THE ROYAL AUSTRALIAN AIR
FORCE VETERANS' RESIDENCES ACT 1953**

Principal Act

110. The *Royal Australian Air Force Veterans' Residences Act 1953*¹¹ is in this Part referred to as the Principal Act.

Powers of Trust

111. Section 8 of the Principal Act is amended—

- (a) by adding at the end of paragraph (2) (e) “and”; and
- (b) by omitting paragraph (2) (f).

112. Sections 10 and 10A of the Principal Act are repealed and the following section is substituted:

Application of Division 3 of Part XI of Audit Act

“10. It is hereby declared that the Trust is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.”.

**PART XIII—AMENDMENTS OF THE SERVICES TRUST FUNDS
ACT 1947**

Principal Act

113. The *Services Trust Funds Act 1947*¹² is in this Part referred to as the Principal Act.

114. Sections 34 and 35 of the Principal Act are repealed and the following section is substituted:

Application of Division 3 of Part XI of Audit Act

“34. (1) It is hereby declared that the trustees of each fund constitute a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.

“(2) In the application of Division 3 of Part XI of the *Audit Act 1901* to the trustees of each fund, sub-section 63M (1) of that Act applies as if the reference to 30 June were a reference to 31 December.”.

**PART XIV—AMENDMENT OF THE ADMINISTRATIVE
DECISIONS (JUDICIAL REVIEW) ACT 1977**

Principal Act

115. The *Administrative Decisions (Judicial Review) Act 1977*¹³ is in this Part referred to as the Principal Act.

Schedule 2

116. Schedule 2 to the Principal Act is amended by inserting in paragraph (j) “Defence Force Remuneration Tribunal” after “Academic Salaries Tribunal”.

PART XV—AMENDMENTS OF THE TRANSFER OF PRISONERS ACT 1983

Principal Act

117. The *Transfer of Prisoners Act 1983*¹⁴ is in this Part referred to as the Principal Act.

Interpretation

118. Section 3 of the Principal Act is amended—

- (a) by inserting after the definition of “sentence of imprisonment for an indeterminate period” in sub-section (1) the following definition:

“ ‘service tribunal’ means a person, body or tribunal that, under a law relating to the discipline of the Defence Force, is empowered to impose a sentence of imprisonment;”;
- (b) by omitting from paragraph (15) (b) “or by a court” and substituting “, by a court”; and
- (c) by inserting in paragraph (15) (b) “or by a service tribunal” after “Constitution”.

Return of prisoner for appeal purposes

119. Section 16 of the Principal Act is amended by inserting in paragraph (4) (b) “not” after “and”.

PART XVI—MISCELLANEOUS

Amendments of Acts containing references to Chief of Defence Force Staff

120. (1) The Acts specified in the first column of Schedule 4 are amended by omitting from each of the provisions of those Acts specified in the second column of Schedule 4 “Chief of Defence Force Staff” (wherever occurring) and substituting “Chief of the Defence Force”.

(2) The person who held office as Chief of Defence Force Staff immediately before the commencement of this section shall, subject to the *Defence Act 1903* as amended by this Act, upon that commencement, hold office as Chief of the Defence Force as if he had been appointed to that last-mentioned office under section 9 of the *Defence Act 1903* as amended by this Act.

(3) For the purposes of the operation of any regulation under an Act, or any instrument or document, in relation to anything done or to be done after the commencement of this section, a reference to the Chief of Defence Force Staff shall be read as a reference to the Chief of the Defence Force.

Retiring age of officers on General List of Permanent Naval Forces after transfer from Instructor Branch

121. (1) Subject to sub-section (2), the age for compulsory retirement of an officer who—

- (a) was, immediately before 1 January 1982, an officer of the Instructor Branch of the Permanent Naval Forces;
- (b) was, on or after 1 January 1982, transferred to the General List of the Permanent Naval Forces; and
- (c) immediately before the transfer—
 - (i) held the rank of Lieutenant Commander or Commander; and
 - (ii) had not attained the General List retiring age,

shall, while the officer holds the rank that he held immediately before the transfer, be deemed to be the age of compulsory retirement that was applicable to him as an officer of the Instructor Branch.

(2) Where an officer to whom sub-section (1) would, but for this sub-section, apply—

- (a) has not attained the General List retiring age; and
- (b) before attaining that age, gives notice in writing to the Chief of Naval Staff stating that he wishes his age for compulsory retirement to be the General List retiring age,

sub-section (1) does not apply to that officer.

(3) In this section, unless the contrary intention appears—

“age for compulsory retirement”, in relation to an officer, means the age for the compulsory retirement of that officer prescribed by regulation 102 of the Naval Forces Regulations;

“General List” means the part of the Permanent Naval Forces known as the General List;

“General List retiring age”, in relation to an officer, means the age that would be the age for the compulsory retirement of that officer if he were on the General List of the Permanent Naval Forces;

“Instructor Branch” means the part of the Permanent Naval Forces established by regulation 57 of the Naval Forces Regulations.

Transitional

122. A direction of the prescribed authority made under section 4H or 4J of the *Air Force Act 1923*, section 45, 46, 48, 50 or 50B of the *Defence Act 1903* or section 32, 32A or 45 of the *Naval Defence Act 1910* shall, after the commencement of this section, have effect as if it had been made under that section of that Act by the Chief of the Air Staff, the Chief of the General Staff or the Chief of Naval Staff, as the case may be.

SCHEDULE 1

Section 77

**“SCHEDULE TO BE INSERTED IN THE DEFENCE FORCE DISCIPLINE
ACT 1982**

“SCHEDULE 3A

Section 67

**PUNISHMENTS THAT MAY BE IMPOSED BY A SUMMARY AUTHORITY
ON DETAINEES CONVICTED OF CERTAIN OFFENCES**

1. A commanding officer may impose punishments on persons convicted of custodial offences, or service offences to which sub-section 68C (1) applies, in accordance with Table A in this Schedule.
2. A subordinate summary authority may impose punishments on persons convicted of custodial offences, or service offences to which sub-section 68C (1) applies, in accordance with Table B in this Schedule.

TABLE A—COMMANDING OFFICER

Segregated confinement for a period not exceeding 10 days
Confinement to cell for a period not exceeding 10 days
Extra drill for a period not exceeding 6 days
Restriction of custodial privileges for a period not exceeding 14 days

TABLE B—SUBORDINATE SUMMARY AUTHORITY

Segregated confinement for a period not exceeding 3 days
Confinement to cell for a period not exceeding 3 days
Extra drill for a period not exceeding 3 days
Restriction of custodial privileges for a period not exceeding 7 days”.

SCHEDULE 2

Section 89

FORMAL AMENDMENTS TO THE DEFENCE FORCE RETIREMENT AND DEATH BENEFITS ACT 1973

Provision	Omit (wherever occurring)	Substitute
Sub-section 2 (2)	(a) "1st October, 1972," (b) "section 17 of this Act"	"1 October 1972" "section 17"
Sub-section 3 (1) (definition of "date of commencement of the scheme")	"1st October,"	"1 October"
Sub-section 3 (1) (definition of "eligible child")	(a) "sixteen" (b) "twenty-five"	"16" "25"
Sub-section 3 (1) (definition of "existing contributor")	"1st October, 1972,"	"1 October 1972"
Sub-section 3 (1) (definition of "previous Act")	"1st October,"	"1 October"
Sub-section 3 (1) (definition of "previous legislation")	"1st October, 1972,"	"1 October 1972"
Sub-section 3 (1) (definition of "total period of effective service")	"two"	"2"
Sub-section 3 (2)	"any provision of this Act"	"this Act"
Sub-section 6 (1)	"twenty-one"	"21"
Sub-section 6 (2)	"twenty-one"	"21"
Paragraph 8 (2) (b)	"four"	"4"
Sub-section 8 (4)	"sixty-five"	"65"
Sub-section 8 (5)	"two"	"2"
Sub-section 9 (6)	"sixty-five"	"65"
Sub-section 9 (7)	"two"	"2"
Sub-section 14 (3)	"two"	"2"
Sub-section 16 (1)	"1st October,"	"1 October"
Sub-section 19 (1)	"five and one-half per centum"	"5.5%"
Sub-section 20 (1)	"ninety"	"90"
Sub-section 21 (1)	(a) "30th September," (b) "ninety"	"30 September" "90"
Paragraph 21 (3) (b)	"five and one-half per centum"	"5.5%"
Sub-paragraph 23 (1) (a) (i)	"twenty"	"20"
Sub-paragraph 23 (1) (a) (ii)	"fifteen"	"15"
Paragraph 23 (3) (a)	"twenty"	"20"
Sub-section 23 (3)	"three per centum"	"3%"
Sub-section 25 (1) (definition of "previous pension percentage of pay")	"30th September,"	"30 September"
Paragraph 25 (2) (c)	"30th September, 1972,"	"30 September 1972"

SCHEDULE 2—continued

Provision	Omit (wherever occurring)	Substitute
Sub-paragraph 25 (2) (d) (i)	(a) "30th September, 1972," (b) "fifteen"	"30 September 1972" "15"
Sub-paragraph 25 (2) (d) (ii)	"30th September, 1972,"	"30 September 1972"
Sub-section 25 (3)	"ninety"	"90"
Paragraph 29 (b)	"sixty"	"60"
Sub-section 30 (1)	(a) "Sixty per centum" (b) "Thirty per centum" (c) "sixty per centum" (d) "thirty per centum"	"60%" "30%" "60%" "30%"
Sub-section 31 (2)	(a) "seventy-six and one-half per centum" (b) "thirty-eight and one quarter per centum"	"76.5%" "38.25%"
Sub-section 33 (1) (definition of "previous pension percentage of pay")	"30th September,"	"30 September"
Paragraph 33 (2) (c)	"30th September,"	"30 September"
Paragraph 33 (2) (d)	(a) "30th September, 1972," (b) "fifteen"	"30 September 1972" "15"
Sub-section 33 (3)	"ninety"	"90"
Sub-section 33 (4)	"ninety"	"90"
Sub-section 42 (2)	"Three hundred and twelve dollars"	"\$312"
Sub-section 42 (3)	"Three hundred and twelve dollars"	"\$312"
Sub-section 43 (2)	"Seven hundred and two dollars"	"\$702"
Sub-section 43 (3)	"Seven hundred and two dollars"	"\$702"
Paragraph 49 (1) (a)	"sixty"	"60"
Sub-section 49 (1)	"any provision of this Part"	"this Part"
Sub-section 49 (2)	"six"	"6"
Section 51	"thirty"	"30"
Sub-section 53 (3)	"seven"	"7"
Paragraph 55 (2) (b)	"ninety"	"90"
Sub-paragraph 55 (3) (a) (ii)	"ninety"	"90"
Sub-section 55 (4)	"ninety"	"90"
Sub-section 55 (5)	"ninety"	"90"
Paragraph 63 (1) (c)	"ninety"	"90"
Paragraph 63 (1) (d)	"ninety"	"90"
Sub-section 63 (2)	"seven"	"7"
Paragraph 64 (1) (c)	"ninety"	"90"
Sub-section 64 (1)	"ninety"	"90"
Paragraph 64 (2) (a)	"five and one-half per centum"	"5.5%"

SCHEDULE 2—continued

Provision	Omit (wherever occurring)	Substitute
Sub-section 66 (3)	“the provisions of this Act”	“this Act”
Sub-section 68 (2)	“the provisions of this Act”	“this Act”
Sub-section 69 (1)	“25th May, 1971,”	25 May 1971”
Paragraph 69 (1) (a)	(a) “ninety” (b) “two”	“90” “2”
Paragraph 69 (1) (b)	“ninety”	“90”
Paragraph 70 (1) (a)	“ninety”	“90”
Sub-paragraph 70 (1) (b) (ii)	“ninety”	“90”
Paragraph 70 (2) (c)	“the provisions of this Act”	“this Act”
Sub-section 71 (2)	(a) “25th May, 1971,” (b) “ninety”	“25 May 1971” “90”
Sub-section 71 (3)	“25th May, 1971,”	“25 May 1971”
Paragraph 71 (3) (d)	“ninety”	“90”
Sub-section 72 (2)	“1st October,”	“1 October”
Sub-section 72 (4)	“ninety”	“90”
Sub-section 73 (2)	“1st October,”	“1 October”
Sub-paragraph 75 (1) (a) (ii)	“twenty”	“20”
Paragraph 75 (1) (e)	“fifteen”	“15”
Paragraph 75 (1) (f)	“sixty”	“60”
Sub-section 75 (3)	“one and three-quarters per centum”	“1.75%”
Sub-section 75 (4)	“three per centum”	“3%”
Sub-section 76 (1)	“twenty-one”	“21”
Sub-section 76 (3)	“thirty”	“30”
Sub-section 76 (4)	“twenty-one”	“21”
Paragraph 78 (1) (b)	(a) “twenty” (b) “sixty”	“20” “60”
Paragraph 78 (2) (a)	“twenty”	“20”
Paragraph 78 (2) (b)	“twenty”	“20”
Paragraph 78 (2) (c)	“fifteen”	“15”
Paragraph 78 (2) (d)	“twenty”	“20”
Paragraph 78 (2) (e)	“sixty”	“60”
Paragraph 78 (3) (c)	“twenty”	“20”
Sub-section 78 (6)	“twenty”	“20”
Sub-section 78 (8)	“twenty”	“20”
Sub-section 79 (2)	“seven”	“7”
Sub-section 80 (1)	“twenty”	“20”
Paragraph 80 (1) (a)	“twenty”	“20”
Paragraph 80 (1) (b)	“sixty”	“60”
Paragraph 80 (1) (c)	“fifteen”	“15”
Paragraph 80 (1) (d)	“sixty”	“60”

SCHEDULE 2—continued

Provision	Omit (wherever occurring)	Substitute
Sub-section 84 (12) . . .	“1st October,”	“1 October”
Sub-section 85 (1) (definition of “period of previous contributory qualifying service”)	“1st October, 1972,”	“1 October 1972”
Sub-section 86 (1) . . .	“five and one-half per centum”	“5.5%”
Paragraph 87 (1) (b) . . .	“five and one-half per centum”	“5.5%”
Paragraph 87 (1) (c) . . .	“1st October,”	“1 October”
Sub-section 87 (3) . . .	“five and one-half per centum”	“5.5%”
Paragraph 87A (1) (b) . . .	“per centum”	“%”
Paragraph 87A (1) (c) . . .	“per centum”	“%”
Paragraph 87A (2) (a) . . .	“paragraph (b) of sub-section (1)”	“paragraph (1) (b)”
Sub-section 88 (1) . . .	“five per centum”	“5%”
Sub-section 89 (1) . . .	(a) “1st October,” (b) “ninety”	“1 October” “90”
Sub-section 89 (2) . . .	(a) “1st October,” (b) “ninety”	“1 October” “90”
Sub-section 89 (4) . . .	“1st October, 1972,”	“1 October 1972”
Paragraph 89 (4) (a) . . .	(a) “1st October, 1972,” (b) “five and one-half per centum”	“1 October 1972” “5.5%”
Paragraph 89 (4) (b) . . .	“five and one-half per centum”	“5.5%”
Paragraph 90 (1) (a) . . .	“1st October,”	“1 October”
Paragraph 90 (1) (b) . . .	“1st October,”	“1 October”
Paragraph 90 (1) (c) . . .	“1st October,”	“1 October”
Paragraph 90 (1) (d) . . .	“1st October,”	“1 October”
Sub-section 90 (2) . . .	(a) “1st October,” (b) “ninety”	“1 October” “90”
Sub-section 91 (2) . . .	“1st October, 1972,”	“1 October 1972”
Paragraph 92 (1) (a) . . .	“1st October,”	“1 October”
Paragraph 92 (1) (b) . . .	“1st October, 1972,”	“1 October 1972”
Sub-section 92 (1) . . .	“pay on 1st October, 1972,”	“1 October 1972”
Paragraph 92 (3) (b) . . .	“1st October, 1972,”	“1 October 1972”
Paragraph 93 (1) (a) . . .	“1st October,”	“1 October”
Paragraph 93 (1) (b) . . .	“1st October,”	“1 October”
Sub-section 93 (2) . . .	“ninety”	“90”
Sub-section 93 (3) . . .	“five and one-half per centum”	“5.5%”

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SCHEDULE 2—continued

Provision	Omit (wherever occurring)	Substitute
Section 94	(a) "six"	"6"
	(b) "ninety"	"90"
Sub-section 95 (1)	"ninety"	"90"
Sub-section 95 (2)	"ninety"	"90"
Sub-section 98A (4)	"per centum"	"%"
Section 127	(a) "fourteen"	"14"
	(b) "One hundred dollars"	"\$100"
Sub-section 130 (3)	(a) "the last preceding sub-section"	"sub-section (2)"
	(b) "Forty dollars"	"\$40"
Sub-section 130 (8)	(a) "One hundred dollars"	"\$100"
	(b) "fourteen"	"14"
Paragraph 131 (1) (c)	"Two hundred dollars"	"\$200"
Sub-section 131 (3)	"six"	"6"

SCHEDULE 3

FORMAL AMENDMENTS TO THE DEFENCE FORCES RETIREMENT BENEFITS ACT 1948

Provision	Omit (wherever occurring)	Substitute
Sub-section 4 (1) (definition of "annual pay")	"three hundred and sixty-five"	"365"
Sub-section 4 (1) (definition of "eligible child")	(a) "sixteen"	"16"
	(b) "twenty-five"	"25"
Sub-section 4 (1) (definition of "invalidity benefit")	(a) "(1) of section fifty-one of this Act"	"51 (1)"
	(b) "(a) of sub-section (2) of section eighty-two ZB of this Act"	"82ZB (2) (a)"
Sub-section 4 (1) (definition of "member")	"the Territory of Papua or of the Territory of New Guinea"	"Papua New Guinea"
Sub-section 4 (1) (definition of "officer")	(a) "Naval Forces"	"Navy"
	(b) "Military Forces"	"Army"
Sub-section 4 (1) (definition of "period of non-effective service")	(a) "(5) of section 4AA of this Act"	"4AA (5)"
	(b) "twenty-one"	"21"
Sub-section 4 (1) (definition of "rank")	(a) "Naval Forces"	"Navy"
	(b) "Military Forces"	"Army"
Sub-section 4 (1) (definition of "Reserve")	(a) "Naval Forces"	"Navy"
	(b) "Military Forces"	"Army"
Sub-section 4 (1) (definition of "service for pension")	(a) "twenty"	"20"
	(b) "of this section"	
Sub-section 4 (1) (definition of "the Service")	"Naval Forces, the Military Forces"	"Navy, the Army"
Sub-section 4 (2)	"(4) of section four AA of this Act"	"4AA (4)"
Sub-section 4 (3)	(a) "section forty, section forty-two, sub-sections (6) and (7), and paragraph (b) of sub-section (8), of section fifty-two, section fifty-six A and section seventy-two of this Act"	"sections 40 and 42, sub-sections 52 (6) and (7), paragraph 52 (8) (b) and sections 56A and 72"
	(b) "thirty-six of this Act"	"36"
Sub-section 4 (4)	(a) "section forty, section forty-two, sub-sections (6) and (7), and paragraph (b) of sub-section (8), of section fifty-two and section fifty-six A of this Act"	"sections 40 and 42, sub-sections 52 (6) and (7), paragraph 52 (8) (b) and section 56A"

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SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
	(b) "thirty-six of this Act"	
Sub-section 4 (6)	"four"	"4"
Sub-section 4AA (2)	"thirty"	"30"
Sub-section 4AA (3)	(a) "the last preceding sub-section"	"sub-section (2)"
	(b) "fifty-two of this Act"	"52"
Sub-section 4AA (4)	"(2) of this section"	"(2)"
Sub-section 4A (1)	(a) "1st October,"	"1 October"
	(b) "the next succeeding sub-section"	"sub-section (2)"
Paragraph 4A (2) (a)	"one hundred and thirty"	"130"
Paragraph 4A (2) (b)	"one hundred and sixty-three"	"163"
Sub-section 4A (3A)	"two"	"2"
Sub-section 4A (3B)	"four"	"4"
Sub-section 4A (4)	"One hundred and thirty dollars"	"\$130"
Sub-section 4A (5)	"the last preceding sub-section"	"sub-section (4)"
Sub-section 4A (6)	(a) "(4) of this section"	"(4)"
	(b) "six"	"6"
Sub-section 15B (1)	"the next succeeding sub-section"	"sub-section (2)"
Sub-section 15B (3)	"the last preceding sub-section"	"sub-section (2)"
Section 15C	"(2) of the last preceding section"	"15B (2)"
Section 15D	(a) "(1) of section 15B of this Act"	"15B (1)"
	(b) "1st October,"	"1 October"
Sub-paragraph 16 (2) (c) (i)	"seventy per centum"	"70%"
Sub-paragraph 16 (2) (c) (ii)	"thirty"	"30"
Paragraph 23 (5) (b)	"two"	"2"
Paragraph 23 (5) (c)	"sixty"	"60"
Sub-section 23 (6)	"1st October,"	"1 October"
Sub-section 25 (1)	"the next succeeding sub-section"	"sub-section (2)"
Paragraph 27 (1) (a)	"six"	"6"
Sub-section 27 (2)	"the last preceding sub-section"	"sub-section (1)"
Sub-section 27 (3)	(a) "twenty"	"20"
	(b) "three"	"3"
Sub-section 30 (1)	(a) "the next succeeding sub-section"	"sub-section (2)"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
	(b) "the last preceding paragraph"	"paragraph (a)"
	(c) "Five and one-half"	"5.5"
	(d) "one hundred and thirty"	"130"
	(e) "one hundred and sixty-three"	"163"
Sub-section 30 (2)	"the last preceding sub-section"	"sub-section (1)"
Sub-section 30 (3) (definition of "special duties officer")	(a) "Naval Forces" (b) "Military Forces"	"Navy" "Army"
Sub-section 30 (3) (definition of "the prescribed amount")	"four A of this Act"	"4A"
Section 31A	(a) "sixty" (b) "(5) of section twenty-three of this Act"	"60" "23 (5)"
Sub-section 32 (1)	(a) "1st October," (b) "eighty per centum"	"1 October" "80%"
Sub-section 32 (2)	(a) "forty-five of this Act" (b) "the last preceding sub-section"	"45" "sub-section (1)"
Sub-section 32 (3)	(a) "(3) of section fifty-five, sub-section (5) of section fifty-seven, or sub-section (1A) of section 58, of this Act" (b) "eighty per centum" (c) "Two hundred and eight dollars" (d) "paragraph (a) of sub-section (1) of section fifty-five, or paragraph (a) of sub-section (1) or sub-section (3) of section fifty-seven, of this Act" (e) "(3) of section fifty-five, sub-section (5) of section fifty-seven, or sub-section (1A) of section fifty-eight of this Act"	"55 (3), 57 (5) or 58 (1A)" "80%" "\$208" "paragraph 55 (1) (a) or 57 (1) (a) or sub-section 57 (3)" "55 (3), 57 (5) or 58 (1A)"
Section 33	"1st October,"	"1 October"
Sub-section 34 (1)	(a) "the fourteenth day of December, One thousand nine hundred and fifty-nine"	"14 December 1959"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
	(b) "of this Act"	
Sub-section 34 (3) (definition of "period to which this section applies")	(a) "the fourteenth day of December, One thousand nine hundred and fifty-nine"	"14 December 1959"
	(b) "the thirtieth day of June, One thousand nine hundred and sixty-seven"	"30 June 1967"
	(c) "the first day of July, One thousand nine hundred and sixty-seven"	"1 July 1967"
Section 35	"(3B) of section 4A of this Act"	"4A (3B)"
Sub-section 36 (1)	(a) "twenty-one"	"21"
	(b) "30th September,"	"30 September"
Paragraph 36 (2) (a)	"the last preceding sub-section"	"sub-section (1)"
Paragraph 38 (1) (b)	"twenty"	"20"
Sub-section 38 (3)	(a) "sixty"	"60"
	(b) "Ninety-one dollars"	"\$91"
Sub-section 38 (3A)	(a) "sixty"	"60"
	(b) "the last preceding sub-section"	"sub-section (3)"
Sub-section 38 (4)	"two"	"2"
Sub-section 38 (5)	"1st October,"	"1 October"
Paragraph 39 (1) (b)	"the last preceding section"	"section 38"
Sub-paragraph 39 (2) (a) (ii)	(a) "two"	"2"
	(b) "fifteen"	"15"
Sub-paragraph 39 (2) (b) (i)	"twenty"	"20"
Sub-paragraph 39 (2) (c) (ii)	(a) "three"	"3"
	(b) "fifty-five"	"55"
Sub-section 39 (3)	(a) "sixty"	"60"
	(b) "Ninety-one dollars"	"\$91"
Sub-section 39 (3A)	(a) "sixty"	"60"
	(b) "the last preceding sub-section"	"sub-section (3)"
Sub-section 39 (4)	(a) "the last two preceding sub-sections"	"sub-sections (3) and (3A)"
	(b) "paragraph (a) of sub-section (2) of this section"	"paragraph (2) (a)"
Paragraph 39 (4) (a)	"twenty"	"20"
Paragraph 39 (4) (b)	"two"	"2"
Sub-section 39 (5)	"1st October,"	"1 October"
Paragraph 40 (1) (b)	"either of the last two preceding sections"	"section 38 or 39"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Sub-paragraph 40 (2) (a) (i)	“ten”	“10”
Sub-paragraph 40 (2) (b) (i)	“twelve”	“12”
Sub-section 40 (2)	“sixty of this Act”	“60”
Sub-section 40 (3)	(a) “the next succeeding sub-section”	“sub-section (4)”
	(b) “Two hundred and forty dollars”	“\$240”
	(c) “One hundred and twenty dollars”	“\$120”
Paragraph 40 (4) (a)	(a) “One hundred dollars”	“\$100”
	(b) “Fifty dollars”	“\$50”
Paragraph 40 (4) (b)	(a) “Two hundred and forty dollars”	“\$240”
	(b) “One hundred and twenty dollars”	“\$120”
Sub-section 40 (5)	“1st October,”	“1 October”
Paragraph 41 (1) (b)	“twenty”	“20”
Sub-section 41 (3)	(a) “Ninety-one dollars”	“\$91”
	(b) “forty”	“40”
Sub-section 41 (4)	“1st October,”	“1 October”
Section 41A	“thirty-eight, thirty-nine or forty-one of this Act”	“38, 39 or 41”
Paragraph 41A (a)	“Fifty”	“50”
Paragraph 41A (b)	“One dollar”	“\$1”
Sub-section 42 (1)	(a) “forty-one of this Act”	“41”
	(b) “sixty of this Act”	“60”
Paragraph 42 (2) (a)	“twelve”	“12”
Paragraph 42 (2) (b)	(a) “One hundred dollars”	“\$100”
	(b) “Fifty dollars”	“\$50”
Sub-section 42 (3)	(a) “Four hundred dollars”	“\$400”
	(b) “Two hundred dollars”	“\$200”
Sub-section 42 (4)	(a) “twenty”	“20”
	(b) “sub-section (1) of this section”	“sub-section (1)”
Sub-section 42 (5)	“1st October,”	“1 October”
Sub-section 42A (1)	(a) “three”	“3”
	(b) “six”	“6”
	(c) “sub-section (3) of this section”	“sub-section (3)”
	(d) “Two hundred dollars”	“\$200”
Sub-section 42A (2)	(a) “the fourteenth day of December, One thousand nine hundred and fifty-nine”	“14 December 1959”
	(b) “six”	“6”

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
	(c) "twelve"	"12"
	(d) "the next succeeding sub-section"	"sub-section (3)"
	(e) "Eight hundred dollars"	"\$800"
	(f) "the last preceding sub-section"	"sub-section (1)"
Sub-section 42A (3)	(a) "(1) or (2) of this section"	"(1) or (2)"
	(b) "(a) and (b) of this sub-section"	"(a) and (b)"
Sub-section 42A (4)	"(1) and (2) of this section"	"(1) and (2)"
Sub-section 42A (5)	"(2) of section four AA of this Act"	"4AA (2)"
Paragraph 42A (5) (a)	"six"	"6"
Paragraph 42A (5) (b)	"twelve"	"12"
Sub-section 42A (6)	"(1) and (2) of this section"	"(1) and (2)"
Paragraph 42A (8) (a)	"the last preceding sub-section"	"sub-section (7)"
Sub-section 42A (9)	"twelve"	"12"
Paragraph 42A (10) (a)	"sub-section (7) of this section"	"sub-section (7)"
Paragraph 42A (10) (b)	"the last preceding sub-section"	"sub-section (9)"
Sub-section 42A (11)	"sub-section (9) of this section"	"sub-section (9)"
Sub-section 42A (12)	"the last preceding section"	"section 42"
Sub-section 42A (13)	(a) "(7) and (9) of this section"	"(7) and (9)"
	(b) "1st October,"	"1 October"
Sub-section 43 (1)	(a) "twenty"	"20"
	(b) "forty-one of this Act"	"41"
Sub-section 43 (2)	"1st October,"	"1 October"
Sub-section 44 (1)	"forty-one and forty-two of this Act and of the last preceding section"	"41, 42 and 43"
Sub-section 44 (2)	(a) "(1) of section forty-two of this Act"	"42 (1)"
	(b) "(2) of that section"	"42 (2)"
Paragraph 45 (a)	"sixty-one"	"61"
Paragraph 45 (b)	"sixty"	"60"
Paragraph 45 (c)	(a) "thirty-eight"	"38"
	(b) "(1) of section fifty-two of this Act"	"52 (1)"
Paragraph 45 (d)	(a) "sixty-two"	"62"
	(b) "six per centum"	"6%"
Paragraph 45 (e)	"thirteen per centum"	"13%"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Sub-section 50 (1)	(a) "the next succeeding sub-section"	"sub-section (2)"
	(b) "1st October,"	"1 October"
	(c) "Four dollars"	"\$4"
	(d) "Two dollars"	"\$2"
Sub-section 50 (2)	(a) "the last preceding sub-section"	"sub-section (1)"
Paragraph 50 (2) (a)	(a) "Four hundred dollars"	"\$400"
	(b) "Two hundred dollars"	"\$200"
Paragraph 50 (2) (b)	(a) "Four hundred dollars"	"\$400"
	(b) "Two hundred dollars"	"\$200"
Sub-section 51 (1)	(a) "sub-section (3) of this section"	"sub-section (3)"
	(b) "two"	"2"
	(c) "the next three succeeding sections"	"sections 52, 52A and 53"
	(d) "sixty of this Act"	"60"
Sub-section 51 (2)	(a) "fifty-two A of this Act"	"52A"
	(b) "the last preceding sub-section"	"sub-section (1)"
	(c) "Sixty"	"60"
	(d) "Thirty"	"30"
	(e) "sixty"	"60"
	(f) "thirty"	"30"
Paragraph 51 (3) (a)	"three"	"3"
Sub-section 51 (3)	"sub-section (1) of this section"	"sub-section (1)"
Sub-section 51 (4)	"the last preceding sub-section"	"sub-section (3)"
Sub-section 51 (5)	"1st October,"	"1 October"
Sub-section 51 (6)	"1st October,"	"1 October"
Sub-section 52 (1)	(a) "(2) of the last preceding section"	"51 (2)"
	(b) "Ninety-one dollars"	"\$91"
Sub-section 52 (2)	"(2) of the last preceding section"	"51 (2)"
Paragraph 52 (2) (a)	(a) "twenty"	"20"
	(b) "thirty-eight of this Act"	"38"
Paragraph 52 (2) (b)	(a) "twenty"	"20"
	(b) "thirty-eight of this Act"	"38"
Sub-paragraph 52 (2) (c) (i)	"thirty-eight of this Act"	"38"
Sub-paragraph 52 (2) (c) (ii)	"(2) of the last preceding section"	"51 (2)"
Sub-section 52 (3)	"(2) of the last preceding section"	"51 (2)"
Paragraph 52 (3) (a)	(a) "twenty"	"20"
	(b) "forty-one of this Act"	"41"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Paragraph 52 (3) (b)	(a) "forty-one of this Act" (b) "twenty"	"41" "20"
Sub-section 52 (4)	"paragraph (a) of the last preceding sub-section"	"paragraph (3) (a)"
Sub-section 52 (5)	"(2) of the last preceding section"	"51 (2)"
Paragraph 52 (5) (a)	(a) "twenty" (b) "thirty-nine of this Act" (c) "paragraph (b) of sub-section (2) of that section"	"20" "39" "paragraph 39 (2) (b)"
Paragraph 52 (5) (b)	"twenty"	"20"
Paragraph 52 (5) (c)	(a) "sixty of this Act" (b) "the next two succeeding sub-sections"	"60" "sub-sections (6) and (7)"
Sub-section 52 (6)	(a) "the next succeeding sub-section" (b) "paragraph (c) of the last preceding sub-section" (c) "One hundred and fifty dollars" (d) "Seventy-five dollars"	"sub-section (7)" "paragraph (5) (c)" "\$150" "\$75"
Sub-section 52 (7)	"paragraph (c) of sub-section (5) of this section"	"paragraph (5) (c)"
Paragraph 52 (7) (a)	(a) "One hundred dollars" (b) "Fifty dollars"	"\$100" "\$50"
Paragraph 52 (7) (b)	(a) "One hundred and fifty dollars" (b) "Seventy-five dollars"	"\$150" "\$75"
Sub-section 52 (8)	"(2) of the last preceding section"	"51 (2)"
Paragraph 52 (8) (a)	(a) "twenty" (b) "forty-one of this Act"	"20" "41"
Paragraph 52 (8) (b)	(a) "sixty of this Act" (b) "One hundred dollars" (c) "Fifty dollars"	"60" "\$100" "\$50"
Sub-section 52 (9)	(a) "(6) and (7) of this section" (b) "(i) and (ii) of paragraph (b) of the last preceding sub-section" (c) "twenty"	"(6) and (7)" "(8) (b) (i) and (ii)" "20"
Sub-section 52A (1)	(a) "(1) of section fifty-one" (b) "thirty-five A" (c) "(1) of section forty-eight C"	"51 (1)" "35A" "48C (1)"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Sub-section 52A (2) . . .	(a) "the last preceding section"	"section 52"
	(b) "sixty of this Act"	"60"
Paragraph 52A (2) (b) . . .	"(2) of section fifty-one of this Act"	"51 (2)"
Sub-section 53 (1) . . .	(a) "section 51 of this Act"	"section 51"
	(b) "(2) of section 51"	"51 (2)"
Sub-section 53 (2) . . .	"fifty-two of this Act"	"52"
Sub-section 53 (3) . . .	"fifty-two of this Act"	"52"
Sub-section 53B (2) . . .	"the last preceding sub-section"	"sub-section (1)"
Sub-section 53B (6A) . . .	"(1A) of section sixty-nine of this Act"	"69 (1A)"
Paragraph 53B (7) (a) . . .	"seventy-three of this Act"	"73"
Paragraph 53B (7) (b) . . .	"fifty-three A of this Act"	"53A"
Paragraph 54A (2) (c) . . .	"(2) of section thirty-eight of this Act"	"38 (2)"
Paragraph 54A (2) (d) . . .	(a) "(2) of section thirty-nine of this Act"	"39 (2)"
	(b) "(ii) of paragraph (a) of that sub-section"	"39 (2) (a) (ii)"
Paragraph 54A (2) (e) . . .	"(2) and (5) of section fifty-two of this Act"	"52 (2) and (5)"
Paragraph 54A (2) (f) . . .	"(2) of section forty of this Act"	"40 (2)"
Paragraph 54A (3) (b) . . .	"(3) of section fifty-two of this Act"	"52 (3)"
Sub-section 54A (3) . . .	"(4) of that section"	"52 (4)"
Sub-section 55 (1) . . .	(a) "sub-section (4) of this section"	"sub-section (4)"
	(b) "1st October, 1972,"	"1 October 1972"
Paragraph 55 (1) (a) . . .	"(2) of section fifty-one of this Act"	"51 (2)"
Paragraph 55 (1) (b) . . .	(a) "Three hundred and twelve dollars"	"\$312"
	(b) "paragraph (a) of this sub-section"	"paragraph (a)"
Sub-section 55 (2) . . .	(a) "Seven hundred and two dollars"	"\$702"
	(b) "paragraph (a) of sub-section (1) of this section"	"paragraph (1) (a)"
Sub-section 55 (4) . . .	(a) "thirty-five A"	"35A"
	(b) "(1) of section forty-eight C"	"48C (1)"
Paragraph 56A (2) (a) . . .	"1st October,"	"1 October"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Paragraph 56A (2) (b)	“paragraph (a) of the last preceding sub-section”	“paragraph (1) (a)”
Paragraph 56A (2) (c)	“paragraph (b) of the last preceding sub-section”	“paragraph (1) (b)”
Sub-paragraph 56A (2) (c) (i)	“paragraph (a) of sub-section (2A) of section four of this Act”	“paragraph 4 (2A) (a)”
Sub-section 56A (3)	(a) “One hundred dollars” (b) “Fifty dollars”	“\$100” “\$50”
Sub-section 56A (4)	“the next succeeding sub-section”	“sub-section (5)”
Paragraph 56A (4) (a)	(a) “twelve” (b) “One hundred dollars” (c) “Fifty dollars”	“12” “\$100” “\$50”
Paragraph 56A (4) (b)	(a) “One hundred dollars” (b) “Fifty dollars”	“\$100” “\$50”
Sub-section 56A (5)	(a) “sub-section (3) of this section” (b) “paragraph (b) of the last preceding sub-section” (c) “One hundred dollars” (d) “Fifty dollars” (e) “Sixty dollars” (f) “Thirty dollars”	“sub-section (3)” “paragraph (4) (b)” “\$100” “\$50” “\$60” “\$30”
Sub-section 56A (7)	“twenty”	“20”
Paragraph 57 (1) (b)	(a) “Three hundred and twelve dollars” (b) “paragraph (a) of this sub-section”	“\$312” “paragraph (a)”
Sub-section 57 (2)	“the last preceding sub-section”	“sub-section (1)”
Paragraph 57 (2) (b)	“(9) of section forty-two A of this Act”	“42A (9)”
Paragraph 57 (2) (c)	“fifty of this Act”	“50”
Sub-section 57 (3)	“fifty-five of this Act”	“55”
Sub-section 57 (4)	(a) “Seven hundred and two dollars” (b) “paragraph (a) of sub-section (1)” (c) “sub-section (3), of this section”	“\$702” “paragraph (1) (a)” “sub-section (3)”
Sub-section 58 (1)	(a) “Seven hundred and two dollars” (b) “paragraph (a) of sub-section (1) of section 55 of this Act”	“\$702” “paragraph 55 (1) (a)”

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
	(c) "paragraph (a) of sub-section (1),"	"paragraph 57 (1) (a),"
	(d) "(3), of section 57 of this Act"	"57 (3)"
Sub-section 58 (1B) . . .	"sub-section (1) of this section"	"sub-section (1)"
Sub-section 58 (2) . . .	"sub-section (1) of this section"	"sub-section (1)"
Paragraph 58A (1) (b) . . .	"the next succeeding sub-section"	"sub-section (2)"
Paragraph 58A (2) (a) . . .	"seventeen"	"17"
Paragraph 58A (2) (b) . . .	"thirteen"	"13"
Sub-section 59 (1) . . .	"(4) of section fifty-five of this Act"	"55 (4)"
Sub-section 59 (2) . . .	"1st October,"	"1 October"
Sub-section 60 (2) . . .	(a) "the last preceding sub-section"	"sub-section (1)"
	(b) "twenty-three of this Act"	"23"
	(c) "the next succeeding sub-section"	"sub-section (3)"
Paragraph 60 (3) (b) . . .	"twelve"	"12"
Paragraph 60 (3) (c) . . .	(a) "twelve"	"12"
	(b) "sub-section (1) of this section"	"sub-section (1)"
Sub-section 60 (4) . . .	"1st October,"	"1 October"
Paragraph 60A (a) . . .	"thirty-five A"	"35A"
Sub-section 63 (2) . . .	"sub-section (1) of this section"	"sub-section (1)"
Sub-section 64 (11) . . .	"(2) of section 55, sub-section (4) of section 57, or sub-section (1) of section 58,"	"55 (2), 57 (4) or 58 (1)"
Sub-section 64 (12) . . .	"paragraph (a) of sub-section (1) of section 57"	"paragraph 57 (1) (a)"
Paragraph 65 (5) (a) . . .	(a) "(5), (7) or (10) of section eighty-two G of this Act"	"82G (5), (7) or (10)"
	(b) "the last preceding sub-section"	"sub-section (4)"
Paragraph 65 (5) (b) . . .	(a) "the last preceding paragraph"	"paragraph (a)"
	(b) "the last preceding sub-section"	"sub-section (4)"
Sub-section 66 (2) . . .	"twenty-six"	"26"
Sub-section 68 (2) . . .	"the last preceding sub-section"	"sub-section (1)"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Paragraph 69 (1A) (a)	“fifty-five or fifty-seven of this Act”	“55 or 57”
Paragraph 69 (1A) (c)	“fifty-three A or fifty-three B of this Act”	“53A or 53B”
Sub-section 69 (1B)	(a) “seventy-four of this Act”	“74”
	(b) “the last preceding sub-section”	“sub-section (1A)”
Sub-section 69 (2)	“fifty-seven of this Act”	“57”
Sub-section 69 (3)	“fifty-three A or fifty-three B of this Act”	“53A or 53B”
Sub-section 69 (3A)	(a) “seventy-four of this Act”	“74”
	(b) “the last preceding sub-section”	“sub-section (3)”
Sub-section 69 (4)	“fifty-five or fifty-seven of this Act”	“55 or 57”
Sub-section 69 (5)	“fifty-five or fifty-seven”	“55 or 57”
Sub-section 69 (7)	(a) “fifty-five or fifty-seven of this Act”	“55 or 57”
	(b) “fourteen”	“14”
	(c) “Forty dollars”	“\$40”
Sub-section 69 (8)	“the last preceding sub-section”	“sub-section (7)”
Sub-section 69 (9)	“sub-section (1A) of this section”	“sub-section (1A)”
Sub-section 69 (10)	“(4) and (5) of this section”	“(4) and (5)”
Sub-section 69 (11)	“1st October,”	“1 October”
Section 71	“twenty-one”	“21”
Sub-section 73 (1)	(a) “(2) of section twenty-three of this Act”	“23 (2)”
	(b) “eighteen”	“18”
	(c) “Sixty”	“60”
	(d) “Thirty”	“30”
	(e) “sixty”	“60”
	(f) “thirty”	“30”
Sub-section 73 (2)	(a) “the last preceding sub-section”	“sub-section (1)”
	(b) “One thousand one hundred and five dollars”	“\$1,105”
	(c) “Five hundred and fifty-two dollars fifty cents”	“\$552.50”
Sub-section 73 (3)	“sub-section (1) of this section”	“sub-section (1)”

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Sub-section 73 (4)	“sub-section (2) of this section”	“sub-section (2)”
Sub-section 73 (5)	“1st October,”	“1 October”
Sub-section 73 (6)	“(2) of section two”	“2 (2)”
Sub-section 74 (1)	“fifty-seven”	“57”
Section 76 (definition of “re-instated candidate”)	(a) “1st October,” (b) “(2) of section ten, sub-section (2) of section eleven, sub-section (2) of section twelve or sub-section (4) of section fifteen”	“1 October” “10 (2), 11 (2), 12 (2) or 15 (4)”
Sub-section 77 (5)	“the last preceding sub-section”	“sub-section (4)”
Section 79	“four AA of this Act”	“4AA”
Paragraph 80 (1) (a)	“(2) of section ten, sub-section (2) of section eleven, sub-section (2) of section twelve and paragraph (b) of sub-section (4) of section fifteen”	“10 (2), 11 (2) and 12 (2), and paragraph 15 (4) (b),”
Sub-section 80 (2)	“(3) and (4) of section twenty-three of this Act”	“23 (3) and (4)”
Paragraph 81 (2) (b)	“two”	“2”
Paragraph 81 (3) (b)	(a) “1st October, 1972,” (b) “three”	“1 October 1972” “3”
Paragraph 81 (3) (c)	“two”	“2”
Paragraph 81 (4) (a)	“1st October,”	“1 October”
Paragraph 81 (4) (b)	“two”	“2”
Paragraph 81 (5) (a)	“three”	“3”
Paragraph 81 (5) (b)	“two”	“2”
Sub-section 81 (6)	“(3) and (5) of this section”	“(3) and (5)”
Sub-section 81 (7)	“three”	“3”
Sub-section 81 (8)	“paragraph (a) of the last preceding sub-section”	“paragraph (7) (a)”
Sub-section 81 (9)	“paragraph (a) of sub-section (7) of this section”	“paragraph (7) (a)”
Sub-section 82E (1)	“twenty-three of this Act”	“23”
Sub-section 82E (2)	(a) “the last preceding sub-section” (b) “twenty-three of this Act” (c) “(3) or (4) of that section”	“sub-section (1)” “23” “23 (3) or (4)”

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Sub-section 82F (4)	(a) "four" (b) "four A of this Act"	"4" "4A"
Sub-section 82F (5)	"the last preceding sub-section"	"sub-section (4)"
Sub-section 82F (6)	(a) "the last preceding sub-section" (b) "the fourteenth day of December, One thousand nine hundred and fifty-nine"	"sub-section (5)" "14 December 1959"
Sub-section 82G (3)	(a) "(3) and (3A) of section thirty-eight," (b) "(3), (3A) and (4) of section thirty-nine, of this Act"	"38 (3) and (3A)" "39 (3), (3A) and (4)"
Paragraph 82G (4) (a)	"twenty"	"20"
Paragraph 82G (4) (c)	"fifty-four or seventy-one of this Act"	"54 or 71"
Paragraph 82G (5) (a)	"51 of this Act"	"51"
Paragraph 82G (5) (b)	"twenty"	"20"
Paragraph 82G (5) (c)	"fifty-four or seventy-one of this Act"	"54 or 71"
Paragraph 82G (5) (d)	"fifty-three of this Act"	"53"
Paragraph 82G (6) (a)	"fifty-one of this Act"	"51"
Paragraph 82G (6) (b)	"fifty-four or seventy-one of this Act"	"54 or 71"
Paragraph 82G (6) (c)	"neither of the last two preceding sub-sections"	"sub-section (4) or (5) does not"
Paragraph 82G (6) (d)	"fifty-three of this Act"	"53"
Paragraph 82G (7) (a)	"fifty-one of this Act"	"51"
Paragraph 82G (7) (b)	"fifty-four or seventy-one of this Act"	"54 or 71"
Paragraph 82G (7) (c)	"sub-section (4) of this section"	"sub-section (4)"
Sub-section 82G (8)	(a) "fifty-four and seventy-one of this Act" (b) "paragraph (f) of sub-section (5), or paragraph (f) of sub-section (6),"	"54 and 71" "paragraph (5) (f) or (6) (f)"
Sub-section 82G (9)	"fifty-nine of this Act"	"59"
Sub-section 82G (10)	"seventy-one of this Act"	"71"
Paragraph 82G (11) (a)	"fifty-one of this Act"	"51"
Paragraph 82G (11) (b)	"fifty-one of this Act"	"51"
Paragraph 82G (11) (c)	"fifty-three of this Act"	"53"
Paragraph 82G (11) (e)	"fifty-two of this Act"	"52"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Sub-section 82GA (1)	“Paragraph (a) of sub-section (2) of this section”	“Paragraph (2) (a)”
Paragraph 82GA (1) (b)	“sixty-one A or sixty-one B”	“61A or 61B”
Sub-paragraph 82GA (1) (c) (i)	(a) “fifty-eight or seventy-nine A” (b) “seventy-eight or seventy-nine”	“58 or 79A” “78 or 79”
Sub-paragraph 82GA (1) (c) (ii)	“forty-one, forty-four, forty-five, forty-six or forty-seven”	“41, 44, 45, 46 or 47”
Sub-paragraph 82GA (1) (c) (iii)	“fifty-one, fifty-four, fifty-five, fifty-six or fifty-seven”	“51, 54, 55, 56 or 57”
Paragraph 82GA (1) (h)	“seventy-seven or seventy-eight”	“77 or 78”
Paragraph 82GA (2) (b)	“seventy-four”	“74”
Paragraph 82GA (2) (c)	“(6) of section forty-seven”	“47 (6)”
Sub-section 82GA (3)	“sub-section (1) of this section”	“sub-section (1)”
Sub-section 82GA (4)	(a) “the last preceding sub-section” (b) “the fourteenth day of December, One thousand nine hundred and fifty-nine”	“sub-section (3)” “14 December 1959”
Sub-section 82J (1) (definition of “life policy”)	“(1) of section four”	“4 (1)”
Paragraph 82L (1) (b)	“sub-paragraph (ii) of the last preceding paragraph”	“sub-paragraph (a) (ii)”
Sub-section 82L (3)	“the next succeeding sub-section”	“sub-section (4)”
Sub-section 82L (4)	“the last preceding sub-section”	“sub-section (3)”
Paragraph 82M (b)	“the last preceding paragraph”	“paragraph (a)”
Sub-section 82P (1)	“twenty-one”	“21”
Sub-section 82P (2)	“the last preceding sub-section”	“sub-section (1)”
Sub-section 82P (3)	(a) “Sub-section (1) of this section” (b) “1st October,”	“Sub-section (1)” “1 October”
Sub-section 82Q (1)	“the succeeding sections of this Division”	“sections 82R and 82S”
Sub-section 82Q (2)	(a) “Paragraph (b) of the last preceding sub-section”	“Paragraph (1) (b)”

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
	(b) "paragraph (c) or paragraph (e) of that sub-section"	"paragraph (1) (c) or (e)"
Sub-section 82Q (3)	(a) "Paragraph (d) of sub-section (1) of this section"	"Paragraph (1) (d)"
	(b) "paragraph (a) or paragraph (e) of that sub-section"	"paragraph (1) (a) or (e)"
Sub-section 82Q (4)	(a) "Paragraph (f) of sub-section (1) of this section"	"Paragraph (1) (f)"
	(b) "paragraph (a) or paragraph (c) of that sub-section"	"paragraph (1) (a) or (c)"
Sub-section 82Q (5)	(a) "Sub-section (1) of this section"	"Sub-section (1)"
	(b) "1st October,"	"1 October"
Paragraph 82R (1) (a)	"paragraph (a) of sub-section (1) of the last preceding section"	paragraph 82Q (1) (a)"
Paragraph 82R (1) (b)	(a) "three"	"3"
	(b) "two"	"2"
Paragraph 82R (1) (c)	"three"	"3"
Sub-section 82R (2)	"the last preceding sub-section"	"sub-section (1)"
Sub-section 82R (5)	"thirty of this Act"	"30"
Sub-section 82R (6)	"the last preceding sub-section"	"sub-section (5)"
Paragraph 82R (6) (c)	"(3) and (4) of this section"	"(3) and (4)"
Sub-section 82R (7)	"twenty"	"20"
Paragraph 82R (7) (a)	"sub-section (5) of this section"	"sub-section (5)"
Paragraph 82R (7) (b)	"twenty"	"20"
Sub-section 82R (8)	"sub-section (4) of this section"	"sub-section (4)"
Sub-section 82R (9)	"the last preceding sub-section"	"sub-section (8)"
Paragraph 82S (1) (a)	(a) "paragraph (a) of sub-section (1) of section eighty-two Q of this Act"	"paragraph 82Q(1)(a)"
	(b) "the last preceding section"	"section 82R"
Paragraph 82S (1) (b)	(a) "paragraph (b), (c), (d), (e) or (f) of sub-section (1) of section eighty-two Q of this Act"	"paragraph 82Q (1) (b), (c), (d), (e) or (f)"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
	(b) "the last preceding section"	"section 82R"
Sub-section 82S (3) . . .	"the last preceding sub-section"	"sub-section (2)"
Paragraph 82S (3) (a) . . .	"paragraph (a) or (b) of sub-section (1) of section eighty-two Q of this Act"	"paragraph 82Q (1) (a) or (b)"
Paragraph 82S (3) (b) . . .	"paragraph (c) or (d) of sub-section (1) of section eighty-two Q of this Act"	"paragraph 82Q(1) (c) or (d)"
Paragraph 82S (3) (c) . . .	"paragraph (e) or (f) of sub-section (1) of section eighty-two Q of this Act"	"paragraph 82Q (1) (e) or (f)"
Paragraph 82S (4) (a) . . .	"paragraph (a) of sub-section (1) of section eighty-two Q of this Act"	"paragraph 82Q(1)(a)"
Paragraph 82S (4) (b) . . .	"paragraph (b) of that sub-section"	"paragraph 82Q(1)(b)"
Sub-section 82S (4) . . .	"paragraph (a) of the last preceding sub-section"	"paragraph (3) (a)"
Paragraph 82S (5) (a) . . .	"paragraph (a) of sub-section (1) of section eighty-two Q of this Act"	"paragraph 82Q(1)(a)"
Paragraph 82S (5) (b) . . .	"paragraph (b) of that sub-section"	"paragraph 82Q(1)(b)"
Sub-section 82S (5) . . .	"paragraph (a) of sub-section (3) of this section"	"paragraph (3) (a)"
Sub-section 82S (6) . . .	"sub-section (2) of this section"	"sub-section (2)"
Paragraph 82T (1) (a) . . .	(a) "the next succeeding paragraph" (b) "three"	"paragraph (b)" "3"
Sub-paragraph 82T (1) (b) (ii)	"three"	"3"
Sub-section 82T (2) . . .	"the next succeeding sub-section"	"sub-section (3)"
Sub-section 82T (3) . . .	"fifty-three A or fifty-three B of this Act"	"53A or 53B"
Paragraph 82T (3) (b) . . .	"paragraph (b) of the last preceding sub-section"	"paragraph (2) (b)"
Paragraph 82U (1) (b) . . .	"the next two succeeding sub-sections"	"sub-sections (2) and (3)"
Paragraph 82U (1) (c) . . .	"sub-section (4) of this section"	"sub-section (4)"
Paragraph 82U (1) (d) . . .	"sub-section (5) of this section"	"sub-section (5)"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Sub-section 82U (2) . . .	(a) "Paragraph (b) of the last preceding sub-section" (b) "three".	"Paragraph (1) (b)" "3"
Sub-section 82U (3) . . .	"Paragraph (b) of sub-section (1) of this section"	"Paragraph (1) (b)"
Paragraph 82U (3) (a) . . .	"(1) of section eighty-two R of this Act"	"82R (1)"
Paragraph 82U (3) (d) . . .	"three"	"3"
Sub-paragraph 82U (3) (d) (i)	"paragraph (a) of this sub-section"	"paragraph (a)"
Sub-paragraph 82U (3) (d) (ii)	"paragraph (b) of this sub-section"	"paragraph (b)"
Sub-paragraph 82U (3) (d) (iii)	"the last preceding paragraph"	"paragraph (c)"
Sub-section 82U (4) . . .	(a) "Paragraph (c) of sub-section (1) of this section" (b) "sub-paragraph (i) of that paragraph"	"Paragraph (1) (c)" "sub-paragraph (1) (c) (i)"
Sub-section 82U (5) . . .	"Paragraph (d) of sub-section (1) of this section"	"Paragraph (1) (d)"
Sub-section 82U (6) . . .	"paragraph (b), (c) or (d) of sub-section (1) of this section"	"paragraph (1) (b), (c) or (d)"
Sub-section 82V (2) . . .	(a) "the last preceding sub-section" (b) "the first day of January, One thousand nine hundred and seventy"	"sub-section (1)" "1 January 1970"
Sub-section 82V (4) . . .	"three"	"3"
Sub-section 82W (2) . . .	(a) "the last preceding sub-section" (b) "the first day of January, One thousand nine hundred and seventy"	"sub-section (1)" "1 January 1970"
Paragraph 82X (2) (b) . . .	(a) "the next succeeding sub-section" (b) "(1) of section sixty-one A, or sub-section (1) of section sixty-one B,"	"sub-section (3)" "61A (1) or 61B (1)"
Paragraph 82X (2) (c) . . .	"(1) of section eighty-two R of this Act"	"82R (1)"
Sub-section 82X (3) . . .	(a) "the last preceding sub-section" (b) "paragraph (b) of that sub-section"	"sub-section (2)" "paragraph (2) (b)"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Paragraph 82Y (3) (a)	“(2) of the last preceding section”	“82X (2)”
Sub-section 82Y (4)	“fifty-one and fifty-two of this Act”	“51 and 52”
Sub-section 82Z (1)	“twenty-one”	“21”
Sub-section 82Z (2)	“the last preceding sub-section”	“sub-section (1)”
Sub-section 82Z (4)	(a) “the next succeeding sub-section” (b) “twenty-one”	“sub-section (5)” “21”
Sub-section 82Z (5)	“The last preceding sub-section”	“sub-section (4)”
Sub-section 82Z (6)	(a) “sub-section (1) of this section” (b) “sub-section (2) of this section” (c) “sub-section (4) of this section”	“sub-section (1)” “sub-section (2)” “sub-section (4)”
Paragraph 82Z (6) (a)	“twenty-one”	“21”
Paragraph 82Z (6) (b)	“the last preceding paragraph”	“paragraph (a)”
Sub-section 82Z (7)	“paragraph (a) or paragraph (b) of the last preceding sub-section”	“paragraph (6) (a) or (b)”
Sub-section 82Z (8)	“thirty-five A”	“35A”
Paragraph 82Z (9) (b)	“seventy-one of this Act”	“71”
Sub-section 82Z (10)	(a) “Sub-section (1) of this section” (b) “1st October,”	“Sub-section (1)” “1 October”
Paragraph 82ZA (1) (a)	“the last preceding section”	“section 82Z”
Sub-section 82ZB (1)	“eighty-two Z of this Act”	“82Z”
Paragraph 82ZB (1) (a)	“the last preceding section”	“section 82ZA”
Paragraph 82ZB (1) (b)	(a) “twenty” (b) “sixty”	“20” “60”
Sub-section 82ZB (2)	“eighty-two ZG of this Act”	“82ZG”
Paragraph 82ZB (2) (a)	“twenty”	“20”
Paragraph 82ZB (2) (b)	“twenty”	“20”
Paragraph 82ZB (2) (c)	“fifteen”	“15”
Paragraph 82ZB (2) (d)	“twenty”	“20”
Paragraph 82ZB (2) (e)	“sixty”	“60”
Sub-section 82ZB (3)	“paragraphs (c) and (d) of the last preceding sub-section”	“paragraphs (2) (c) and (d)”
Paragraph 82ZB (3) (c)	“twenty”	“20”

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Sub-section 82ZB (4) . . .	“the last two preceding sub-sections”	“sub-sections (2) and (3)”
Sub-section 82ZB (6) . . .	(a) “the next two succeeding sub-sections” (b) “paragraph (a) of sub-section (1) of this section” (c) “twenty” (d) “sub-section (2) of this section” (e) “eighty-two Z of this Act”	“sub-sections (7) and (8)” “paragraph (1) (a)” “20” “sub-section (2)” “82Z”
Sub-section 82ZB (7) . . .	(a) “the last preceding sub-section” (b) “paragraph (a) of sub-section (2) of this section”	“sub-section (6)” “paragraph (2) (a)”
Sub-section 82ZB (8) . . .	(a) “Sub-section (6) of this section” (b) “twenty”	“Sub-section (6)” “20”
Sub-section 82ZC (1) . . .	(a) “(6) of the last preceding section” (b) “either of the last two preceding sections”	“82ZB (6)” “section 82ZA or 82ZB”
Paragraph 82ZC (2) (a) . . .	“forty, forty-two, forty-two A, forty-three, fifty-two, fifty-six, fifty-six A, sixty or eighty-two G of this Act”	“40, 42, 42A, 43, 52, 56, 56A, 60 or 82G”
Paragraph 82ZC (2) (b) . . .	“eighty-two Z of this Act”	“82Z”
Sub-section 82ZC (2) . . .	“seven”	“7”
Sub-section 82ZC (3) . . .	“the last preceding sub-section”	“sub-section (2)”
Paragraph 82ZC (4) (b) . . .	“eighty-two Z of this Act”	“82Z”
Sub-section 82ZC (4) . . .	“seven”	“7”
Sub-section 82ZD (1) . . .	(a) “twenty” (b) “eighty-two Z of this Act” (c) “sixty” (d) “fifteen” (e) “(3) of section eighty-two ZB of this Act”	“20” “82Z” “60” “15” “82ZB (3)”
Paragraph 82ZD (2) (b) . . .	“eighty-two Z of this Act”	“82Z”

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Paragraph 82ZD (2) (c)	“forty, forty-two, forty-two A, forty-three, fifty-two, fifty-six, fifty-six A, sixty or eighty-two G of this Act”	“40, 42, 42A, 43, 52, 56, 56A, 60 or 82G”
Section 82ZE	(a) “eighty-two Z of this Act”	“82Z”
	(b) “eighty-one of this Act”	“81”
Sub-section 82ZF (1)	“paragraph (a) of sub-section (2) of section eighty-two ZB of this Act”	“paragraph 82ZB (2) (a)”
Paragraph 82ZF (1) (a)	(a) “fifty-three B of this Act”	“53B”
	(b) “paragraph (b), (c) or (d) of sub-section (2) of section eighty-two ZB of this Act”	“paragraph 82ZB (2) (b), (c) or (d)”
Paragraph 82ZF (1) (b)	(a) “fifty-three of this Act”	“53”
	(b) “the next succeeding sub-section”	“sub-section (2)”
Sub-section 82ZF (3)	(a) “the last preceding sub-section”	“sub-section (2)”
	(b) “paragraph (a) of sub-section (2) of section eighty-two ZB of this Act”	“paragraph 82ZB (2) (a)”
Paragraph 82ZH (1) (b)	(a) “(3) of section eighty-two L of this Act”	“82L (3)”
	(b) “Division 2 of this Part”	“Division 2”
Paragraph 82ZH (1) (c)	“paragraph (b) of sub-section (1) of section eighty-two R of this Act”	“paragraph 82R (1) (b)”
Sub-section 82ZH (2)	(a) “paragraph (b) of sub-section (1) of section eighty-two R of this Act”	“paragraph 82R (1) (b)”
	(b) “eighty-two R of this Act”	“82R”
	(c) “paragraph (c) of sub-section (1) of that section”	“paragraph 82R (1) (c)”
	(d) “the last preceding sub-section”	“sub-section (1)”
	(e) “(3) and (4) of that section”	“82R (3) and (4)”
Paragraph 82ZH (3)	(a) “the last preceding sub-section”	“sub-section (2)”
	(b) “paragraph (b) of sub-section (1) of this section”	“paragraph (1) (b)”

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Paragraph 82ZH (4) (a) . .	“sub-section (1) of this section”	“sub-section (1)”
Sub-section 82ZH (5) . .	(a) “sub-section (3) of this section”	“sub-section (3)”
	(b) “the last preceding sub-section”	“sub-section (4)”
Sub-section 82ZH (7) . .	(a) “(1) of section eighty-two Z of this Act”	“82Z (1)”
	(b) “Division 3 of this Part”	“Division 3”
	(c) “paragraph (a) of sub-section (1)”	“paragraph (1) (a)”
	(d) “the last preceding paragraph”	“paragraph (b)”
	(e) “eighty-two ZA of this Act”	“82ZA”
	(f) “sixty of this Act”	“60”
	(g) “the last preceding sub-paragraph”	“sub-paragraph (i)”
Sub-section 82ZH (8) . .	(a) “sub-section (3) of this section”	“sub-section (3)”
	(b) “sub-section (4) of this section”	“sub-section (4)”
	(c) “(3) of section eighty-two R of this Act”	“82R (3)”
	(d) “paragraph (b) of sub-section (1) of section eighty-two R of this Act”	“paragraph 82R (1) (b)”
	(e) “paragraph (b) of sub-section (1) of this section”	“paragraph (1) (b)”
	(f) “Division 2 of this Part”	“Division 2”
	(g) “sub-section (6) of this section”	“sub-section (6)”
Sub-section 82ZH (9) . .	(a) “neither of the last two preceding sub-sections”	“neither sub-section (7) nor sub-section (8)”
	(b) “the next succeeding sub-section”	“sub-section (10)”
	(c) “(3) of section eighty-two R of this Act”	“82R (3)”
	(d) “paragraph (b) of sub-section (1) of section eighty-two R of this Act”	“paragraph 82R (1) (b)”
	(e) “paragraph (b) of sub-section (1) of this section”	“paragraph (1) (b)”
	(f) “Division 2 of this Part”	“Division 2”
Sub-section 82ZH (10) . .	(a) “sub-section (2) of this section”	“sub-section (2)”
	(b) “sub-section (3) of this section”	“sub-section (3)”

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
	(c) "sub-section (4) of this section"	"sub-section (4)"
	(d) "paragraphs (a) and (b) of the last preceding sub-section"	"paragraphs (9) (a) and (b)"
Sub-section 82ZH (12)	(a) "the last preceding sub-section" (b) "the first day of January, One thousand nine hundred and seventy"	"sub-section (11)" "1 January 1970"
Sub-section 82ZH (13)	"sub-section (11) of this section"	"sub-section (11)"
Sub-section 82ZH (14)	(a) "sub-section (3) of this section" (b) "sub-section (4) of this section"	"sub-section (3)" "sub-section (4)"
Sub-section 82ZJ (1)	"eighty-two ZA of this Act"	"82ZA"
Sub-section 82ZJ (2)	(a) "eighty-two ZB of this Act" (b) "Division 2 of this Part" (c) "thirty-two" (d) "sixty-one" (e) "(7) and (8) of section sixty-one E" (f) "1st October,"	"82ZB" "Division 2" "32" "61" "61E (7) and (8)" "1 October"
Sub-section 83 (4)	"per centum"	"%"
Section 84C	(a) "paragraph (b) of sub-section (1) of section 55, sub-section (2) of section 55, paragraph (b) of sub-section (1) of section 57, sub-section (4) of section 57 and sub-section (1) of section 58" (b) "paragraph (a) of sub-section (1) of section 55" (c) "paragraph (a) of sub-section (1) of section 57" (d) "(3) of section 57"	"paragraph 55 (1) (b), sub-section 55 (2), paragraph 57 (1) (b), sub-section 57 (4) and sub-section 58 (1)" "paragraph 55 (1) (a)" "paragraph 57 (1) (a)" "57 (3)"
Section 84D	"(4) of section 84"	"84 (4)"
Section 85	"the next succeeding section"	"section 85A"
Sub-section 85A (2)	"the last preceding sub-section"	"sub-section (1)"
Sub-section 85A (3)	(a) "the last preceding sub-section" (b) "Forty dollars"	"sub-section (2)" "\$40"

SCHEDULE 3—continued

Provision	Omit (wherever occurring)	Substitute
Sub-section 85A (4) . . .	"1st October,"	"1 October"
Sub-section 85A (6) . . .	"sub-section (1) of this section"	"sub-section (1)"
Sub-section 85A (7) . . .	"1st October,"	"1 October"
Sub-section 85A (8) . . .	(a) "sub-section (1) of this section"	"sub-section (1)"
	(b) "One hundred dollars"	"\$100"
	(c) "three"	"3"
Paragraph 88 (1) (c) . . .	"One hundred dollars"	"\$100"
Sub-section 88 (2) . . .	"(1) of section four of this Act"	"4 (1)"
Heading to Fourth Schedule	"PARAGRAPH (c) OF SUB-SECTION (2) OF SECTION 39"	"PARAGRAPH 39 (2) (c)"

SCHEDULE 4

Section 120

AMENDMENTS OF ACTS CONTAINING REFERENCES TO CHIEF OF DEFENCE FORCE STAFF

Act	Provision
<i>Defence Act 1903</i>	Paragraph 4 (2) (d) Paragraph 4 (2) (h) Section 8 Sub-section 9 (1) Sub-section 9 (2) Sub-section 9 (3) Sub-section 9 (4) Sub-section 9A (1) Sub-section 9A (2) Sub-section 9A (3) Sub-section 9C (1) Section 32C Paragraph 116C (2) (a) Sub-section 116D (1) Sub-section 116D (2) Sub-section 120A (1)
<i>Defence Force Re-organization Act 1975</i> . . .	Paragraph 23 (3) (a) Paragraph 65 (3) (a) Paragraph 95 (3) (a)
<i>Naval Defence Act 1910</i>	Sub-section 44B (1)
<i>Office of National Assessments Act 1977</i> . . .	Section 3 (paragraph (b) of the definition of "prescribed Commonwealth officer") Sub-section 17 (4)
<i>Remuneration Tribunals Act 1973</i>	Sub-paragraph 3 (4) (r) (i)

NOTES

1. No. 33, 1923, as amended. For previous amendments, see No. 74, 1939; No. 12, 1941; No. 80, 1950; No. 15, 1952; No. 73, 1956; No. 94, 1964; No. 50, 1965; No. 216, 1973 (as amended by No. 20, 1974); No. 96, 1975; No. 138, 1976; No. 134, 1979; No. 61, 1981; and No. 153, 1982.
2. No. 20, 1903, as amended. For previous amendments, see 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; 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; No. 216, 1973 (as amended by No. 20, 1974); No. 96, 1975; Nos. 4 and 20, 1977; Nos. 19 and 155, 1979; No. 132, 1979 (as amended by No. 80, 1982); No. 70, 1980; Nos. 61 and 178, 1981; Nos. 80 and 153, 1982; and No. 39, 1983.
3. No. 152, 1982.
4. No. 153, 1982.

Defence Legislation Amendment No. 164, 1984

NOTES—continued

5. No. 81, 1973, as amended. For previous amendments, see No. 59, 1974; No. 96, 1975; No. 33, 1976; Nos. 13 and 161, 1977; No. 36, 1978; Nos. 15 and 135, 1979; and Nos. 61, 92 and 144, 1981.
6. No. 31, 1948, as amended. For previous amendments, see 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; No. 216, 1973 (as amended by No. 20, 1974); No. 96, 1975; Nos. 13 and 161, 1977; No. 36, 1978; Nos. 15 and 135, 1979; and No. 92, 1981.
7. No. 47, 1971.
8. No. 128, 1976.
9. No. 30, 1910, as amended. For previous amendments, see 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; No. 216, 1973 (as amended by No. 20, 1974); No. 96, 1975; No. 133, 1979; No. 61, 1981; No. 153, 1982; and No. 39, 1983.
10. No. 132, 1979, as amended. For previous amendments, see No. 80, 1982.
11. No. 92, 1953, as amended. For previous amendments, see No. 124, 1965; No. 216, 1973 (as amended by No. 20, 1974); No. 3, 1977; and No. 36, 1978.
12. No. 23, 1947, as amended. For previous amendments, see No. 67, 1950; No. 216, 1973 (as amended by No. 20, 1974); No. 96, 1975; No. 36, 1978; and No. 61, 1981.
13. No. 59, 1977, as amended. For previous amendments, see No. 66, 1978; No. 111, 1980; Nos. 111, 115, 122, 137, 140 and 153, 1982; and Nos. 62 and 144, 1983.
14. No. 95, 1983.