
Schedule

Australian Defence Medal Regulations 2006 – Amendments

1 Regulation 2 (Definitions)

1. Omit the definition of *Chief of the Defence Force*, substitute:

Australian law means:

- (a) an Act of the Commonwealth or of a State or Territory; or
- (b) a Norfolk Island enactment; or
- (c) a rule of common law.

Chief of the Defence Force means the Chief of the Defence Force appointed under the *Defence Act 1903*.

2. After the definition of *Defence Force*, insert:

Efficient service means any service in the Permanent Force or the Reserves of the Defence Force as determined under paragraph 4(2)(a).

Initial enlistment period means the period under subsection 12(5) of the *Defence Regulation 2016*. It is not a period of service undertaken through participation or engagement in a gap year program of the Defence Force.

3. Omit the definition of *Minister*, substitute:

Minister means the Minister responsible for the administration of Defence honours and awards.

4. After the definition of *Registrar*, insert:

Year means the 12 month period ending on the anniversary of the member's enlistment or appointment.

2 Subregulation 4(1) (Award of the Medal)

1. Omit from paragraph 4(1)(a) "enlistment period", substitute "enlistment or appointment period".

2. Omit subparagraph 4(1)(d)(ii), substitute:

- (ii) the discharge or termination of the member as medically unfit;

3. Omit subparagraph 4(1)(d)(iii), substitute:

- (iii) the discharge or termination of the member due to a prevailing discriminatory Defence policy, as determined by the Chief of the Defence Force;

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- (iv) the member ceased service in the Permanent Force or the Reserves of the Defence Force and mistreatment by a member of the Defence Force or an employee in the Department of Defence was a significant contributing factor.

3 Subregulation 4(2) (Award of the Medal)

Omit subregulation 4(2), substitute:

- (2) For subregulation (1), the Chief of the Defence Force may determine the following:
 - (a) that a period of the member's qualifying service is efficient service;
 - (b) the minimum annual period of service to be completed by a member for each year of qualifying service.

4 Subregulation 5(2) (Award of Medal – member of philanthropic organisation)

Omit "In this regulation", substitute "For subregulation (1)".

5 Paragraph 7(1)(a) (Making of awards)

Omit "or his or her delegate".

6 Subregulation 8(1) (Cancellation of award)

Omit "or his or her delegate".

7 Regulation 8 (Cancellation of award)

After regulation 8, insert:

8A Forfeiture of award

- (1) The award of the Medal is forfeited if the person to whom the Medal has been awarded is convicted under Australian law for any of the following.
 - (a) Treason and related offences.
 - (b) Mutiny and related offences.
 - (c) Sabotage of Australian and allied assets.
 - (d) Aiding the enemy, including assisting prisoners of war, and related offences.
 - (e) Serious terrorism related offences.
 - (f) Any other offence determined by the Governor-General.
- (2) The medal is forfeited if the Governor-General, on the recommendation of the Chief of the Defence Force, determines that either of the following applies.

- (a) The person is convicted of an offence which is considered to be so disgraceful or serious that it would be improper for the person to retain the award.
- (b) The person obtained the award by making a false declaration.
- (3) The Governor-General may issue directions for the purpose of subregulation (2).
- (4) Where an award of the Medal is forfeited, both of the following apply.
 - (a) The name of the person to whom the award was made shall be erased from the Register.
 - (b) The person must return the Medal to the Registrar.

8 Subregulation 9(1) (Reinstatement of award of medal)

Omit subregulation 9(1), substitute:

- (1) The Governor-General may, on the recommendation of the Chief of the Defence Force, reinstate an award that has been cancelled under regulation 8 or forfeited under subregulation 8A(2).