

1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented and read a first time, 22 February 1988)

(SENATOR McLEAN)

A B I L L

FOR

An Act to amend the Defence Act 1903 to provide for
Parliamentary approval of overseas service by members
of the Defence Force

BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the Defence Amendment Act 1988.

Commencement

2. This Act shall come into operation on the day on which it
receives the Royal Assent.

Amendment of Defence Act 1903

3. Section 50C of the Defence Act 1903 is repealed and the following section substituted:

"50C. (1) Members of the Defence Force may be required to serve within the territorial limits of Australia. 5

"(2) Subject to subsection (3), members of the Defence Force may not be required to serve beyond the territorial limits of Australia except in accordance with a resolution agreed to by each House of the Parliament authorizing the service.

"(3) The Governor-General may by proclamation declare that an emergency exists requiring the service beyond the territorial limits of Australia of members of the Defence Force, and such service may be required in accordance with such proclamation. 10

"(4) If the Parliament is not in session when a proclamation under subsection (3) is made, it shall be summoned to meet within 2 days after the making of the proclamation. 15

"(5) If the Parliament is in session when a proclamation under subsection (3) is made, but either House of the Parliament is adjourned for an indefinite period of time or for a period of time which will expire more than 2 days after the making of the proclamation, the Presiding Officer of that House within the meaning of the Parliamentary Presiding Officers Act 1965, or the person who is deemed to be the Presiding Officer of that House for the purpose of that Act, shall summon that House to meet within 2 days after the making of the proclamation, notwithstanding anything contained in the resolution of adjournment of that House. 20 25

"(6) A proclamation made under subsection (3) shall cease to have effect on the day next succeeding the day on which the Parliament next meets after the making of the proclamation.

5 "(7) For the purpose of this section, service beyond the territorial limits of Australia does not include service by members of the Defence Force -

·(a) pursuant to their temporary attachment as provided by section 116B;

10 (b) as part of an Australian diplomatic or consular mission;

(c) on an Australian vessel or aircraft not engaged in hostilities or in operations during which hostilities are likely to occur;

(d) for the purpose of their education or training; or

15 (e) for purposes related to the procurement of equipment or stores.".

