



Defence Legislation Amendment Act (No. 1) 1996

No. 56, 1996

**An Act to amend various Acts relating to defence,
and for related purposes**

Contents

1	Short title.....	1555
2	Commencement	1555
3	Schedulc(s).....	1556
Schedule 1—Amendment of Acts		1557
	<i>Defence Force Discipline Act 1982</i>	1557
	<i>Defence Force (Home Loans Assistance) Act 1990</i>	1558



Defence Legislation Amendment Act (No. 1) 1996

No. 56, 1996

**An Act to amend various Acts relating to defence,
and for related purposes**

[Assented to 8 November 1996]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Defence Legislation Amendment Act (No. 1) 1996*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day on which it receives the Royal Assent.

(2) Items 1 to 3 of Schedule 1 to this Act are taken to have commenced on 28 May 1992.

3 Schedule(s)

Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of Acts

Defence Force Discipline Act 1982

1 Subsection 3(1) (paragraph (b) of the definition of *Territory offence*)

Omit “Crimes Act, 1900 of the State of New South Wales, in its application to the Jervis Bay Territory”, substitute “Crimes Act 1900 of the Australian Capital Territory, in its application to the Jervis Bay Territory”.

2 Subparagraph 63(1)(a)(ia)

Omit “Crimes Act 1900 of the State of New South Wales, in its application to the Jervis Bay Territory”, substitute “Crimes Act 1900 of the Australian Capital Territory, in its application to the Jervis Bay Territory”.

3 Subparagraph 104(a)(ii)

Omit “Crimes Act 1900 of the State of New South Wales, in its application to the Jervis Bay Territory”, substitute “Crimes Act 1900 of the Australian Capital Territory, in its application to the Jervis Bay Territory”.

4 Certain actions under the Discipline Act etc. not unlawful

- (1) To avoid any doubt about the lawfulness of certain things done on or after 28 May 1992, it is declared that:
- (a) a conviction, order, punishment or document made, granted, issued or imposed under the Discipline Act on or after 28 May 1992 but before the commencement of this item; or
 - (b) anything else done under that Act or under or because of any such conviction, order, punishment or document on or after 28 May 1992;

is not to be taken to be unlawful merely because of a reference in that Act or any document to, or because of any act done by reference to, the “Crimes Act 1900 of the State of New South Wales” or the “Crimes Act, 1900 of the State of New South Wales”.

- (2) Expressions used in this item have the same meanings as in the Discipline Act.

(3) In this item:

Discipline Act means the *Defence Force Discipline Act 1982*.

Defence Force (Home Loans Assistance) Act 1990

5 Section 3 (paragraph (a) of the definition of *basic service period*)

Omit “6 years of effective full-time service”, substitute:

either:

- (i) 5 years of effective full-time service; or
- (ii) 5 years of composite service.

6 Section 3 (paragraph (b) of the definition of *basic service period*)

Repeal the paragraph, substitute:

(b) in relation to a person covered by subparagraphs (b)(i), (ii) and (iii) of that definition—either:

- (i) 5 years of effective full-time service less the number of years of effective full-time service completed before the person’s discharge; or
- (ii) 5 years of composite service less the number of years of composite service completed before the person’s discharge; and

7 Section 3 (paragraph (c) of the definition of *basic service period*)

After “the number of years of effective full-time service”, insert “or composite service”.

8 Section 3 (paragraph (c) of the definition of *basic service period, table, column 1*)

After “service”, insert “or composite service”.

9 Section 3 (paragraph (c) of the definition of *basic service period, table, column 1*)

Omit “10 or fewer”.

- 10 Section 3 (paragraph (c) of the definition of *basic service period*, table, column 1)**
Omit "11", substitute "11 or fewer".
- 11 Section 3 (paragraph (c) of the definition of *basic service period*, table, column 2)**
After "service", insert "or composite service".
- 12 Section 3 (paragraph (c) of the definition of *basic service period*, table, column 2)**
Omit "6".
- 13 Section 3 (subparagraph (b)(ii) of the definition of *eligible person*)**
Omit "6", substitute "5".
- 14 Section 3 (at the end of the definition of *eligible person*)**
Add:
or (h) a person:
 (i) who is a member of the Reserve Forces or the Emergency Forces; and
 (ii) who completes the training period applicable to the person; and
 (iii) to whom the DSH Act does not apply.
- 15 Section 3 (paragraph (c) of the definition of *incapacitated person*)**
Omit "6", substitute "5".
- 16 Section 3 (paragraph (c) of the definition of *incapacitated person*)**
After "full-time service", insert "or composite service".
- 17 Section 3 (paragraph (d) of the definition of *incapacitated person*)**
After "full-time service", insert "or composite service".

18 Section 3

Insert:

composite service, in relation to a person who has completed a period of effective full-time service and a period of statutory training obligation without a break between the periods, means a period of service that is worked out as follows:

$$\left(\begin{array}{l} \text{Statutory training} \\ \text{obligation years} \end{array} \times \begin{array}{l} \text{Statutory} \\ \text{training factor} \end{array} \right) + \begin{array}{l} \text{Effective full-time} \\ \text{service years} \end{array}$$

where:

statutory training obligation years means the years of statutory training obligation completed by a person.

statutory training factor is 0.625.

effective full-time service years means the years of effective full-time service completed by a person.

Example 1: If a person completes 7 years of statutory training obligation and 1 year of effective full-time service—the person's years of composite service are:

$$(7 \times 0.625) + 1 = 5.375 \text{ years}$$

Example 2: If a person completes 4 years of statutory training obligation and 1 year of effective full-time service—the person's years of composite service are:

$$(4 \times 0.625) + 1 = 3.5 \text{ years}$$

Example 3: If a person completes 10 years of statutory training obligation and 2 years of effective full-time service—the person's years of composite service are:

$$(10 \times 0.625) + 2 = 8.25 \text{ years}$$

19 Section 3

Insert:

statutory training obligation means a period of training in a 12 month period that has been rendered by a person because the person is bound to render that training under the *Defence Act 1903*, the *Naval Defence Act 1910* or the *Air Force Act 1923* or in

accordance with regulations made under the *Defence Act 1903*, the *Naval Defence Act 1910* or the *Air Force Act 1923*.

20 Section 3

Insert:

The Emergency Forces has the same meaning as in the *Defence Act 1903*.

21 Section 3

Insert:

The Reserve Forces has the same meaning as in the *Defence Act 1903*.

22 Section 3

Insert:

training period, in relation to a person covered by paragraph (h) of the definition of *eligible person*, means:

- (a) 5 years of effective full-time service; or
- (b) a continuous period of 8 years of statutory training obligation; or
- (c) 5 years of composite service.

23 Paragraph 12(1)(c)

Omit "or a rejoining member", substitute ", a rejoining member or a person covered by paragraph (h) of the definition of *eligible person*".

24 Paragraph 14(1)(a)

Omit "\$40,000", substitute "\$80,000".

25 Paragraph 21(1)(b)

Omit "\$40,000", substitute "\$80,000".

26 Paragraph 21(2)(a)

Omit "\$40,000", substitute "\$80,000".

27 Paragraph 21(2)(e)

Omit "\$40,000", substitute "\$80,000".

28 Subsection 22(2)

Omit "\$40,000", substitute "\$80,000".

29 Subsection 23(3) (subparagraph (a)(i) of the definition of *entitlement period*)

Omit "effective full-time service", substitute "subsidy service".

30 Subsection 23(3) (subparagraph (b)(i) of the definition of *entitlement period*)

Omit "effective full-time service", substitute "subsidy service".

31 Subsection 23(3) (subparagraph (b)(ii) of the definition of *entitlement period*)

Omit "effective full-time service" (wherever occurring), substitute "subsidy service".

32 Subsection 23(3) (subparagraph (b)(iii) of the definition of *entitlement period*)

Omit "effective full-time service", substitute "subsidy service".

33 Subsection 23(3) (subparagraph (ba)(i) of the definition of *entitlement period*)

Omit "effective full-time service" (wherever occurring), substitute "subsidy service".

34 Subsection 23(3) (subparagraph (ba)(ii) of the definition of *entitlement period*)

Omit "effective full-time service", substitute "subsidy service".

35 Subsection 23(3) (sub-subparagraph (bb)(i)(A) of the definition of *entitlement period*)

Omit "effective full-time service", substitute "subsidy service".

36 Subsection 23(3) (subparagraph (c)(i) of the definition of *entitlement period*)

Omit "effective full-time service", substitute "subsidy service".

37 Subsection 23(3) (subparagraph (d)(i) of the definition of *entitlement period*)

Omit "effective full-time service", substitute "subsidy service".

38 Subsection 23(3) (subparagraph (e)(i) of the definition of *entitlement period*)

Omit “effective full-time service”, substitute “subsidy service”.

39 Subsection 23(3) (subparagraph (f)(i) of the definition of *entitlement period*)

Omit “effective full-time service”, substitute “subsidy service”.

40 Subsection 23(3)

Insert:

subsidy service means :

- (a) effective full-time service; or
- (b) statutory training obligation; or
- (c) statutory training obligation added to effective full-time service.

41 Subsection 24(4) (paragraph (a) of the definition of *prescribed member*)

After “service”, insert “or composite service”.

42 Paragraph 26(1)(a)

Omit “\$40,000”, substitute “\$80,000”.

43 Paragraph 26(1)(a)

Omit “references to \$80,000”, substitute “references to \$160,000”.

44 Application

- (1) The amendments made by items 5 to 13, 15, 16, 17 and 41 do not apply to a person who is a subsidised borrower on the day this item commences.
- (2) The amendments made by items 29 to 40 only apply in relation to the statutory training obligation of a person, who is a subsidised borrower on the day this item commences, that is commenced after that day.

[*Minister's second reading speech made in—
House of Representatives on 26 June 1996
Senate on 21 August 1966*]