

2010-2011

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Military Justice (Interim Measures)
Amendment Bill 2011**

No. , 2011

(Defence)

**A Bill for an Act to amend the *Military Justice
(Interim Measures) Act (No. 1) 2009*, and for related
purposes**

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1 **A Bill for an Act to amend the *Military Justice***
2 ***(Interim Measures) Act (No. 1) 2009, and for related***
3 **purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Military Justice (Interim Measures)*
7 *Amendment Act 2011.*

8 **2 Commencement**

9 This Act commences on the day this Act receives the Royal
10 Assent.

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3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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Schedule 1—Amendments

Military Justice (Interim Measures) Act (No. 1) 2009

1 Subparagraph 2(3)(a)(i) of Schedule 3

Omit “2 years”, substitute “4 years”.

2 Subparagraph 2(3)(a)(ii) of Schedule 3

Repeal the subparagraph, substitute:

- (ii) if a day before the end of that 4 year period is declared to be the termination day under item 8 of this Schedule—for the period beginning on the commencement day and ending at the beginning of the termination day; and

3 Subitem 3(1) of Schedule 3

Repeal the subitem, substitute:

- (1) This item applies in relation to the person who was taken to have been appointed as the Chief Judge Advocate by force of item 2 of this Schedule, if:
 - (a) a day before the end of the 4 year period referred to in subparagraph (3)(a)(i) of that item is declared to be the termination day under item 8 of this Schedule; and
 - (b) the person’s appointment by force of item 2 of this Schedule continued to be in force immediately before the termination day.

4 Subitems 3(3) and (4) of Schedule 3

Omit “the office of Chief Judge Advocate ceases to exist”, substitute “the termination day”.

5 Subparagraph 4(3)(a)(i) of Schedule 3

Omit “2 years”, substitute “4 years”.

6 Subparagraph 4(3)(a)(ii) of Schedule 3

Repeal the subparagraph, substitute:

- 1 (ii) if a day before the end of that 4 year period is declared
2 to be the termination day under item 8 of this
3 Schedule—for the period beginning on the
4 commencement day and ending at the beginning of the
5 termination day; and

6 **7 Subitem 5(1) of Schedule 3**

7 Repeal the subitem, substitute:

- 8 (1) This item applies in relation to a person who was taken to have been
9 appointed as a member of the judge advocates' panel by force of item 4
10 of this Schedule, if:
11 (a) a day before the end of the 4 year period referred to in
12 subparagraph (3)(a)(i) of that item is declared to be the
13 termination day under item 8 of this Schedule; and
14 (b) the person's appointment by force of item 4 of this Schedule
15 continued to be in force immediately before the termination
16 day.

17 **8 Subitems 5(3) and (4) of Schedule 3**

18 Omit "the judge advocates' panel ceases to exist", substitute "the
19 termination day".

20 **9 At the end of Schedule 3**

21 Add:

22 **8 Minister may declare a termination day**

- 23 (1) The Minister may declare, in writing, a specified day to be the
24 *termination day* for the purposes of this Schedule. The day must be
25 after the day the declaration is made and before the end of the 4 year
26 period beginning on the commencement day.
27 (2) A declaration made under subitem (1) is a legislative instrument, but
28 section 42 (disallowance) of the *Legislative Instruments Act 2003* does
29 not apply to the declaration.