



Defence (Personnel) Amendment Regulation 2013 (No. 1)

Select Legislative Instrument No. 19, 2013

I, Quentin Bryce, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Defence Act 1903*.

Dated 1 March 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Warren Snowdon
Minister for Defence Science and Personnel

OPC50191 - 06/02/2013 3:52:28 PM

Contents

1	Name of regulation	1
2	Commencement	1
3	Authority	1
4	Schedule(s)	1
Schedule 1—Amendments		2
<i>Defence (Personnel) Regulations 2002</i>		<i>2</i>

1 Name of regulation

This regulation is the *Defence (Personnel) Amendment Regulation 2013 (No. 1)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

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

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Defence (Personnel) Regulations 2002

1 Paragraph 7(2)(f)

Repeal the paragraph, substitute:

- (f) the skills, experience and standards of behaviour and conduct required for the proper performance of duties in the relevant Service;

2 At the end of regulation 7

Add:

- (3) If the decision or determination relates to an individual, the person must consider whether, having regard to the individual's past and present conduct, the individual is of good character.

3 Subregulation 58(2)

Repeal the subregulation, substitute:

- (2) If the Chief grants the application:
 - (a) the Chief may determine terms of the transfer (including terms relating to the member's rank and seniority after the transfer); and
 - (b) if the application is made under paragraph 56(b), and the Chief could have refused the application under subregulation (5), (6), (7) or (9), a specified condition must be complied with before the transfer takes effect.
- (2A) Without limiting subregulation (2), a condition imposed under that subregulation may be a condition that the member pay a specified amount of money.

4 Subregulation 62(2)

Repeal the subregulation, substitute:

- (2) If the Governor-General grants the application:

- (a) the Governor-General may determine terms of the transfer (including terms relating to the officer's rank and seniority after the transfer); and
- (b) if the application is made under paragraph 60(b), and the Governor-General could have refused the application under subregulation (5) or (6), a specified condition must be complied with before the transfer takes effect.

(2A) Without limiting subregulation (2), a condition imposed under that subregulation may be a condition that the officer pay a specified amount of money.

5 Paragraph 85(1)(aa)

Omit "enlistment", substitute "officer's service".

6 Paragraphs 85(1)(d) to (f)

Repeal the paragraphs, substitute:

- (d) the Chief of the officer's Service is satisfied that the retention of the officer is not in the interest of:
 - (i) the Defence Force; or
 - (ii) the Chief's Service;
- (e) the officer gave false or misleading information to a person to whom the officer was required to give information in relation to the officer's appointment;
- (f) the officer has not been granted, or has not accepted, Australian citizenship;
- (g) the officer has failed to render service that the officer was required to render.

7 After subregulation 85(1)

Insert:

- (1A) Without limiting paragraph (1)(d), the Chief of the officer's Service may be satisfied for that paragraph for reasons relating to the officer's:
 - (a) performance; or
 - (b) behaviour; or
 - (c) conviction of an offence or a service offence.

8 Paragraph 87(1)(g)

Repeal the paragraph, substitute:

- (g) the Chief of the enlisted member's Service is satisfied that the retention of the enlisted member is not in the interest of:
 - (i) the Defence Force; or
 - (ii) the Chief's Service;

9 After subregulation 87(1)

Insert:

- (1A) Without limiting paragraph (1)(g), the Chief of the enlisted member's Service may be satisfied for that paragraph for reasons relating to the enlisted member's:
 - (a) performance; or
 - (b) behaviour; or
 - (b) conviction of an offence or a service offence.

10 After subregulation 91(2)

Insert:

- (2A) Without limiting subregulation (2), a condition imposed under that subregulation may be a condition that the officer pay a specified amount of money.

11 After subregulation 94(2)

Insert:

- (2A) Without limiting subregulation (2), a condition imposed under that subregulation may be a condition that the senior officer pay a specified amount of money.

12 After subregulation 98(2)

Insert:

- (2A) Without limiting subregulation (2), a condition imposed under that subregulation may be a condition that the enlisted member pay a specified amount of money.