



Summary Authority Amendment Rules 2022

I, John Rush, AO, RFD, QC, Rear Admiral RAN, Judge Advocate General, make the following rules.

Dated 20 July 2022

John Rush, AO, RFD, QC, Rear Admiral RAN
Judge Advocate General

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1 Name

This instrument is the *Summary Authority Amendment Rules 2022*.

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 | At the same time as Schedule 2 to the <i>Defence Legislation Amendment (Discipline Reform) Act 2021</i> commences. | 13 December 2022 |

Note: This table relates only to the provisions of this instrument as originally made.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 section 149 of the *Defence Force Discipline Act 1982*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Summary Authority Rules 2019

1 Subrule 7(2)

Repeal the subrule, substitute:

- (2) If an accused person makes a request under subrule (1), the person whose services are requested must be permitted to defend the accused person unless the services of the person are not reasonably available.

2 Paragraph 9(4)(c)

Omit “, 110 or 111”, substitute “or 110”.

3 Subrule 41(1)

Omit “sentencing”, substitute “the imposition of punishment”.

4 After Part 8

Insert:

Part 9—Application and transitional provisions

Division 1—Amendments consequential on the Defence Legislation Amendment (Discipline Reform) Act 2021

Rule 46 Application of amendments made by the *Summary Authority Amendment Rules 2022*

The amendments made to these Rules by the *Summary Authority Amendment Rules 2022* apply in relation to a service offence committed, or alleged to have been committed, by a person at or after the commencement of Schedule 2 to the *Defence Legislation Amendment (Discipline Reform) Act 2021*.

5 Paragraph 2 of Schedule 1

Omit “/SUBSA”.

6 Paragraph 5 of Schedule 1

Omit “, as outlined in Schedule 3”, substitute “applicable under section 69B or 69C”.

7 Paragraph 14 of Schedule 1

Omit “If your charges are being heard by a subordinate summary authority, you are not entitled to request a legal officer as your defending officer. Only at a hearing before a CO or SUPSA is the summary authority permitted to consider granting leave for representation by a legal officer.”.