

DEFENCE.

No. 72 of 1956.

An Act to amend the *Defence Act* 1903-1953.

[Assented to 29th October, 1956.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

- 1.—(1.) This Act may be cited as the *Defence Act* 1956. Short title
and citation.
- (2.) The *Defence Act* 1903-1953* is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Defence Act* 1903-1956.

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

3. Section four of the Principal Act is amended— Definitions.
 - (a) by omitting the definition of “ Air Force Act ” and inserting in its stead the following definition :—

“ ‘ Air Force Act ’—Means the Imperial Act called the Air Force Act as in force on the day on which the *Air Force Act* 1939 came into operation and as applied in relation to the Air Force and the members of that Force by section five of the *Air Force Act* 1923-1956, with such modifications, adaptations and exceptions as are prescribed under the last-mentioned Act.”; and
 - (b) by omitting the definition of “ Army Act ” and inserting in its stead the following definition :—

“ ‘ Army Act ’—Means the Imperial Act called the Army Act as in force on the day on which the *Defence Act* 1956 came into operation.”.

4. Section thirty-six of the Principal Act is amended— Period of
enactment.
 - (a) by inserting in the first proviso, after the word “ on ”, the words “ or before ”; and
 - (b) by omitting the second proviso.

* Act No. 20, 1903, as amended by No. 12, 1904; No. 15, 1909; Nos. 30 and 37, 1910; No. 16, 1911; No. 5, 1912; No. 36, 1914; No. 3, 1915; No. 36, 1917; Nos. 16 and 47, 1918; No. 1, 1927; No. 50, 1932; No. 45, 1934; Nos. 13, 38, 70 and 74, 1939; No. 4, 1941; No. 11, 1945; No. 78, 1947; No. 35, 1948; No. 71, 1949; No. 80, 1950; Nos. 19 and 59, 1951; No. 98, 1952; and No. 20, 1953

5. Section eighty-eight of the Principal Act is repealed and the following section inserted in its stead :—

Laws applicable
to
courts-martial.

“ 88. Subject to this Act and to such modifications and adaptations as are prescribed, the provisions of the Army Act and the Rules of Procedure made under that Act in relation to—

- (a) the composition, procedure (including the reception of evidence) and powers of courts-martial in the Queen's Regular Land Forces ;
- (b) the confirmation, revision, effect and consequences of the findings and sentences of those courts-martial ; and
- (c) the mitigation, remission, commutation and suspension of sentences imposed by those courts-martial,

shall apply in relation to courts-martial in the Military Forces and their findings and sentences.”.
