

ELIZABETH R



COMMONWELATH OF AUSTRALIA

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO ALL to whom these Presents shall come,

GREETING:

WHEREAS it is desirable that there be established an Australian society of honour for the purpose of according recognition to Australian citizens and other persons for achievement or for meritorious service:

KNOW YOU that We, by these Presents, do establish a society of honour to be known as the "Order of Australia":

AND WE DO ordain that the Order shall consist of the Sovereign, Our Governor-General of Australia and such members and honorary members as Our Governor-General, with Our approval and in accordance with the Constitution of the Order, shall appoint:

AND WE DO further ordain that the Constitution of the Order shall be the Constitution set out in the Schedule:

AND WE DO hereby command that a seal be immediately engraven, that that seal shall be the Seal of the Order, that the Ordinances of the Order shall be signed by Our Governor-General of Australia and sealed with the Seal of the Order, and that the Ordinances so signed and sealed shall have the same force and effect as if they had been recited in these Our Letters Patent and given under the Great Seal of Australia.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

GIVEN under the Great Seal of Australia at Our Court at St. James's on 14 February 1975

L.S.

By Her Majesty's Command,

E. G. WHITLAM

Prime Minister

SCHEDULE

CONSTITUTION OF THE ORDER OF AUSTRALIA

The Order of Australia

1. (1) The Order of Australia (hereinafter called “the Order”) shall consist of a Civil Division and a Military Division.
- (2) A person appointed to the Order shall be appointed in the Civil Division or in the Military Division.
- (3) Appointment to the Order shall be as Companion, Officer or Member.
- (4) Every Australian citizen appointed to the Order shall be a member of the Order, and every other person appointed to the Order shall be an honorary member of the Order.

Officers and Council of the Order of Australia

2. The Governor-General of Australia shall be the Chancellor of the Order and the Principal Companion in the Civil Division.
 3. The Chancellor is charged with the administration of the Order.
 4. (1) There shall be a Council for the Order, hereinafter called “the Council”, which shall consist of—
 - (a) the Chief Justice of Australia;
 - (b) the Vice-President of the Executive Council;
 - (c) the Secretary, Department of the Special Minister of State, or, if another office is prescribed for the purpose of this paragraph, the person occupying the office so prescribed;
 - (d) the officer of the Defence Force occupying the office of Chief of the Defence Force Staff or, if another office is prescribed for the purpose of this paragraph, the officer of the Defence Force occupying the office so prescribed;
 - (e) not more than nine persons appointed by the Governor-General of whom not more than six shall be persons nominated by the States of Australia.
 - (2) A member of the Council referred to in paragraph (1) (e) shall hold office for a period of two years from the date of his appointment and is eligible for re-appointment.
 - (3) The Governor-General shall appoint one of the members of the Council to be Chairman of the Council and another member of the Council to act as Chairman in the event of the Chairman being unavailable to act in the office.
5. The Council shall—
 - (a) consider nominations of Australian citizens for appointment to the Order;

- (b) make recommendations to the Governor-General in relation to those nominations; and
 - (c) advise the Governor-General on such other matters concerning the Order as he may refer to the Council for consideration.
- 6. (1) There shall be a Secretary of the Order who shall be appointed by the Governor-General.
- (2) The Secretary shall maintain the records of the Order and of the Council and shall perform such other functions in respect of the Order as the Governor-General directs.
- 7. The Governor-General may appoint such other officials for the Order as he, in his sole discretion, considers advisable.
- 8. A person is not a member of the Order by reason only of his being a member of the Council or an official of the Order.

Appointments and Awards

- 9. Appointments (including honorary appointments) to the Order shall be made, with the approval of the Sovereign, by Instrument signed by the Governor-General and sealed with the Seal of the Order and shall have effect from the date of the affixing of the Seal or if a later date is specified in the Instrument, from that date.
- 10. Nothing in this Constitution limits the right of the Governor-General to exercise all powers and authorities of the Sovereign in respect of the Order.

Civil Division

Eligibility for Appointment

- 11. (1) Australian citizens who are not members of the Defence Force are eligible to be appointed to the Order as members in the Civil Division.
- (2) Persons other than Australian citizens who are not members of the armed forces of any country are eligible to be appointed to the Order as honorary members in the Civil Division.

Order of Australia — Companions in the Civil Division

- 12. (1) Appointments as Companions or honorary Companions in the Civil Division shall be made for eminent achievement and merit of the highest degree in service to Australia or to humanity at large.
- (2) Notwithstanding sub-section (1), a distinguished person who is not an Australian citizen may be appointed an honorary Companion in the Civil Division where it is desirable that the person be honoured by Australia.
- 13. Where a person ceases to hold office as Governor-General, he shall continue to be a Companion in the Civil Division.

14. The Governor-General may appoint to be Companions in the Civil Division, other than honorary Companions, not more than twenty persons in any calendar year.

Order of Australia — Officers of the Civil Division

15. (1) Appointments as Officers or honorary Officers in the Civil Division shall be made for distinguished service of a high degree to Australia or to humanity at large.
- (2) Notwithstanding sub-section (1), a distinguished person who is not an Australian citizen may be appointed an honorary Officer in the Civil Division where it is desirable that the person be honoured by Australia.
16. The Governor-General may appoint to be Officers in the Civil Division, other than honorary Officers, not more than fifty persons in any calendar year.

Order of Australia — Members in the Civil Division

17. (1) Appointments as Members or honorary Members in the Civil Division may be made for service in a particular locality or Field of activity or to a particular group.
- (2) Notwithstanding sub-section (1), a person who is not an Australian citizen may be appointed an honorary Member in the Civil Division where it is desirable that the person be honoured by Australia.
18. The Governor-General may appoint to be Members in the Civil Division, other than honorary Members, not more than one hundred and twenty-five persons in any calendar year.

Nominations

19. Any person or organisation may submit to the Secretary of the Order for consideration by the Council a nomination of an Australian citizen for appointment to the Order as a member in the Civil Division.

Military Division

Eligibility for Appointment

20. (1) Members of the Defence Force are eligible to be appointed to the Order as members of the Military Division.
- (2) Members of the armed forces of a country other than Australia are eligible to be appointed to the Order as honorary members in the Military Division.
- (3) In any calendar year, the number of appointments, other than honorary appointments, to the Military Division shall not exceed one-tenth of one per cent of the average number of persons who were members of the Defence Force on each day of the immediately preceding year.

Order of Australia — Companions in the Military Division

21. (1) Appointments as Companions or honorary Companions in the Military Division shall be made for eminent service in duties of great responsibility.
- (2) The Governor-General may, in any calendar year, appoint as Companions in the Military Division, other than honorary Companions, a number of persons that is not greater than the number of persons that most closely approximates to five per cent of the total number of persons who may be appointed under sub-section 20 (3) to all categories of membership, other than honorary membership, in the Military Division in that year.

Order of Australia — Officers in the Military Division

22. (1) Appointments as Officers or honorary Officers in the Military Division shall be made for distinguished service in responsible positions.
- (2) The Governor-General may, in any calendar year, appoint as Officers in the Military Division, other than honorary Officers, a number of persons that is not greater than the number of persons that most closely approximates to twenty per cent of the total number of persons who may be appointed under sub-section 20 (3) to all categories of Membership, other than honorary membership, in the Military Division in that year.

Order of Australia — Members in the Military Division

23. Appointments as Members or honorary Members in the Military Division may be made for exceptional service or performance of duty.

Nominations

24. (1) Upon the recommendation of the Minister for Defence, appointments as members of the Order in the Military Division shall be made, with the approval of the Sovereign, by Instruments signed by the Governor-General.
- (2) Upon the recommendation of the Minister for Defence, appointments as honorary members of the Order in the Military Division shall be made, with the approval of the Sovereign, by Instruments signed by the Governor-General.

Termination of Membership in the Order

25. (1) A person does not cease to be a member or honorary member of the Order by reason only of his ceasing to be eligible to be appointed to the Order.
- (2) A person ceases to be a member or honorary member of the Order upon—
 - (a) his death;
 - (b) his resignation from the Order in writing, which resignation shall have effect from the day on which it is accepted by the Governor-General; or
 - (c) the termination of his appointment to the Order by Ordinance.
- (3) An appointment that has been terminated may be restored by Ordinance.

Designations and Insignia

26. (1) A Companion or honorary Companion of the Order is entitled—

- (a) to have the letters "A.C." placed after his name on all occasions when the use of such letters is customary; and
 - (b) to wear as a decoration the prescribed insignia for Companions of the Order.
- (2) An Officer or honorary Officer of the Order is entitled—
- (a) to have the letters "A.O." placed after his name on all occasions when the use of such letters is customary; and
 - (b) to wear as a decoration the prescribed insignia for Officers of the Order.
- (3) A Member or honorary Member of the Order is entitled—
- (a) to have the letters "A.M." placed after his name on all occasions when the use of such letters is customary; and
 - (b) to wear as a decoration the prescribed insignia for Members of the Order.
27. When worn in Australia by an Australian citizen, the insignia of the Order shall be worn in the prescribed manner.
28. (1) Except as otherwise provided by Ordinance, the insignia of the Order shall remain the property of the Order.
- (2) Where a person ceases, otherwise than by death, to be a member of the Order, he shall forthwith return to the Secretary of the Order the insignia of the Order that was presented to him upon his appointment to the Order.

Seal

29. The Governor-General shall have the custody of the Seal of the Order.

Ordinances of the Order

30. The Governor-General may make Ordinances, not inconsistent with this Constitution, prescribing all matters that are required or permitted by this Constitution to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Constitution, and, in particular, prescribing matters for or in relation to—
- (a) the government of the Order;
 - (b) the insignia of the Order; and
 - (c) investitures.