

EXPLANATORY STATEMENT
STATUTORY RULES 1985 NO. 120
ISSUED BY THE AUTHORITY OF THE
MINISTER FOR DEFENCE
ROYAL MILITARY COLLEGE
REGULATIONS (REPEAL)

The Royal Military College Regulations, made under the Defence Act 1903, provide for the establishment and administration of the Royal Military College, including provisions prescribing certain offences that may be committed by cadets at the College and punishments that may be imposed for those offences.

Background

(i) Consequential Amendments

On 3 July 1985 Defence legislation and subordinate legislation will be brought into effect dealing with various matters relating to discipline, including discipline of cadets; fuller details are provided below. As a result of this legislation consequential amendments and repeals are required to existing regulations.

(ii) Discipline

Sections 54, 55 and 88 of the Defence Act 1903 apply the Army Act (1881) (UK) and the Rules of Procedure made under the Army Act to the Australian Army and the members of that force.

The Defence Force Discipline Act 1982, which consolidates disciplinary law for the Defence Force, will be brought into operation on 3 July 1985. The Defence Force (Miscellaneous Provisions) Act 1982, which will come into force automatically with the Defence Force Discipline Act 1982, makes the necessary consequential repeals and amendments of existing Acts, including discontinuance of the application of the Army Act (1881) (UK) and the Rules of Procedure.

(iii) Officer Cadets

In conjunction with the bringing into force of the Defence Force Discipline Act 1982 and in anticipation of the opening of the Australian Defence Force Academy in January 1986, it is desired that cadets in the Army be accorded officer status (as is now the case in the Navy and the Air Force), and the rank title of "officer cadet" will be introduced. The ranks of officers in the Army have, until now, been treated as being established by the custom of the Service.

In according cadets officer status, it is necessary that there continue to be provision to terminate the appointment of an officer cadet (eg, where the cadet is not making satisfactory progress or is unlikely to become an efficient officer) equivalent to the power currently available by reason of the fact that cadets are soldiers.

Repeal of the Royal Military College Regulations

Apart from making provision for the discipline of cadets at the Royal Military College, the Royal Military College Regulations made provision for the entry of cadets to the College. With the change in status of cadets from soldiers to officers, the Royal Military College Regulations are now redundant.

This Statutory Rule repeals the Royal Military College Regulations.

Commencement

The repeal has effect from 3 July 1985.

S.R. 31/85