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2 Defence Force Discipline (Consequences of Punishment) Rules 1986  

Federal Register of Legislative Instruments F2008C00500
Part I

Preliminary

1 Name of Rules [see Note 1]
These Rules are the *Defence Force Discipline (Consequences of Punishment) Rules 1986*.

2 Repeal of Previous Rules
The Defence Force Discipline (Consequences of Punishment) Rules, made on 9 May 1985, are repealed.

3 Interpretation
(1) In these Rules, unless the contrary intention appears:

- **detention centre**, in relation to a detainee, means the detention centre in which the detainee is detained.
- **member** means a member of the Defence Force.
- **non-working day** means a day designated as a rest day or non-working day by the standing, routine or daily orders of the unit, establishment or ship in which the member is serving punishment.
- **the Act** means the *Defence Force Discipline Act 1982*.

(2) A reference in these Rules to an authorized member shall be read as a reference to a member, or a member included in a class of members, authorized, for these Rules:

(a) by the standing, routine or daily orders of the unit, establishment or ship in which the member is serving; or

(b) in writing, by a commanding officer.
Part II

Consequences of punishments under sections 68 and 169FB of the Act

4 Consequences of punishment of reduction in rank

For subsection 68 (2) of the Act, the consequences that flow from the imposition on a member of the punishment of reduction in rank shall be as follows:

(a) the rank to which the member is reduced shall be the rank specified by the service tribunal which imposed the punishment;

(b) the service tribunal shall specify a date or year from which the member’s seniority in that rank is to be calculated, not being a date or year later than the date or year, respectively, on or in which the punishment is imposed.

5 Consequences of punishment of forfeiture of seniority

For subsection 68 (2) of the Act, the consequences that flow from the imposition on a member of the punishment of forfeiture of seniority shall be as follows:

(a) the punishment so imposed shall not affect the seniority of that member otherwise than in relation to the member’s seniority in the rank held by the member on conviction;

(b) the seniority forfeited by the member shall be so much of the member’s seniority in that rank as accrued to the member before the date or year (as the case requires) specified by the service tribunal which imposed the punishment as being the date or year from which the member’s seniority in that rank is to be calculated.
6 Consequences of punishment of restriction of privileges

For subsections 68(2) and 169FB(1) of the Act, the consequences that flow from the imposition on a member of the punishment of restriction of privileges shall, for the duration of the punishment, be as follows:

(a) the member shall not leave the unit, establishment or ship in which the punishment is to be served except in the course of duty;

(b) the member shall not:
   (i) be present at any recreation or entertainment in the unit, establishment or ship; or
   (ii) consume any alcoholic beverage;

(c) the member shall, in accordance with an order given to the member by an authorized member, perform:
   (i) additional duties:
      (A) for a period not exceeding 4 hours outside working hours in a working day; and
      (B) for a period not exceeding 8 hours in a non-working day; or
   (ii) if the member cannot be employed effectively in additional duties for all or part of a period referred to in subparagraph (i) — drill for a period not exceeding 1 hour in each day;

(d) outside working hours the member shall, in accordance with an order given to the member by an authorized member, report between 0600 hours and 2300 hours but not more frequently than once every two hours to a person specified by the authorized member;

(e) outside working hours the member shall wear:
   (i) if the member is required to perform a duty — the appropriate working dress; or
   (ii) in any other case — the dress of the day.
7 **Consequences of punishment of stoppage of leave**

For subsections 68 (2) and 169FB (1) of the Act, the consequences that flow from the imposition on a member of the punishment of stoppage of leave shall, for the duration of the punishment, be as follows:

(a) the member shall not leave the unit, establishment or ship in which the punishment is to be served except in the course of duty;

(b) outside working hours the member shall, in accordance with an order given to the member by an authorized member, report between 0600 hours and 2300 hours but not more frequently than once every two hours to a person specified by the authorized member;

(c) outside working hours the member shall wear:
   (i) if the member is required to perform a duty — the appropriate working dress; or
   (ii) in any other case — the dress of the day;

(d) the member shall not consume any alcoholic beverage.

8 **Consequences of punishment of extra duties**

For subsections 68 (2) and 169FB (1) of the Act, the consequences that flow from the imposition on a member of the punishment of extra duties shall, for the duration of the punishment, be as follows:

(a) the member shall, in accordance with an order given to the member by an authorized member, perform:
   (i) additional duties outside working hours for a period not exceeding 4 hours in each day; or
   (ii) if the member cannot be employed effectively in additional duties for all or part of the period referred to in subparagraph (i) — drill for a period not exceeding 1 hour in each day;

(b) outside working hours the member shall wear:
   (i) if the member is required to perform a duty — the appropriate working dress; or
   (ii) in any other case — the dress of the day.
Part III  Consequences of custodial punishments under section 68A of the Act

9  Consequences of custodial punishment of segregated confinement

For subsection 68A (2) of the Act, the consequences that flow from the imposition on a detainee of the punishment of segregated confinement shall, for the duration of the punishment, be as follows:

(a) the detainee shall be accommodated in a part of the detention centre set apart from the accommodation for detainees who are not undergoing the punishment of segregated confinement;

(b) the detainee shall, subject to paragraph (c) and to regulation 11 of the Defence Force Discipline Regulations, be confined to his or her cell;

(c) the detainee shall perform drill for a period not exceeding 1 hour in each day;

(d) the detainee shall be denied access to books from the library maintained at, or from which books are provided for, the detention centre;

(e) the detainee shall not be permitted to receive visitors other than visitors referred to in subregulation 15 (1) of the Defence Force Discipline Regulations.

10  Consequences of custodial punishment of confinement to cell

For subsection 68A (2) of the Act, the consequences that flow from the imposition on a detainee of the punishment of confinement to cell shall, for the duration of the punishment, be the consequences described in paragraphs 9 (b), (c), (d) and (e).
Rule 11

11 Consequences of custodial punishment of extra drill

For subsection 68A (2) of the Act, the consequences that flow from the imposition on a detainee of the punishment of extra drill shall, for the duration of the punishment, be to perform drill for a period not exceeding 1 hour in each day.

12 Consequences of custodial punishment of restriction of custodial privileges

For subsection 68A (2) of the Act, the consequences that flow from the imposition on a detainee of the punishment of restriction of custodial privileges shall, for the duration of the punishment, be as follows:

(a) the detainee shall be denied access to books from the library maintained at, or from which books are provided for, the detention centre;

(b) the detainee shall not be permitted to receive visitors other than visitors referred to in subregulation 15 (1) of the Defence Force Discipline Regulations.
Part IV        Miscellaneous

13  Conditions governing the performance of drill

For these Rules, drill shall be performed by a member in accordance with the following conditions:

(a) the nature and type of drill to be performed shall be as specified in the standing, routine or daily orders of the unit, establishment, ship or detention centre in which the drill is performed;

(b) the member shall perform the drill in accordance with an order given to the member by an authorized member;

(c) the member shall not be required to perform the drill for a continuous period exceeding 30 minutes;

(d) the member shall not be required to perform periods of drill more frequently than at 4-hourly intervals.
Notes to the *Defence Force Discipline (Consequences of Punishment) Rules 1986*

**Note 1**

The *Defence Force Discipline (Consequences of Punishment) Rules 1986* (in force under the *Defence Force Discipline Act 1982*) as shown in this compilation comprise Statutory Rules 1986 No. 337 amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

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