



Defence (Inquiry) Amendment Regulations 2006 (No. 1)¹

Select Legislative Instrument 2006 No. 66

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 30 March 2006

P. M. JEFFERY
Governor-General

By His Excellency's Command

BRUCE BILLSON
Minister for Veterans' Affairs

1 Name of Regulations

These Regulations are the *Defence (Inquiry) Amendment Regulations 2006 (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 Amendments

(regulation 3)

[1] Regulation 27

substitute

27 President

The appointing authority must, in the instrument appointing a Board of Inquiry or by later instrument, appoint one of the members of a Board of Inquiry to be the President of the Board.

[2] Subregulation 33 (2)

substitute

- (2) If the President of a Board of Inquiry considers that the record or reputation of a person who has died (*person B*) may be affected by the inquiry conducted by the Board, a single representative of person B is authorised to appear before the Board.

[3] Regulation 34

substitute

34 Copy of evidence affecting a person

- (1) This regulation applies if:
 - (a) the President of a Board of Inquiry considers that any evidence given before the Board may affect a person (*affected person*) who was not present or represented before the Board when evidence was given; and
 - (b) the President is:
 - (i) a civilian; or
 - (ii) an officer not lower in rank than the affected person.
- (2) If this regulation applies, the President must:
 - (a) forward to the affected person a copy of the relevant evidence; and
 - (b) inform the affected person of the right of that person:
 - (i) to appear before the Board; and
 - (ii) to submit to the Board any written statement that the person thinks fit relevant to the inquiry.

[4] Subregulation 35 (1)

substitute

- (1) If the President of a Board of Inquiry:
 - (a) considers that any evidence given before the Board may affect a person (*affected person*) who was not present or represented before the Board when evidence was given; and
 - (b) is an officer lower in rank than the affected person;
the President must:
 - (c) inform the appointing authority, in writing, of that opinion; and
 - (d) furnish the appointing authority with a copy of the relevant evidence.

[5] Further amendments

<i>Provision</i>	<i>omit</i>	<i>insert</i>
Subregulation 26 (1)	persons who include at least one officer.	persons.
Subregulation 33 (1)	the President may authorise person A	person A is authorised
Paragraph 37 (2) (b)	President or an officer; or	President; or
Paragraph 37 (2) (c)	President or an officer;	President;
Subregulation 37 (4)	inquiry and the other member is an officer:	inquiry:
Subregulation 37 (6)	inquiry and the other members of the Board include at least one officer:	inquiry:
Subparagraph 37 (6) (a) (i)	who is an officer to	to
Subparagraph 37 (6) (a) (ii)	who is an officer to	to

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.