



Military Justice (Interim Measures) Amendment Act 2011

No. 82, 2011

An Act to amend the *Military Justice (Interim Measures) Act (No. 1) 2009*, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 82, 2011

An Act to amend the *Military Justice (Interim Measures) Act (No. 1) 2009*, and for related purposes

[Assented to 25 July 2011]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Military Justice (Interim Measures) Amendment Act 2011*.

2 Commencement

This Act commences on the day this Act receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Military Justice (Interim Measures) Act (No. 1) 2009

1 Subparagraph 2(3)(a)(i) of Schedule 3

Omit “2 years”, substitute “4 years”.

2 Subparagraph 2(3)(a)(ii) of Schedule 3

Repeal the subparagraph, substitute:

- (ii) if a day before the end of that 4 year period is declared to be the termination day under item 8 of this Schedule—for the period beginning on the commencement day and ending at the beginning of the termination day; and

3 Subitem 3(1) of Schedule 3

Repeal the subitem, substitute:

- (1) This item applies in relation to the person who was taken to have been appointed as the Chief Judge Advocate by force of item 2 of this Schedule, if:
 - (a) a day before the end of the 4 year period referred to in subparagraph (3)(a)(i) of that item is declared to be the termination day under item 8 of this Schedule; and
 - (b) the person’s appointment by force of item 2 of this Schedule continued to be in force immediately before the termination day.

4 Subitems 3(3) and (4) of Schedule 3

Omit “the office of Chief Judge Advocate ceases to exist”, substitute “the termination day”.

5 Subparagraph 4(3)(a)(i) of Schedule 3

Omit “2 years”, substitute “4 years”.

6 Subparagraph 4(3)(a)(ii) of Schedule 3

Repeal the subparagraph, substitute:

- (ii) if a day before the end of that 4 year period is declared to be the termination day under item 8 of this Schedule—for the period beginning on the commencement day and ending at the beginning of the termination day; and

7 Subitem 5(1) of Schedule 3

Repeal the subitem, substitute:

- (1) This item applies in relation to a person who was taken to have been appointed as a member of the judge advocates' panel by force of item 4 of this Schedule, if:
 - (a) a day before the end of the 4 year period referred to in subparagraph (3)(a)(i) of that item is declared to be the termination day under item 8 of this Schedule; and
 - (b) the person's appointment by force of item 4 of this Schedule continued to be in force immediately before the termination day.

8 Subitems 5(3) and (4) of Schedule 3

Omit "the judge advocates' panel ceases to exist", substitute "the termination day".

9 At the end of Schedule 3

Add:

8 Minister may declare a termination day

- (1) The Minister may declare, in writing, a specified day to be the *termination day* for the purposes of this Schedule. The day must be after the day the declaration is made and before the end of the 4 year period beginning on the commencement day.
- (2) A declaration made under subitem (1) is a legislative instrument, but section 42 (disallowance) of the *Legislative Instruments Act 2003* does not apply to the declaration.

*[Minister's second reading speech made in—
House of Representatives on 12 May 2011
Senate on 23 June 2011]*

(77/11)

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