

DEFENCE AMENDMENT ACT 1976

No. 4 of 1977

An Act to amend the *Defence Act* 1903.

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

1. (1) This Act may be cited as the *Defence Amendment Act* 1976.¹ Short title,
&c.

(2) The *Defence Act* 1903² is in this Act referred to as the Principal Act.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹ Commence-
ment.

3. (1) Section 9A of the Principal Act is amended by omitting from sub-sections (3), (4) and (5) the words “Defence Instructions (Air)” (wherever occurring) and substituting the words “Defence Instructions (Air Force)”. Adminis-
tration of
Defence
Force.

(2) Defence Instructions (Air) in force immediately before the commencement of this Act are, upon the commencement of this Act, as valid and effectual as if the amendment made by sub-section (1) had not been made and Defence Instructions (Air) as in force from time to time after the commencement of this Act shall, for the purposes of section 9A of the Principal Act as amended by this Act, be deemed to be Defence Instructions (Air Force).

(3) In sub-section (2), “Defence Instructions (Air)” means instructions and orders known as the Defence Instructions (Air) by virtue of sub-section 9A (3) of the Principal Act, and includes instructions and orders deemed to be Defence Instructions (Air) by virtue of sub-section 95 (4) of the *Defence Force Re-organization Act* 1975.

4. The Principal Act is amended as set out in the Schedule. Additional
amendments.

SCHEDULE

Section 4

ADDITIONAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting the word “Australia” (wherever occurring) and substituting the words “the Commonwealth”:

Sections 12, 13, 58, 61A (1) (b), 63 (1) (f), 66, 73A, 73D (1), 79 (1) and (1A), 80B (2) (a), 97 (c), 109 (2) and 124 (1) (nb) and (u).

SCHEDULE—continued

2. The Principal Act is further amended as set out in the following table:—

Provision	Amendment
Title	Omit “Australia”, substitute “the Commonwealth”.
Section 4 (1) (definition of “Australia”)	Omit definition, substitute “‘Australia’ and ‘Commonwealth’ includes the Territories.”.
Section 4 (1) (definition of “War”)	Omit “or any Territory”.
Section 17 (2) (c) (ii)	Omit “Australia” (second occurring), substitute “the Commonwealth”.
Section 33	Omit “The Army” (second occurring), substitute “the Army”.
Section 39 (1) (c)	Omit “of this Act”.
Section 80B (2) (a)	Omit “Australian Government”, substitute “Commonwealth”.
Section 117	Omit “Australia” (first occurring), substitute “the Commonwealth”.
Section 124 (1) (r)	Omit “of this Act”.

NOTES

1. Act No. 4, 1977; assented to 28 February 1977.
2. Act No. 20, 1903, as amended. For previous amendments *see* Act No. 12, 1904; No. 15, 1909; Nos. 30 and 37, 1910; No. 15, 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; No. 20, 1953; No. 72, 1956; No. 92, 1964; No. 51, 1965; No. 93, 1966; No. 33, 1970; No. 216, 1973 (as amended by No. 20, 1974); and No. 96, 1975.