




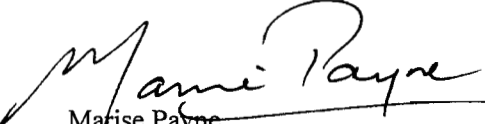
Defence Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated *28th September* 2016


Peter Cosgrove
Governor-General

By His Excellency's Command


Marise Payne
Minister for Defence

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Part 1—Preliminary

1 Name

This is the *Defence Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2016.	1 October 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Defence Act 1903*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Objects of this regulation

The objects of this instrument are as follows:

- (a) to facilitate the good governance and the effective and efficient operation of the Defence Force;
- (b) to provide the Chief of the Defence Force with the flexibility to deliver capability and preparedness outcomes (including developing force structure options);
- (c) to achieve the Government's objectives and to provide stewardship of the Defence Force;
- (d) to provide personnel management that supports the appointment, enlistment, promotion and retention of appropriate persons for service in the Defence Force.

Section 6

Note: Command in chief of the Defence Force is vested in the Governor-General: see section 68 of the Constitution.

6 Definitions

(1) In this instrument:

Act means the *Defence Act 1903*.

Australian Government officer means:

- (a) a person who holds an office or appointment under a law of the Commonwealth; or
- (b) an APS employee; or
- (c) a person employed by a body corporate incorporated for a public purpose under a law of the Commonwealth; or
- (d) a contractor engaged by the Commonwealth or by a body corporate mentioned in paragraph (c).

authorised complaint recipient: see subsection 39(2).

change a period of service: see subsection 18(3).

committee of management of an unincorporated association or body of persons means the body (however described) that governs, manages or conducts the affairs of the association or body.

Commonwealth land means land owned or occupied by the Commonwealth, but does not include land leased from the Commonwealth unless the lease is subject to a condition that the land may be used by the Defence Force for carrying out a defence operation or practice.

competent officer: see section 52.

covered service: see paragraph 25(1)(c).

death certificate means a death certificate or a corrected death certificate issued under Part 10.

defence area: see subsection 58(1).

defence award: see section 36.

defence honour: see section 35.

defence materiel means goods for use for defence purposes, and includes the following:

- (a) goods being developed for defence purposes;
- (b) goods being tested for use for defence purposes;
- (c) goods being tested for the use of similar goods for defence purposes.

enlisted member means a member other than an officer.

enlisted rank means:

- (a) in relation to the Navy—a rank below the rank of Midshipman; or

- (b) in relation to the Army and the Air Force—a rank below the rank of Officer Cadet.

initial obligation amount: see subsection 25(3).

interests of the Defence Force: see subsection (2).

pay includes all remuneration, allowances and other benefits under Part IIIA of the Act.

police officer means:

- (a) a member or special member of the Australian Federal Police; or
- (b) a member of the police force of a State or Territory.

prohibited letters: see section 75.

prohibited words: see section 74.

service chief: see subsection 7(2).

service debt calculation method: see subsection 25(4).

service obligation debt: see subsection 25(1).

service offence has the same meaning as in the *Defence Force Discipline Act 1982*.

- (2) Reasons for something being or not being in the **interests of the Defence Force** include reasons relating to one or more of the following:
- (a) a member's performance;
 - (b) a member's behaviour (including any convictions for criminal or service offences);
 - (c) a member's suitability to serve:
 - (i) in the Defence Force; or
 - (ii) in a particular role or rank;
 - (d) workforce planning in the Defence Force;
 - (e) the effectiveness and efficiency of the Defence Force;
 - (f) the morale, welfare and discipline of the Defence Force;
 - (g) the reputation and community standing of the Defence Force.

Part 6—Defence honours and awards

35 Defence honours

For section 110T of the Act, each item in the following table specifies a *defence honour*.

Defence honours	
Item	Name of honour
1	Victoria Cross for Australia
2	Victoria Cross
3	Star of Gallantry
4	Companion of the Distinguished Service Order
5	Distinguished Service Cross (Australia)
6	Conspicuous Service Cross
7	Nursing Service Cross
8	Royal Red Cross (1st Class)
9	Distinguished Service Cross (Imperial)
10	Military Cross
11	Distinguished Flying Cross
12	Air Force Cross
13	Royal Red Cross (2nd Class)
14	Medal for Gallantry
15	Distinguished Service Medal (Australia)
16	Distinguished Conduct Medal
17	Conspicuous Gallantry Medal
18	Conspicuous Gallantry Medal (Flying)
19	Conspicuous Service Medal
20	Distinguished Service Medal (Imperial)
21	Military Medal
22	Distinguished Flying Medal
23	Air Force Medal
24	Queen's Gallantry Medal
25	Commendation for Gallantry
26	Queen's Commendation for Brave Conduct
27	Queen's Commendation for Valuable Service in the Air
28	Mention in Despatches
29	Commendation for Distinguished Service

Part 6 Defence honours and awards

Section 36

36 Defence awards

For section 110T of the Act, each item in the following table specifies a *defence award*.

Defence awards	
Item	Name of award
1	Naval General Service Medal 1915–62
2	General Service Medal 1918–62
3	1939–45 Star
4	Atlantic Star
5	Air Crew Europe Star
6	Africa Star
7	Pacific Star
8	Burma Star
9	Italy Star
10	France and Germany Star
11	Defence Medal
12	War Medal, 1939–45
13	Australia Service Medal 1939–45
14	Australian Active Service Medal 1945–1975
15	Korea Medal
16	United Nations Service Medal for Korea
17	General Service Medal 1962
18	Vietnam Medal
19	Vietnam Logistic and Support Medal
20	Australian Active Service Medal
21	International Force East Timor Medal
22	Afghanistan Medal
23	Iraq Medal
24	Australian Service Medal 1945–75
25	Australian General Service Medal for Korea
26	Australian Service Medal
27	Australian Operational Service Medal
28	Rhodesia Medal
29	Defence Force Service Medal
30	Reserve Force Decoration
31	Reserve Force Medal
32	Defence Long Service Medal
33	Australian Cadet Forces Service Medal
34	Champion Shots Medal
35	Army Best Shots Medal
36	Queen’s Medal for Champion Shots of the RAAF

Section 37

Defence awards	
Item	Name of award
37	Royal Navy Long Service and Good Conduct Medal
38	Royal Navy Volunteer Reserve Decoration
39	Royal Navy Reserve Decoration
40	Royal Naval Reserve Long Service and Good Conduct Medal
41	Royal Naval Volunteer Reserve Long Service and Good Conduct Medal
42	Royal Fleet Reserve Long Service and Good Conduct Medal
43	Meritorious Service Medal
44	Long Service and Good Conduct Medal (Army)
45	Efficiency Decoration
46	Efficiency Medal
47	Meritorious Service Medal (RAAF)
48	Long Service and Good Conduct Medal (RAAF)
49	Air Efficiency Award
50	Cadet Forces Medal
51	Australian Defence Medal
52	Anniversary of National Service 1951–1972 Medal

37 Disclosure of information about honours and awards

- (1) A person commits an offence if:
- (a) the person discloses information; and
 - (b) the information is obtained by the person as a member of the Defence Honours and Awards Appeals Tribunal, or as a person assisting the Tribunal; and
 - (c) the information is part of or relates to an application for review of a reviewable decision (within the meaning of section 110V of the Act).

Penalty: 10 penalty units.

- (2) Subsection (1) does not apply if:
- (a) the disclosure is in the performance of the person's duties as a member of the Tribunal, or as a person assisting the Tribunal; or
 - (b) the disclosure of the information is permitted or required by the Act or by procedural rules made under section 110XH of the Act; or
 - (c) the disclosure of the information is the subject of an order under section 110XD of the Act; or
 - (d) the disclosure of the information is only by or to the person to whom the information relates; or
 - (e) the disclosure of the information is authorised by the person to whom the information relates.