

ORDINANCE

I, PHILLIP MICHAEL JEFFREY, Governor-General of the Commonwealth of Australia, under section 30 of the Constitution of the Order of Australia, make the amendments to the Terminations and Cancellations Ordinance set out in the Schedule.

Dated 11 September 2007

P. M. JEFFREY
Governor-General



Sealed with the Seal of the
Order of Australia in the
presence of –

M. HAZELL
Malcolm Hazell
Official Secretary to
the Governor-General

Schedule

[1] Sections 3 and 4

substitute

3 Termination and cancellation of appointments and awards

- (1) The Governor-General may, in writing:
 - (a) terminate an appointment of a person as a member of the Order of Australia for a reason mentioned in section 4; or
 - (b) terminate an appointment of a person as an honorary member of the Order of Australia for a reason mentioned in section 4; or
 - (c) cancel an award to a person of the Medal of the Order of Australia for a reason mentioned in section 4.
- (2) The Governor-General may terminate an appointment, or cancel an award, with the advice of:
 - (a) in the case of an appointment or award in the General Division of the Order — the Council; and
 - (b) in the case of an appointment or award in the Military Division of the Order — the Minister of State for Defence.
- (3) The Governor-General may terminate an appointment, or cancel an award, without the advice of the Council or the Minister of State for Defence if the Governor-General considers it appropriate to do so.

4 Reasons for termination or cancellation

- (1) The Governor-General may terminate an appointment, or cancel an award, if a conviction for a crime or offence under:
 - (a) a law of the Commonwealth, a State or a Territory; or
 - (b) a law of a foreign country;has been recorded in relation to the holder of the appointment or award.
- (2) The Governor-General may terminate an appointment, or cancel an award, if:
 - (a) a civil penalty under a law of the Commonwealth, a State or a Territory; or
 - (b) a penalty of a similar kind under a law of a foreign country;has been imposed on the holder of the appointment or award.
- (3) The Governor-General may terminate an appointment, or cancel an award, if a court, tribunal or other body exercising judicial or administrative power under:
 - (a) a law of the Commonwealth, a State or a Territory; or
 - (b) a law of a foreign country;has made a finding that is adverse to the holder of the appointment or award (including a circumstance in which the holder is found guilty of an offence without the recording of a conviction).

- (4) The Governor-General may terminate an appointment, or cancel an award, if, in the opinion of the Governor-General, the holder of the appointment or award has behaved or acted in a manner that has brought disrepute on the Order.
- (5) The Governor-General may terminate an appointment, or cancel an award, if the Governor-General is satisfied that:
 - (a) any information on which a recommendation to make the appointment or give the award was based was false or misleading in a material particular; or
 - (b) any information on which the decision to make the appointment or give the award was based was false or misleading in a material particular.
- (6) The Governor-General may terminate an appointment, or cancel an award, if the Governor-General is satisfied that it would not have been desirable to make the appointment or give the award because of:
 - (a) information that was not available to the Council or the Minister of State for Defence when the recommendation to make the appointment or give the award was made (whether or not the information existed when the recommendation or decision was made); or
 - (b) information that was not available to the Governor-General when the decision to make the appointment or give the award was made (whether or not the information existed when the recommendation or decision was made).

[2] Subsection 5 (1)

substitute

- (1) The Secretary of the Order must notify, in writing, a person whose appointment or award has been recommended for termination or cancellation under sub-section 3 (2) of the proposed action and the reasons for the proposed action.

[3] Subsection 5 (3)

omit

must send a copy of the objection

insert

must provide a copy of the objection

omit

— to each member of the Council;

insert

— to the Council;

[4] Subsection 6 (1)

substitute

- (1) The Secretary of the Order must notify, in writing, a person whose appointment or award has been considered for termination or cancellation under sub-section 3 (3) of the proposed action and the reasons for the proposed action.

[5] Subsection 6 (4)

substitute

- (4) If the Secretary of the Order has not received an objection in response to a notice after the expiry of 35 days after the notice was sent, the Secretary must:
- (a) write to the person informing the person that no response has been received; and
 - (b) notify the Governor-General that no response has been received.