

# Regulations Governing the Award of the Emergency Services Medal

**as amended**

made under

**LETTERS PATENT**

This compilation was prepared in January 2023 taking into account amendments to the *Emergency Services Medal Regulations – 2021*.

## Schedule

### Name of regulations [see note 1]

1. These Regulations may be cited as the *Emergency Services Medal Regulations*.

### Definitions

2. In these Regulations:

**Defence Force** has the same meaning as in the *Defence Act 1903*.

**emergency service** means a civilian emergency service of a State or Territory of Australia, regardless of whether the service is operated by the government of the State or Territory or by a non-government organisation.

**external Territory** means Norfolk Island, the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands.

**Medal** means the Emergency Services Medal.

**Register** means the Register maintained under paragraph 9 (2) (a).

**Registrar** means the Registrar of Awards appointed under subregulation 9 (1).

**responsible Minister** means:

- (a) for regulation 4 — the Commonwealth Minister for the time being responsible for the management of emergency situations; or
- (b) for a State — the Premier of the State or a Minister of that State acting for the Premier; or
- (c) for the Australian Capital Territory or the Northern Territory — the Chief Minister of the Territory or a Minister of that Territory acting for the Chief Minister; or
- (d) for an external Territory — the Minister for the time being responsible for administering the Territory.

### Award of the Medal — distinguished emergency service

3. (1) The Medal may be awarded to a person who has given distinguished service as a member of an emergency service.
- (2) The Medal may be awarded regardless of whether the person is eligible for any other award because of the service.
- (3) However, a person who is already a holder of the Medal is not eligible for another award of the Medal.
- (4) The Governor-General may determine, in writing, on the recommendation of the Prime Minister, the number of awards of the Medal for each of the following:
  - (a) a State in a calendar year;
  - (b) the Australian Capital Territory in a calendar year;
  - (c) the Northern Territory in a calendar year;
  - (d) all of the external Territories in a calendar year.
- (5) The Prime Minister must not make a recommendation under subregulation (4) in relation to the number of awards of the Medal unless:
  - (a) for each of the States—the number of awards for a calendar year is broadly proportionate to the State's share of the total number of members of the emergency services, or combined emergency services, across all of the States; and
  - (b) at least one Medal may be awarded for that year to each of the following:
    - (i) the Australian Capital Territory;
    - (ii) the Northern Territory;
    - (iii) all of the external Territories.

- (6) The number of awards of the Medal under this regulation for a State, a Territory or all of the external Territories for a calendar year must not exceed the number specified in, or worked out in accordance with, a determination under subregulation (4) in relation to the State, the Territory or all of the external Territories for that year.

#### **Award of the Medal — management, training or education**

4. (1) The Medal may be awarded to a person who has given distinguished service relating to emergency management, training or education.
- (2) The Medal may be awarded regardless of whether the person is:
  - (a) a member of an emergency service; or
  - (b) a member of the Defence Force; or
  - (c) a remunerated officer of the Commonwealth.
- (3) The Governor-General may determine, in writing, on the recommendation of the Prime Minister, the number of awards of the Medal for each calendar year.
- (4) The Prime Minister must not make a recommendation under subregulation (3) in relation to the number of awards of the Medal for a calendar year unless at least one Medal may be awarded for that year.
- (5) The number of awards of the Medal under this regulation must not exceed the number specified in, or worked out in accordance with, a determination under subregulation (3) for that year.

#### **Conditions for additional award of the Medal—COVID-19 pandemic**

- 4A. (1) The Medal may be awarded for service in relation to the COVID-19 pandemic to a person eligible for the award of the Medal under regulation 3 or 4.
- (2) An award of the Medal in accordance with this regulation may only be made in the 5-year period commencing on 25 January 2020 or, if the Governor-General determines a further period, such further period.
- (3) The Governor-General may, on the recommendation of the Prime Minister, determine a further period, not exceeding 3 years, for the purposes of subregulation (2).
- (4) The Governor-General may, under subregulation (3), determine a further period more than once. However, each period of extension must not exceed 3 years.
- (5) To avoid doubt, an award of the Medal in accordance with this regulation does not count towards a limit in subregulation 3(6) or 4(5).

#### **Making of Awards**

5. (1) An award of the Medal must be:
  - (a) made by the Governor-General, on the nomination of a responsible Minister; and
  - (b) notified in the *Commonwealth of Australia Gazette*.
- (2) Before nominating a person for an award of the Medal, the responsible Minister must consider whether the person's distinguished service would be more appropriately recognised by another award to which the person is entitled.

#### **Design of the Medal**

6. The design of the Medal is as determined by the Governor-General.

#### **Wearing of the Medal**

7. The manner of wearing of the Medal is as determined by the Governor-General.

#### **Designation of holders of the Medal**

8. A person to whom the Medal has been awarded is entitled to have the letters 'ESM' placed after his or her name on all occasions when the use of such letters is customary.

### Registrar of Awards

9. (1) The Governor-General must appoint a Registrar of Awards.
- (2) The Registrar must:
- (a) maintain a Register of the names of persons to whom the Medal has been awarded; and
  - (b) keep such other records relating to the award of the Medal as the Governor-General directs.

### Cancellation of award

10. (1) On the recommendation of a responsible Minister, the Governor-General may cancel an award made under these regulations.
- (2) If an award of the Medal is cancelled:
- (a) the Registrar must strike from the Register the entry relating to the award; and
  - (b) the person holding the Medal must return the Medal to the Registrar.

### Reinstatement of award

11. (1) On the recommendation of a responsible Minister, the Governor-General may reinstate an award that has been cancelled.
- (2) If an award is reinstated, the Registrar must:
- (a) restore the entry that was struck from the Register; and
  - (b) return the Medal.

### Notes to the Regulations Governing the Award of the Emergency Services Medal

#### Note 1

The *Regulations Governing the Award of the Emergency Services Medal* (in force under *Letters Patent*) as shown in this compilation is amended as indicated in the Tables below.

#### Table of Instruments

Title	Date of notification in gazette	Date of commencement	Application, saving or transitional provisions
Regulations Governing the Award of the Emergency Services Medal	19 Jan 2010 (see <i>Gazette</i> 1999, No. S510)	7 July 1999	—
Amendments to the Emergency Services Medal Regulations - 2021	6 June 2022 (see <i>Gazette</i> 2022, No. C2022G00464)	23 Dec 2021	—

#### Table of Amendments

ad. = added or inserted | am. = amended | rep. = repealed | rs. = repealed and substituted

Provision affected	How affected
R. 3	am. 2021
R. 4	am. 2021
R. 4A	ad. 2021