Commonwealth Coat of Arms

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

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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