
Schedule

Australian Operational Service Medal Regulation 2012 – Amendments

1 Section 2 (Definitions)

1. Before the definition of *accumulated service device*, insert:

accumulated service clasp means a clasp awarded to a civilian under section 8 that denotes the completion of an additional period of eligible service by a civilian on a subsequent declared operation.

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

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.

3. Omit from the definition of *Chief of the Defence Force*, "section 9 of".

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

counter terrorism activity means a sensitive activity of the Defence Force that the Chief of the Defence Force has determined, in writing to be a counter terrorism activity.

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

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

6. After the definition of *special operation*, insert:

special recovery activity means a sensitive activity of the Defence Force that the Chief of the Defence Force has determined, in writing to be a special recovery activity.

2 Subsection 3(3B) (Declared operation)

After subsection 3(3B), insert:

- (3C) Without limiting subsection (1), the Chief of the Defence Force may declare, in writing, on the recommendation of the Commander Joint Operations or the Special Operations Commander Australia, that a counter terrorism activity or a special recovery activity is a declared operation.
- (3D) The Chief of the Defence Force must not make a declaration about a counter terrorism activity or a special recovery activity unless all of the following apply.

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- (a) The activity is, or was, carried out in hazardous conditions.
 - (b) The activity is not an activity for which recognition for an award (other than an award under this regulation) already exists.
 - (c) The activity meets the conditions (if any) determined, in writing, by the Chief of the Defence Force.

3 Subsection 4(3) (Eligible service)

Omit the subsection, substitute:

- (3) The Governor-General must not make a declaration about eligible service under subsection (1) unless the eligible service is given as a part of, and within the period of, a declared operation.
- (3A) Eligible service declared under subsection (1) must meet the conditions (if any) determined, in writing, by the Governor-General.

4 Paragraph 4(5)(a) (Eligible service)

Omit "special operation that", insert "special operation, counter terrorism activity or special recovery activity that".

5 Section 8 (Civilians – award of subsequent clasps), header

After "subsequent clasps", insert "and accumulated service clasps".

6 Subsection 8(2) (Civilians – award of subsequent clasps)

Omit the subsection, substitute:

- (2) The Governor-General may, on recommendation of the Chief of the Defence Force, award to the civilian for the eligible service:
 - (a) a clasp denoting the subsequent declared operation; or
 - (b) for each period of eligible service that is an additional period of qualifying service on a single declared operation — an accumulated service clasp.

7 Section 9 (Cancellation and reinstatement of awards)

After section 9, insert:

9A Forfeiture and reinstatement

- (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 subsection (2).
- (4) The Governor-General, on the recommendation of the Chief of the Defence Force, may reinstate the Medal which has been forfeited under subsection (2).
- (5) 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.
- (6) Where an award of the Medal that has been forfeited is reinstated under subsection (4), the Registrar must do both of the following.
- (a) Restore the entry or entries that had been erased in the Register.
 - (b) Return the Medal to the person.

8 Section 10 (Chief of the Defence Force recommendation)

Omit "sections 5 to 9 if he or she is", substitute "sections 5 to 9A if".

9 Section 12 (Design of medal, ribbons, devices and clasps)

Omit "device and clasp", substitute "device, clasp and accumulated service clasp".

10 Section 13 (Wearing of medal, ribbons, devices and clasps)

Omit "device and clasp", substitute "device, clasp and accumulated service clasp".

11 Subsection 15(1) (Delegations)

Omit "his or her", substitute "any of the".