



THE SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

23 July 2010

Senator the Hon John Hogg
President of the Senate

**INQUIRY INTO THE PROVISIONS OF THE MILITARY COURT OF AUSTRALIA
BILL 2010**

Background

On 24 June 2010, the Senate referred the provisions of the Military Court of Australia Bill 2010 (Bill) to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and report by 21 September 2010.

The Bill sought to establish the Military Court of Australia under Chapter III of the Australian Constitution. The Military Court will replace the interim measures which were put in place after the provisions of the *Defence Force Discipline Act 1982* establishing the Australian Military Court were invalidated by the High Court of Australia in 2009.

Conduct of the inquiry

The committee advertised the inquiry in *The Australian* newspaper on 30 June 2010 and 14 July 2010, and invited submissions by 13 August 2010. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to over 20 organisations and individuals.

The committee received one submission for this inquiry.

On 19 July 2010, the Governor-General prorogued the 42nd Parliament and dissolved the House of Representatives. Accordingly, the committee has resolved not to continue its inquiry into the provisions of the Bill. This decision is consistent with the approach to inquiries during elections adopted by other Senate committees. If the Bill is reintroduced in the new parliament, the Senate can again refer it to the committee for inquiry.

Senator Trish Crossin
Chair