



## **Defence (Inquiry) Amendment (2016 Measures No. 1) Regulation 2016**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 28 September 2016

Peter Cosgrove  
Governor-General

By His Excellency's Command

Marise Payne  
Minister for Defence

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## 1 Name

This is the *Defence (Inquiry) Amendment (2016 Measures No. 1) Regulation 2016*.

## 2 Commencement

- (1) Each provision of this instrument 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
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2016.	1 October 2016

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

This instrument is made under the *Defence Act 1903*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Amendments**

### **Part 1—Main amendments**

#### ***Defence (Inquiry) Regulations 1985***

##### **1 Part 7**

Repeal the Part.

##### **2 Regulation 109**

Repeal the regulation, substitute:

##### **109 Appointment of Commission of Inquiry**

- (1) The appointing authority may, by instrument in writing, appoint a Commission of Inquiry to inquire into any matter concerning the Defence Force that is specified in the instrument.
- (2) The appointing authority may, at any time, by instrument in writing:
  - (a) add a matter to the matters into which the Commission of Inquiry may inquire; or
  - (b) vary those matters.

## **Part 2—Other amendments**

### ***Defence (Inquiry) Regulations 1985***

#### **3 Subregulation 3(1) (paragraph (d) of the definition of *Court of Inquiry*)**

Omit “Part VIII”, substitute “Part 8”.

#### **4 Subregulation 70A(1)**

Repeal the subregulation, substitute:

- (1) An Inquiry Officer or inquiry assistant may be appointed by one of the following officers in relation to an inquiry into a matter concerning the Defence Force:
  - (a) the Chief of the Defence Force or a service chief;
  - (b) an officer, or a class of officers, authorised in writing by the Chief of the Defence Force or a service chief for the purposes of this paragraph.

#### **5 After subregulation 70A(2)**

Insert:

- (2A) For the purpose of paragraph (1)(b), the Chief of the Defence Force or a service chief may authorise an officer, or a class of officers, to appoint an Inquiry Officer or inquiry assistant under subregulation (1).
- (2B) An authorisation under subregulation (2A) may be subject to conditions specified in the authorisation.

## Part 3—Transitional provisions

### *Defence (Inquiry) Regulations 1985*

#### 6 After Part 9

Insert:

## Part 10—Transitional provisions

### 126 Transitional—amendments made by the *Defence (Inquiry) Amendment (2016 Measures No. 1) Regulation 2016*

- (1) Despite the repeal of Part 7 of these Regulations by the *Defence (Inquiry) Amendment (2016 Measures No. 1) Regulation 2016*, that Part, as in force immediately before 1 October 2016, continues to apply in relation to an inquiry commenced, but not completed, before 1 October 2016.

Note: The *Defence (Inquiry) Amendment (2016 Measures No. 1) Regulation 2016* commences on 1 October 2016.

- (2) An appointment made under regulation 70A of these Regulations, as in force immediately before 1 October 2016, in relation to an inquiry, continues in force, on and after 1 October 2016, for the purposes of completing that inquiry.
- (3) A Commission of Inquiry appointed under regulation 109 of these Regulations, as in force immediately before 1 October 2016, continues in force, on and after 1 October 2016, for the purposes of completing that Commission of Inquiry.