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DEFENCE FORCE DISCIPLINE BILL 1982

Date Introduced: 29 April 1982
House: House of Representatives
Presented by: The Hon. D.J. Killen, M.P., Minister
for Defence

Short Digest of Bill

Purpose

To provide new disciplinary legislation for the Defence Force containing, for the first time in one Act, the disciplinary law applicable to the 3 arms of the Defence Force.

Background

The existing disciplinary legislation applicable to the Australian Army, Royal Australian Navy and the Royal Australian Air Force is contained in a hotchpotch of laws comprised of:

- i) 3 Statutes of the United Kingdom Parliament adopted by Australian enactments (2 of which have ceased to operate in the United Kingdom)
- ii) 4 sets of Rules or Regulations of the United Kingdom adopted by Australian legislation (all of which have ceased to operate in the United Kingdom)
- iii) 3 Acts of the Australian Parliament, and
- iv) 9 sets of Regulations made under the Australian Statutes.

As early as 1946 the labyrinthine complexities of this "system" was the subject of criticism in a report by Mr. Justice Reed as a result of his enquiry into the trial and punishment of military offences. The history of events of the ensuing 36 years is outlined in the introduction to the Law and Government Group's paper entitled "The New Defence Force Disciplinary Code", which is available on request.

In introducing this Bill on 29 April 1982 the Minister for Defence stated that it would lie on the Table of the House during the Parliamentary Winter Recess to

provide interested parties with an opportunity to consider the Bill's provisions. The Minister further advised that the Government was ready to consider any submission which might be made with respect to the Bill.

Provisions

The Bill deals with 3 principal matters and a number of ancillary matters which may be briefly described as follows:

- i) it prescribes offences that apply to members of the Defence Force and to certain civilians who accompany the Defence Force
- ii) it creates tribunals for the trial, conviction and punishment of such offences
- iii) it provides machinery for appeals against, and reviews of, convictions and punishments
- iv) it deals with ancillary matters such as investigation of offences, trial procedures and serving of sentences.

In effect the Bill contains a complete Criminal Code for the 3 Arms of the Defence Force. The individual provisions of the Bill are dealt with in an extremely comprehensive explanatory memorandum circulated by the authority of the Minister.

Some specific aspects of the Bill which may be of interest to Members and Senators are discussed in the Law and Government Group's paper "The New Defence Force Disciplinary Code" which can be obtained by phoning ext. 7300.

For further information, if required, contact:

14 July 1982

Law & Government Group
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