



Defence Legislation Amendment Act 2011

No. 183, 2011

**An Act to amend legislation relating to defence, 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. 183, 2011

An Act to amend legislation relating to defence, and for related purposes

[Assented to 6 December 2011]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Defence Legislation Amendment Act 2011*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	6 December 2011
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	1 March 2012 (see F2012L00395)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Air Force Act 1923

1 Subsection 4G(1)

Omit “(1)”.

2 Before subsection 8(2)

Insert:

Constitution of the Australian Air Force Cadets

3 Before subsection 8(3)

Insert:

Relationship to the Air Force

4 Before subsection 8(5)

Insert:

Age requirements for cadets

5 Subsections 8(5) and (6)

After “he”, insert “or she”.

6 Before subsection 8(7)

Insert:

Regulations about the Australian Air Force Cadets

7 Before subsection 8(9)

Insert:

Administration of the Australian Air Force Cadets

8 Subsection 8(9)

Omit “and to the directions of the Minister, the Chief of Air Force shall”, substitute “, to any directions of the Minister and to any directions of the Chief of the Defence Force, the Chief of Air Force is to”.

9 At the end of section 8

Add:

- (10) A direction of the Chief of the Defence Force under subsection (9) is subject to, and must be in accordance with, any directions of the Minister.

10 Before subsection 8A(1)

Insert:

Delegation by the Chief of Air Force

11 Subsection 8A(1)

After “his”, insert “or her”.

12 After subsection 8A(1)

Insert:

Delegation by the Chief of the Defence Force

- (1A) The Chief of the Defence Force may, by instrument in writing, delegate to the Vice Chief of the Defence Force his or her power under subsection 8(9).

13 Before subsection 8A(2)

Insert:

General provisions about delegations

14 Subsections 8A(3), (3A) and (4)

Omit “Chief of Air Force”, substitute “person who made the delegation”.

15 Subsection 8A(5)

Omit “Chief of Air Force”, substitute “the person who made the delegation”.

16 Subsection 8A(6)

Omit “Chief of Air Force”, substitute “person who made the delegation”.

Defence Act 1903**17 Paragraphs 4(2)(a) to (h)**

Repeal the paragraphs, substitute:

- (a) a reference to the Naval Forces or the Navy is to be read as a reference to the Australian Navy; and
- (b) a reference to the Military Forces or the Army is to be read as a reference to the Australian Army; and
- (c) a reference to the Air Force is to be read as a reference to the Australian Air Force; and
- (d) a reference to the Chief of the Defence Force is to be read as a reference to the Chief of the Defence Force appointed under section 9; and
- (e) a reference to the Vice Chief of the Defence Force is to be read as a reference to the Vice Chief of the Defence Force appointed under section 9AA; and
- (f) a reference to the Chief of Navy is to be read as a reference to the Chief of Navy appointed under section 9; and
- (g) a reference to the Chief of Army is to be read as a reference to the Chief of Army appointed under section 9; and
- (h) a reference to the Chief of Air Force is to be read as a reference to the Chief of Air Force appointed under section 9; and
- (i) a reference to a service chief is to be read as a reference to the Chief of Navy, the Chief of Army or the Chief of Air Force, as the case requires.

18 Before subsection 62(2)

Insert:

Constitution of the Australian Army Cadets

19 Before subsection 62(3)

Insert:

Relationship to the Army

20 Before subsection 62(5)

Insert:

Age requirements for cadets

21 Subsections 62(5) and (6)

After “he”, insert “or she”.

22 Before subsection 62(7)

Insert:

Regulations about the Australian Army Cadets

23 Before subsection 62(9)

Insert:

Administration of the Australian Army Cadets

24 Subsection 62(9)

Omit “and to the directions of the Minister, the Chief of Army shall”, substitute “, to any directions of the Minister and to any directions of the Chief of the Defence Force, the Chief of Army is to”.

25 At the end of section 62

Add:

- (10) A direction of the Chief of the Defence Force under subsection (9) is subject to, and must be in accordance with, any directions of the Minister.

26 Before subsection 120A(2)

Insert:

Delegations by the Governor-General

27 Before subsection 120A(3A)

Insert:

Delegations of jointly held powers by the Secretary and Chief of the Defence Force

28 After subsection 120A(3D)

Insert:

Delegations by the Chief of the Defence Force

(3DA) The Chief of the Defence Force may, by instrument in writing, delegate to the Vice Chief of the Defence Force, his or her power under subsection 62(9).

29 Before subsection 120A(4)

Insert:

Delegations by the Chief of Army

30 Subsection 120A(4)

After “his”, insert “or her”.

31 Before subsection 120A(4A)

Insert:

Delegations by the Chief of Navy

32 Subsection 120A(4A)

After “his”, insert “or her”.

33 Before subsection 120A(4B)

Insert:

Delegations by the Chief of Air Force

34 Subsection 120A(4B)

After “his”, insert “or her”.

35 Before subsection 120A(5)

Insert:

General provisions about delegations

Naval Defence Act 1910

36 Before subsection 38(2)

Insert:

Constitution of the Australian Navy Cadets

37 Before subsection 38(3)

Insert:

Relationship to the Navy

38 Subsection 38(4)

After “cadet”, insert “in the Australian Navy Cadets”.

39 Before subsection 38(5)

Insert:

Age requirements for cadets

40 Subsections 38(5) and (6)

After “he”, insert “or she”.

41 Subsection 38(7)

Repeal the subsection, substitute:

Regulations about the Australian Navy Cadets

- (7) The regulations may make provision for or in relation to the organization, maintenance, regulation, control and discipline of the Australian Navy Cadets and, in particular, for and in relation to:
- (a) the periods and conditions of service of members, other than conditions of service with respect to which determinations under section 58B of the Defence Act may be made; and
 - (b) the promotion of members.

42 Saving provision—regulations

The repeal of subsection 38(7) of the *Naval Defence Act 1910* by this Schedule does not affect the continuity of regulations made under that subsection that are in force immediately before this Schedule commences.

43 Section 39

Before “Subject”, insert “(1)”.

44 Section 39

Omit “and to the directions of the Minister, the Chief of Navy shall”, substitute “, to any directions of the Minister and to any directions of the Chief of the Defence Force, the Chief of Navy is to”.

45 At the end of section 39

Add:

- (2) A direction of the Chief of the Defence Force under subsection (1) is subject to, and must be in accordance with, any directions of the Minister.

46 Before subsection 44B(3)

Insert:

Delegation by the Chief of Navy

47 Subsection 44B(3)

After “his”, insert “or her”.

48 After subsection 44B(3)

Insert:

Delegation by the Chief of the Defence Force

- (3A) The Chief of the Defence Force may, by instrument in writing, delegate to the Vice Chief of the Defence Force, his or her power under subsection 39(1).

49 Before subsection 44B(4)

Insert:

Delegation by the authorized person

50 Subsection 44B(4)

After “his”, insert “or her”.

51 Before subsection 44B(5)

Insert:

General provisions about delegations

52 Before subsection 44B(10)

Insert:

*Definition of **authorized person***

[Minister’s second reading speech made in—
House of Representatives on 18 August 2011
Senate on 15 September 2011]

(154/11)
