

## ORDINANCE

I, WILLIAM GEORGE HAYDEN, Governor-General of the Commonwealth of Australia, make the following Ordinance under section 30 of the Constitution of the Order of Australia.

Dated 2 August 1992

BILL HAYDEN  
*Governor-General*

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

D. STURKEY  
*Official Secretary to  
the Governor-General*

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## TERMINATIONS AND CANCELLATIONS ORDINANCE

### Short title

1. This Ordinance may be cited as the Terminations and Cancellations Ordinance.

### Interpretation

2. (1) In this Ordinance, "Constitution" means the Constitution of the Order of Australia.  
(2) Unless the contrary intention appears, an expression used in the Constitution and in this Ordinance has the same meaning in this Ordinance as in the Constitution.

### Termination and cancellation of appointments and awards

3. (1) Subject to subsection (2), the Governor-General, acting 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;may, in writing:
  - (c) terminate an appointment of a person as a member, or as an honorary member, of the Order of Australia; or
  - (d) cancel an award to a person of the Medal of the Order of Australia.
- (2) The Governor-General may, in writing, without the advice of the Council or the Minister of State for Defence:

- (a) terminate an appointment of a person as a member, or as an honorary member, of the Order of Australia; or
- (b) cancel an award to a person of the Medal of the Order of Australia; if the Governor-General considers it appropriate to do so.

#### **Grounds for termination or cancellation**

4. An appointment may be terminated or an award cancelled if:
- (a) the holder of the appointment or award has:
    - (i) been convicted of a crime or offence; or
    - (ii) behaved or acted in a manner which, in the opinion of the Council, or the Minister of State for Defence, or the Governor-General, has brought disrepute on the Order; or
  - (b) the information which formed the basis for the Council or the Minister of State for Defence, as the case may be, making a recommendation that a person be appointed as a member, or given an award, of the Order has subsequently been found to be false.

#### **Notice to person affected — recommendation under subsection 3 (1)**

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

(2) A person who receives a notice may, not more than 30 days after the date of the notice, lodge with the Secretary an objection in writing to the proposed action.

(3) As soon as practicable after the receipt of an objection, the Secretary must send a copy of the objection:

- (a) if the objection relates to an appointment or award in the General Division of the Order — to each member of the Council; or
- (b) if the objection relates to an appointment or award in the Military Division of the Order — to the Minister of State for Defence.

(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) advise the Council or the Minister of State for Defence, as the case may be, that no response has been received

(5) The Council or the Minister of State for Defence must make a recommendation to the Governor-General not later than 30 days after receiving a copy of the objection or advice from the Secretary.

(6) If the Secretary receives an objection after the Council or Minister of State for Defence has made a recommendation to the Governor-General, the objection must be disregarded.

### **Notice to person affected — consideration under subsection 3 (2)**

6. (1) The Secretary of the Order must notify, in writing, a person whose appointment or award is being considered for termination or cancellation under subsection 3 (2) of the action proposed and the reasons for the action.

(2) A person who receives a notice may, not more than 30 days after the date of the notice, lodge with the Secretary an objection in writing to the proposed action.

(3) As soon as practicable after the receipt of an objection, the Secretary must give a copy of the objection to the Governor-General.

(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 notify the Governor-General that no response has been received.

(5) If the Secretary receives an objection after the Secretary has notified the Governor-General as required under subsection (4), the objection must be disregarded.

### **Gazettal**

7. The Secretary of the Order must arrange for notice of the termination of an appointment, or the cancellation of an award, to be published in the Commonwealth of Australia *Gazette*.

### **Restoration**

8. The Governor-General may, in writing, restore an appointment that has been terminated, or an award that has been cancelled, under section 3.