



Defence (Inquiry) Amendment Regulations 2005 (No. 1)¹

Select Legislative Instrument 2005 No. 70

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Defence Act 1903*, the *Naval Defence Act 1910* and the *Air Force Act 1923*.

Dated 22 April 2005

P. M. JEFFERY
Governor-General

By His Excellency's Command

ROBERT HILL
Minister for Defence

1 Name of Regulations

These Regulations are the *Defence (Inquiry) Amendment Regulations 2005 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Defence (Inquiry) Regulations 1985*

Schedule 1 amends the *Defence (Inquiry) Regulations 1985*.

Schedule 1 Amendment

(regulation 3)

[1] Subregulations 102 (3) and (4)

substitute

- (3) The Inspector-General may, if he or she thinks it appropriate to do so:
- (a) inform 1 or more of the following persons of the findings in relation to the inquiry:
 - (i) the Chief of the Defence Force;
 - (ii) an official in the Department;
 - (iii) a member of the Defence Force;
 - (iv) a person who is affected by a submission or the inquiry (whether or not the person made a submission); or
 - (b) give 1 or more of those persons a report of the findings and any recommendations that the Inspector-General thinks it appropriate to make as a result of the findings.

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- (4) A report mentioned in paragraph (3) (b) must be accompanied by a copy of:
- (a) the transcript or other record of any oral evidence taken during the inquiry; and
 - (b) any document accepted as evidence during the inquiry.
- (5) However, the Inspector-General may leave out of a report, the material accompanying the report, or both, information that the Inspector-General considers is not appropriate for the person to whom the report is given because of 1 or more of the following reasons:
- (a) considerations of privacy;
 - (b) the person's responsibilities;
 - (c) the person's interest in the matter;
 - (d) the relevance of the information to other information considered not appropriate for the person because of paragraphs (a), (b) and (c).
- (6) If the Chief of the Defence Force has directed the Inspector-General to give him or her a report in relation to a matter that was the subject of an inquiry:
- (a) the Inspector-General must give the Chief of the Defence Force a report of:
 - (i) the findings in relation to the inquiry; and
 - (ii) any recommendations mentioned in paragraph (3) (b); and
 - (iii) any further recommendations; and
 - (b) subregulation (5) does not apply in relation to the report.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.