Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Regulations 2002 (No. 1)¹

Statutory Rules 2002 No. ²

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Defence Act 1903, the Naval Defence Act 1910, the Air Force Act 1923 and the Defence Forces Retirement Benefits Act 1948.

Dated 14 NOV 2002 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency’s Command

DANNA VALE
Minister for Veterans’ Affairs
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1 Name of Regulations

These Regulations are the Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Regulations 2002 (No. 1).

2 Commencement

These Regulations commence on 1 December 2002.

3 Amendment of Defence Force Regulations 1952

Schedule 1 amends the Defence Force Regulations 1952.
4 Amendment of Defence Forces Retirement Benefits Regulations
Schedule 2 amends the Defence Forces Retirement Benefits Regulations.

5 Amendment of Defence (Inquiry) Regulations 1985

6 Amendment of Defence (Prohibited Words and Letters) Regulations 1957
Schedule 4 amends the Defence (Prohibited Words and Letters) Regulations 1957.
Schedule 1 Amendments of *Defence Force Regulations 1952*

(regulation 3)

[1] **Paragraph 11C (2) (b)**

*omit*

the Emergency Forces or the Reserve Forces

*insert*

the Reserves

[2] **Regulation 58A**

*substitute*

58A **Definition for Part 12A**

In this Part:

*member* means a member of the Defence Force (including the Reserves) rendering continuous full-time service.

[3] **Subregulation 68 (2)**

*omit*

the Emergency Forces or the Reserve Forces

*insert*

the Reserves
Paragraph 72A (1) (b)

substitute

(b) the payment of allowances or other pecuniary benefits, not being allowances or benefits by way of remuneration, to or in respect of members or cadets, including the payment of additional compensation to members of the Reserves to whom compensation is payable under the Safety, Rehabilitation and Compensation Act 1988;
Schedule 2  Amendments of Defence Forces Retirement Benefits Regulations  
(regulation 4)

[1]  Paragraph 20 (1) (c)

after
  Permanent Military Forces

insert
  or the Permanent Forces

[2]  Subregulation 20 (4)

after
  the Australian Regular Army

insert
  , or an officer in a part of the Permanent Forces other than the Australian Army,

[3]  Paragraph 21 (1) (a)

omit
  Permanent Military Forces

insert
  Permanent Forces
Schedule 3  Amendments of Defence (Inquiry) Regulations 1985
(regulation 5)

[1] Subregulation 53 (2)

omit
the Reserve Forces

insert
the Reserves

[2] Subregulation 53 (3)

omit
the Reserve Forces

insert
the Reserves
Schedule 4  Amendments of Defence (Prohibited Words and Letters) Regulations 1957 (regulation 6)

[1] Paragraph 2 (a)

*omit*
The Schedule,

*insert*
Schedule 1,

[2] Paragraph 2 (b)

*omit*
The Schedule,

*insert*
Schedule 1,

[3] Subregulation 3 (1)

*omit*
The Schedule

*insert*
Schedule 1
[4] Regulation 4

substitute

4 Consent

(1) The Minister may:
   (a) consent to the use of the word, words or group of letters; or
   (b) refuse the application.

(2) The Minister must have regard to the following matters when considering the application:
   (a) the purposes, constitution and structure of the applicant;
   (b) the trade, business, calling or profession of the applicant;
   (c) the financial resources of the applicant, to the extent that those resources affect its ability to use the words or group of letters in its trade, business, calling or profession;
   (d) if the applicant has previously received a consent under these Regulations — the way in which the applicant used the words or group of letters to which the consent related;
   (e) the period for which consent is sought.

(3) The Minister may have regard to other matters, relating to the protection and use of the words or group of letters to which the application relates, when considering the application.

(4) Consent may be given subject to conditions about the following matters:
   (a) notifying the Minister about any change to:
      (i) the purposes, constitution or structure of the organisation or body; or
      (ii) the trade, business, calling or profession of the applicant; or
      (iii) any other matter, to the extent that the change may affect the ability of the organisation or body to use the words or group of letters in its trade, business, calling or profession;
   (b) the period for which consent is given;
(c) the way in which the applicant may, or may not, use the words or group of letters to which the consent relates;
(d) the protection and use of the words or group of letters to which the consent relates.

(5) Application may be made to the Administrative Appeals Tribunal for review of a decision to refuse an application for consent, or a decision relating to a condition.

[5] Schedule

substitute

Schedule 1 Prohibited words and letters
(regulation 2)

Part 1 Australian Navy

<table>
<thead>
<tr>
<th>Item</th>
<th>Prohibited words</th>
<th>Prohibited letters</th>
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<tr>
<td>101</td>
<td>Australian Navy</td>
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<tr>
<td>102</td>
<td>Her Majesty’s Australian Ship</td>
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<tr>
<td>103</td>
<td>Her Majesty’s Australian Ships</td>
<td>HMA Ships</td>
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<td>108</td>
<td>Navy</td>
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<td>Permanent Naval Forces</td>
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<td>Royal Australian Naval Reserve</td>
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<td>Royal Australian Fleet Reserve</td>
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10 Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Regulations 2002 (No.  )

2002,
### Part 2  Australian Army

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<td>Australian Flying Corps</td>
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### Part 4  Words applicable to more than 1 Service

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Notes


These Regulations also amend (in Schedule 2) Statutory Rules 1949 No. 60, as amended by 1950 No. 14; 1951 No. 11; 1954 Nos. 14 and 45; 1956 No. 25; 1959 No. 104; 1964 Nos. 84, 114 and 162; 1965 Nos. 6, 37 and 161; 1966 Nos. 39, 97 and 134; 1967 No. 26; 1968 No. 80; 1969 Nos. 8, 48 and 130; 1970 Nos. 55 and 161; 1971 Nos. 66, 71, 74 and 127; 1972 Nos. 34, 140, 152 and 157; 1976 No. 28; 1992 No. 93.

These Regulations also amend (in Schedule 3) Statutory Rules 1985 No. 114, as amended by 1987 No. 36; 1990 Nos. 10 and 207; 1997 No. 43; 2000 No. 327; 2001 No. 278.

These Regulations also amend (in Schedule 4) Statutory Rules 1957 No. 16, as amended by 1976 No. 51; 1981 No. 102; 1990 No. 378; 2000 No. 41; 2001 No. 305.
