

House of Representatives

Supplementary Order Paper

Tuesday, 9 October 2007

Armed Forces Law Reform Bill

Proposed amendments

Hon Phil Goff, in Committee, to move the following amendments:

Clause 5(2)

To omit “this Act” (line 26 on page 24) and substitute “the principal Act”.

Clause 37: new section 117G

To insert the following subsection after *subsection (2)* (after line 14 on page 55):

“(2A) However, if the disciplinary officer is to refer a charge to the Director of Military Prosecutions under **section 117ZF**, the disciplinary officer must not record a finding of guilty on the charge under **sections 117 to 117F**.”

Subsection (4): to add “and the rules of procedure” (line 17 on page 55).

Schedule 2

To omit the item relating to the Evidence Amendment Act (No 2) 1980 (line 18 on page 228 to line 2 on page 229).

Schedule 5

To omit the item relating to the Evidence Amendment Act (No 2) 1980 (lines 27 to 31 on page 243).

Explanatory note

This Supplementary Order Paper makes the following technical amendments to the Armed Forces Law Reform Bill:

- *clause 5* is amended to replace an incorrect reference:
- *new section 117G* (which relates to the procedure that is followed under *new Part 5* in relation to mixed pleas) is amended to clarify that the disciplinary officer must not record a finding of guilty if the charge is to

be referred to the Director of Military Prosecutions. The provision is also amended to clarify that it is subject to the rules of procedure (which may, for example, provide for a different procedure for charges laid in the alternative):

- references to the repealed Evidence Amendment Act (No 2) 1980 have been omitted.
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