



Defence Force Discipline Appeals Amendment Regulations 2009 (No. 1)¹

Select Legislative Instrument 2009 No. 360

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Defence Force Discipline Appeals Act 1955*.

Dated 14 December 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

JOHN FAULKNER
Minister for Defence for the Attorney-General

1 Name of Regulations

These Regulations are the *Defence Force Discipline Appeals Amendment Regulations 2009 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Defence Force Discipline Appeals Regulations 1957*

Schedule 1 amends the *Defence Force Discipline Appeals Regulations 1957*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 2, definition of *Director of Military Prosecutions*

omit

[2] Regulation 2, definition of Registrar of the Australian Military Court

substitute

Registrar of Military Justice means the Registrar within the meaning of the *Defence Force Discipline Act 1982*.

[3] Paragraph 9 (1) (ab)

substitute

(ab) the Registrar of Military Justice;

[4] Regulation 10

substitute

10 Giving records of court martial proceedings etc to Tribunal

- (1) If an appeal or application for leave to appeal against a conviction or prescribed acquittal by a court martial or Defence Force magistrate is lodged under the Act, the Registrar of Military Justice must, if so requested by the Registrar, give:
 - (a) a record of proceedings of the court martial or Defence Force magistrate; and
 - (b) a record of any review with respect to the proceedings of the court martial or Defence Force magistrate; and
 - (c) documents that were before the court martial, Defence Force magistrate or reviewing authority in connection with the proceedings, as the case may be;to the Tribunal for the purposes of that appeal or application.
- (2) If a record or document given to the Tribunal under subregulation (1) is no longer required for the purposes of the appeal or application for leave to appeal in respect of which it was furnished, the Registrar must return the record or document to the Registrar of Military Justice.

[5] Regulation 12

omit

or the Director of Military Prosecutions

[6] Paragraph 12 (aa)

omit

[7] Regulation 16, heading

substitute

16 Appellant in custody

[8] Paragraph 18 (b)

omit

offender appellant;

insert

appellant.

[9] Paragraph 18 (c)

omit

[10] Subregulation 24 (3)

omit

Registrar of the Australian Military Court

insert

Registrar of Military Justice

[11] Further amendments

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Paragraph 9 (1) (b)	offender appellant	appellant
Paragraph 9 (1) (c)	offender appellant	appellant
Paragraph 9 (1) (d)	offender appellant	appellant
Paragraph 9 (1) (e)	offender appellant	appellant
Subregulation 11 (1)	offender appellant	appellant
Subregulation 11 (2)	offender appellant	appellant
Subregulation 11 (2)	offender appellant's	appellant's
Regulation 12	offender appellant	appellant

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Paragraph 13 (b)	offender appellant	appellant
Subregulation 16 (1)	offender appellant	appellant
Subregulation 16 (2)	offender appellant	appellant
Subregulation 16 (3)	offender appellant	appellant
Paragraph 18 (a)	offender appellant	appellant
Regulation 19	offender appellant	appellant
Regulation 23	offender appellant	appellant

Note

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