

ELIZABETH R



COMMONWEALTH 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 by Letters Patent dated 14 February 1975 given under the Great Seal of Australia We instituted an Australian Medal, designated and styled the National Medal, for the purpose of according recognition to persons who render long service in certain occupations:

AND WHEREAS the Letters Patent ordained that the award of the National Medal be governed by the Regulations Governing the Award of the National Medal set out in the Schedule to the Letters Patent:

AND WHEREAS the Letters Patent have been amended by Letters Patent dated 20 April 1982, Letters Patent dated 1 April 1986, Letters Patent dated 30 April 1987 and Letters Patent dated 27 August 1994:

AND WHEREAS it is desirable to make new regulations to govern the award of the National Medal:

KNOW YOU that We do, by these Presents, declare Our pleasure that the Letters Patent dated 14 February 1975 are further amended to the extent that:

- (a) the Regulations Governing the Award of the National Medal, as amended, are revoked, without prejudice to anything lawfully done thereunder; and
- (b) the award of the National Medal, or a clasp to the National Medal, is governed by the National Medal Regulations set out in the Schedule.

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 18 June 1999

L.S.

By Her Majesty's Command,

JOHN HOWARD

*Prime Minister*

## Schedule

### National Medal Regulations 1999

#### Part 1 Preliminary

##### 1 Name of regulations

These regulations are the *National Medal Regulations 1999*.

##### 2 Interpretation

In these regulations, unless the contrary intention appears:

***approval date***, in relation to an approved organisation, means:

- (a) in the case of an Australian police force, fire service or ambulance service (including the ambulance operations of the former Priory in Australia of the Order of St John but not including the ambulance operations of St John Ambulance Australia) — 14 February 1975; or
- (b) in the case of the ambulance operations of St John Ambulance Australia — 1 January 1987; or
- (c) in the case of the Australian Protective Service — 1 April 1986; or
- (d) in the case of an Australian correctional service or emergency service — 30 April 1987; or
- (e) in the case of an approved government organisation — the approval date under regulation 6; or
- (f) in the case of an approved voluntary organisation — the approval date under regulation 12.

***approved government organisation*** means:

- (a) an organisation to which a determination under regulation 4 applies; or
- (b) an organisation that is included in a class of organisations to which a determination under regulation 4 applies.

***approved organisation*** means a service organisation, approved government organisation or approved voluntary organisation.

***approved voluntary organisation*** means an organisation to which a determination under regulation 10 applies.

***Australia*** includes the external Territories as defined in paragraph 17 (pd) of the *Acts Interpretation Act 1901*.

***chief officer*** means:

- (a) in relation to a service organisation or approved government organisation — a member of the organisation:
  - (i) under whose direction the organisation operates; or
  - (ii) nominated by the organisation, in writing, to the Registrar, as the chief officer of the organisation for these regulations; and
- (b) in relation to an approved voluntary organisation:

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- (i) a member of the organisation under whose direction the organisation operates; or
  - (ii) a person nominated by the organisation, in writing, to the Registrar, as the chief officer of the organisation for these regulations; or
- (c) for regulations 21 and 23 — the Chief of the Defence Force or a delegate of the Chief of the Defence Force.

**clasp** means a device that denotes an additional period of 10 years eligible service after the award of the Medal.

**Defence Force** means the defence force constituted under section 30 of the *Defence Act 1903*.

**Defence Force Service Awards Regulations** means the regulations set out in the Schedule to the Letters Patent dated 20 April 1982 given under the Great Seal of Australia, being the regulations as amended from time to time.

**defence long service award** means:

- (a) an Imperial long service medal; or
- (b) a medal, decoration or clasp under the Defence Force Service Awards Regulations; or
- (c) a medal or clasp under the Defence Long Service Medal Regulations.

**Defence Long Service Medal Regulations** means the regulations set out in the Schedule to the Letters Patent dated 26 May 1998 given under the Great Seal of Australia, being the regulations as amended from time to time.

**DFSA efficient service** means service as a member of the Defence Force that is efficient service under the Defence Force Service Awards Regulations.

**DLSM qualifying service** means service as a member of the Defence Force that is qualifying service under the Defence Long Service Medal Regulations.

**eligible service** means service of the kind mentioned in regulation 19.

**government organisation** means:

- (a) an organisation established under a law of the Commonwealth, a State or a Territory for a purpose of the Commonwealth, State or Territory, as the case may be; or
- (b) an organisation the business of which is under the control of a Minister of the Commonwealth, a State or a Territory; or
- (c) an organisation that, in the conduct of its business, is subject to the direction of a Minister of the Commonwealth, a State or a Territory; or
- (d) a non-profit organisation operating under an arrangement with the Commonwealth, a State or a Territory; or
- (e) an organisation that is an incorporated company all the shares in the capital of which are owned by the Commonwealth, a State or a Territory.

**Imperial long service medal** means a medal or clasp for long service in the Defence Force awarded under any Imperial long service medal regulations.

***Imperial long service medal regulations*** means any regulations governing the award of medals for long service in the Defence Force as in force immediately before 14 February 1975.

***Medal*** means the National Medal.

***Minister*** means the Minister responsible for the administration of the Australian system of honours and awards or a Minister or member of the Federal Executive Council authorised by the Minister to act on behalf of that Minister.

***National Medal*** means the National Medal instituted under the Letters Patent establishing these regulations.

***organisation*** (whether used with or without qualification) includes part of an organisation.

***Register of Approved Organisations*** means the register maintained under paragraph 29 (2) (a).

***Register of Awards*** means the register maintained under paragraph 29 (2) (b).

***Registrar*** means the registrar appointed under subregulation 29 (1).

***service organisation*** means a government organisation that is:

- (a) an Australian ambulance service; or
- (b) an Australian correctional service; or
- (c) an Australian emergency service; or
- (d) an Australian fire service; or
- (e) an Australian police force; or
- (f) the Australian Protective Service.

***voluntary organisation*** means an organisation incorporated in Australia that is not:

- (a) a government organisation; or
- (b) an organisation that is operated for profit.

## **Part 2 Service organisations**

### **3 Consequence of changes to service organisations**

- (1) An organisation that is an approved organisation by reason of being a service organisation ceases to be an approved organisation on the date when the organisation ceases to be a service organisation.
- (2) Subregulation (1) does not affect eligible service given before the date when the organisation ceased to be an approved organisation.

## **Part 3 Government organisations**

### **4 Determination of approved government organisations**

The Governor-General may determine, in writing, on the recommendation of the Minister, that the following are approved government organisations:

- (a) a government organisation (except a service organisation);

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- (b) government organisations included in a class of government organisations (except service organisations).

## **5 Recommendation of Minister — government organisations**

The Minister may make a recommendation for regulation 4 if the Minister is satisfied, in relation to the organisation, or each organisation included in the class of organisations, that the organisation is similar to a service organisation because:

- (a) the primary function of the organisation is to enforce the law in order to protect persons or property; and
- (b) some or all of the members of the organisation are exposed to the risk of death, injury or trauma in the course of performing that primary function.

## **6 Approval date of approved government organisations**

The approval date for an approved government organisation is:

- (a) the approval date, being a date that is not earlier than 30 April 1987, mentioned in the determination under regulation 4 relating to the organisation or the class of organisations in which it is included; or
- (b) if no approval date is mentioned — the date of the determination.

## **7 Consequence of changes to approved government organisations**

- (1) If an approved government organisation has so changed its primary function that it no longer satisfies the requirement mentioned in regulation 5, the Governor-General may determine, in writing, on the recommendation of the Minister, that the organisation be no longer an approved government organisation on, and after, the date on which the change occurred.
- (2) The Minister must inform the organisation concerned, in writing, of the determination.
- (3) A determination under subregulation (1) has no retrospective effect in respect of the approval of the organisation except to the extent mentioned in the determination.

## **8 Effect of renaming of approved government organisations**

- (1) If an approved government organisation changes its name and the Minister is satisfied that the organisation continues to satisfy the requirement in regulation 5, the Minister must inform the Registrar, in writing, of that fact and of the new name of the organisation.
- (2) The renaming of an approved organisation does not, of itself, affect:
  - (a) the approval of the organisation; or
  - (b) what constitutes eligible service in relation to the organisation; or
  - (c) the date from which eligible service with the organisation can be counted.

**9 Approved government organisations ceasing to exist**

- (1) If an approved government organisation ceases to exist, the Minister must inform the Governor-General, in writing, of that fact and of the date when the organisation ceased to exist.
- (2) The cessation of an approved government organisation does not affect eligible service given before the date when the organisation ceased to exist.

**Part 4 Voluntary organisations**

**10 Determination of approved voluntary organisations**

- (1) The Governor-General may determine, in writing, on the recommendation of the Minister, that a voluntary organisation is an approved voluntary organisation.
- (2) A determination may be made in respect of an organisation that, at the time when the determination is made, has ceased to exist.

**11 Recommendation of Minister — voluntary organisations**

- (1) The Minister may make a recommendation for regulation 10 if the Minister is satisfied:
  - (a) in the case of an existing voluntary organisation — that the organisation satisfies, and can reasonably be expected to continue to satisfy, the requirements of subregulation (2); and
  - (b) in the case of an organisation that has ceased to exist — that:
    - (i) the organisation satisfied those requirements throughout its existence; and
    - (ii) the organisation was in existence on, or after, 30 April 1987.
- (2) The requirements mentioned in subregulation (1) are the following requirements:
  - (a) the primary function of the organisation is to provide in Australia, in times of emergency or natural disaster:
    - (i) physical assistance to persons through search or rescue; or
    - (ii) physical assistance to protect property or the environment;
  - (b) the organisation is recognised by the Commonwealth, a State or a Territory as an organisation of the kind described in paragraph (a);
  - (c) in the course of performing the primary function, some or all of the members of the organisation are exposed, from time to time, to the risk of death, injury or trauma;
  - (d) a law of the Commonwealth, a State or a Territory, or the terms of membership of the organisation, require:
    - (i) insurance of members against the risk of death, injury or trauma; or
    - (ii) compensation in the case of death, injury or trauma to members; or
    - (iii) indemnity against loss arising from death, injury or trauma to members;

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in the course of performing that primary function;

- (e) the organisation maintains a training regime to ensure that the members performing the primary function are fit to fulfil their respective parts in the performance of that function;
- (f) records of the service of each member are maintained for paragraphs (d) and (e) by, or on behalf of, the organisation;
- (g) the organisation has a chief officer;
- (h) the organisation allows access by the Minister, or a delegate of the Minister, to its premises and records and to any records maintained on its behalf.

## **12 Approval date of approved voluntary organisations**

The approval date for an approved voluntary organisation is:

- (a) the approval date, being a date that is not earlier than 30 April 1987, mentioned in the determination, relating to the organisation, under regulation 10; or
- (b) if no approval date is mentioned — the date of the determination.

## **13 Consequence of changes to approved voluntary organisations**

- (1) If an approved voluntary organisation has so changed its primary function that it no longer satisfies a requirement mentioned in subregulation 11 (2), the Governor-General may determine, in writing, on the recommendation of the Minister, that the organisation be no longer an approved voluntary organisation on, and after, the date on which the change occurred.
- (2) The Minister must inform the organisation concerned, in writing, of the determination.
- (3) A determination under subregulation (1) has no retrospective effect in respect of the approval of the organisation except to the extent mentioned in the determination.

## **14 Effect of renaming of approved voluntary organisations**

- (1) If an approved voluntary organisation changes its name and the Minister is satisfied that the organisation continues to satisfy the requirements of subregulation 11 (2), the Minister must inform the Registrar, in writing, of that fact and of the new name of the organisation.
- (2) The renaming of an approved organisation does not, of itself, affect:
  - (a) the approval of the organisation; or
  - (b) what constitutes eligible service in relation to the organisation; or
  - (c) the date from which eligible service with the organisation can be counted.

## **15 Approved voluntary organisations ceasing to exist**

- (1) If the Minister becomes aware that an approved voluntary organisation has ceased to exist, the Minister must inform the Governor-General, in writing, of that fact and of the date when the organisation ceased to exist.

- (2) The cessation of an approved voluntary organisation does not affect eligible service given before the date when the organisation ceased to exist.

## **Part 5 Award of Medal and clasps**

### **16 Award of Medal**

The Medal may be awarded to a person if:

- (a) the person has given eligible service as a member of an approved organisation (or more than one approved organisation), for a period determined in accordance with regulation 20, that comprises:
- (i) a single period of 15 years; or
  - (ii) periods that, in total, amount to 15 years; and
- (b) at least one day of that eligible service was given:
- (i) on, or after, 14 February 1975; and
  - (ii) on, or after, the approval date of that approved organisation (or at least one of those approved organisations).

### **17 Award of clasp**

- (1) A clasp may be awarded to a person who has been awarded the Medal.
- (2) The award may be made for each period of eligible service as a member of an approved organisation (or more than one approved organisation), additional to the period mentioned in regulation 16, that comprises:
- (a) a single period of 10 years; or
  - (b) periods that, in total, amount to 10 years.

### **18 Recommendation of chief officer**

- (1) An award of the Medal, or a clasp, cannot be made except on the recommendation of:
- (a) the chief officer of the approved organisation in which the person is, or was last, giving eligible service; or
  - (b) if the last organisation in which the person gave eligible service has been replaced by another approved organisation — the chief officer of that other approved organisation.
- (2) If service sought to be counted for the award of the Medal or clasp to a person consists of service in more than one approved organisation, the chief officer must not make a recommendation under subregulation (1) unless the chief officer is satisfied that the person's service in all of the organisations is eligible service.

### **19 Eligible service**

- (1) Service in an approved organisation is eligible service if:
- (a) it is service by a member to fulfil the primary function of the organisation; and
  - (b) throughout the period of that service, the member:



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- (i) has maintained a level of training sufficient to fulfil the duties of a member for the primary function of the organisation; and
  - (ii) has maintained a level of physical fitness sufficient to fulfil the duties of a member for the primary function of the organisation; and
  - (iii) has been ready to perform, and, as required, has performed, the duties of a member for the primary function of the organisation; and
- (c) the member has served the organisation diligently.
- (2) Service may be eligible service whether the service was given on a full-time, or part-time, basis and whether the service was paid or unpaid.
- (3) Service in an approved government organisation that is an incorporated company all the shares in the capital of which are owned by the Commonwealth, a State or a Territory may be eligible service only if it is service in Australia.
- (4) For subregulation (1), a person has *served an organisation diligently* if, in the opinion of the chief officer of the organisation:
- (a) the service given by the person has been conscientious and of good standard; and
  - (b) in the performance of the service, the person showed good conduct as a member of the organisation.

## 20 Determination of length of eligible service

- (1) Service must not be taken into account for the Medal if it is service for which an award for long service, good conduct or efficiency has been made by, or in the name of, The Sovereign or by the Governor-General.
- (2) Simultaneous periods of eligible service given to approved organisations by a member of those organisations count as a single period of service.
- (3) Subject to subregulation (4):
- (a) all eligible service of a person in an organisation given on, or after, the approval date of the organisation may be counted for the purposes of regulation 16 or 17; and
  - (b) all eligible service of a person in an organisation given before the organisation becomes an approved organisation may be counted for the purposes of regulation 16 or 17 if, at the time when the person seeks to have the eligible service counted, the organisation has become an approved organisation.
- (4) A determination under regulation 4 or 10 may specify:
- (a) the date of the first day of service in the organisation that can be counted as eligible service; or
  - (b) a period service within which can be counted as eligible service.

**21 Service with the Defence Force before 20 April 1982**

Despite subregulation 20 (1), a period, or periods, of DFSA efficient service or DLSM qualifying service before 20 April 1982 may be counted for the purposes of regulation 16 as if the period, or periods, were an equivalent period, or periods, of eligible service in an approved organisation if:

- (a) the period is, or the periods in total amount to, at least 15 years; and
- (b) the person has given at least one day of that service on, or after, 14 February 1975.

**22 Periods of service with the Defence Force**

(1) A period, or periods, of DFSA efficient service or DLSM qualifying service may be counted for the purposes of regulation 16 or 17 as if the period, or periods, were an equivalent period, or periods, of eligible service in an approved organisation if:

- (a) the period has not, or the periods have not, been counted for an award of a defence long service award, because the period is, or the periods in total are:
  - (i) insufficient for any defence long service award; or
  - (ii) in excess of the period, or the total of the periods, for all the defence long service awards that the person has received or is entitled to receive; and
- (b) at the time when the person is recommended for the award of the Medal or a clasp, the person had ceased to be a member of the Defence Force; and
- (c) after the person ceased to be a member of the Defence Force, the person gave eligible service as a member of an approved organisation (or more than one approved organisation) on, or after, the approval date of that organisation (or at least one of those organisations); and
- (d) the person has not made an election under regulation 23.

*Examples*

1 A person who has a period of 4 years of DFSA efficient service can count the period under subparagraph 22 (1) (a) (i) if the circumstances mentioned in paragraphs 22 (1) (b), (c) and (d) are complied with.

2 A person who has a period of 15 years of DLSM qualifying service must count the period under the Defence Long Service Medal Regulations if the person has not already done so. The person cannot count the period under subparagraph 22 (1) (a) (i) or (ii).

3 A person who has 16 years of DFSA efficient service must count the period of 15 years under the Defence Force Service Award Regulations if the person has not already done so. The person can count the excess period of one year under subparagraph 22 (1) (a) (ii) if the circumstances mentioned in paragraphs 22 (1) (b), (c) and (d) are complied with.

4 A person who has 22 or 27 years of DLSM qualifying service must count the period of 20 or 25 years under the Defence Long Service Medal Regulations (to receive the Defence Long Service Medal and a clasp or clasps to that medal) if the person has not already done so. The person can count the excess period of 2 years under subparagraph 22 (1) (a) (ii) if the circumstances mentioned in paragraphs 22 (1) (b), (c) and (d) are complied with.

(2) Despite any provision in any Imperial long service medal regulations, the Defence Force Service Awards Regulations or the Defence Long Service Medal Regulations, defence service that has been counted under this regulation cannot be counted for a defence long service award.

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- (3) However, defence service that has been counted under this regulation may be counted for a defence long service award if:
    - (a) subsequent to the award of the Medal or clasp to the person, the person becomes a member of the Defence Force; and
    - (b) the person elects to have the defence service counted for a defence long service award; and
    - (c) the person surrenders that Medal or clasp to the Chief of the Defence Force or a delegate of the Chief of the Defence Force.
  - (4) An election under this regulation must be:
    - (a) in writing, signed by the person; and
    - (b) lodged with the Chief of the Defence Force or a delegate of the Chief of the Defence Force at the time the person surrenders the Medal or clasp.

### **23 Election in relation to defence service**

- (1) A member, or former member, of the Defence Force who has not been awarded a defence long service award and is not entitled to a defence long service award may elect to have DFSA efficient service or DLSSM qualifying service counted for the purposes of regulation 16 or 17 as if the service were eligible service in an approved organisation.
- (2) An election under this regulation must be:
  - (a) in writing, signed by the person; and
  - (b) lodged with the Chief of the Defence Force or a delegate of the Chief of the Defence Force.
- (3) The election may be made only once and is irrevocable.
- (4) Despite any provision in any Imperial long service medal regulations, the Defence Force Service Awards Regulations or the Defence Long Service Medal Regulations, a person who makes an election under this regulation is not eligible for a defence long service award.

### **24 Service with Royal Papua New Guinea Constabulary**

Despite the other provisions of these regulations (except subregulation 20 (1)), a period of service as a regular police officer in the Royal Papua New Guinea Constabulary before 1 December 1973 may be counted for the purposes of regulation 16 or 17 as if it were a period of eligible service in an approved organisation if, on or after 14 February 1975, the person has given at least one day's eligible service as a member of an approved organisation.

### **25 Service in The Sovereign's Realms**

- (1) A period of eligible service given in an Australian organisation by a person who is a member of a British Commonwealth organisation while on secondment to, or exchange with, the Australian organisation is taken to be service given as a member of that Australian organisation if the person subsequently becomes a member of an Australian organisation.

## Schedule

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- (2) In this regulation:

**Australian organisation** means a service organisation or the Defence Force.

**British Commonwealth organisation** means:

- (a) an ambulance service, correctional service, emergency service, fire service or police force of one of The Sovereign's Realms; or
- (b) a military, naval, or air force of one of The Sovereign's Realms.

**The Sovereign's Realms** excludes Australia.

### 26 Cancellation and restoration of awards

- (1) The Governor-General, acting on the recommendation of the relevant chief officer or the Minister, may:

- (a) cancel an award made to a person under these regulations; and
- (b) reinstate an award that has been cancelled.

- (2) If an award is cancelled:

- (a) the Registrar must note the cancellation in the Register of Awards; and
- (b) the person must return the Medal or clasp to the Registrar.

- (3) If an award is reinstated, the Registrar must:

- (a) note the reinstatement in the Register of Awards; and
- (b) return the Medal or clasp.

- (4) In this regulation:

**the relevant chief officer** means:

- (a) the chief officer of the approved organisation whose chief officer recommended the award, or latest award, to the person; or
- (b) if the approved organisation whose chief officer recommended the award, or latest award, has been replaced by another approved organisation — the chief officer of that other approved organisation.

## Part 6 The Medal and clasps

### 27 Design of Medal and clasps

The design of the Medal, or of a clasp, is the design determined by the Governor-General.

### 28 Wearing of Medal or clasp

The manner in which, and occasions on which, the Medal, or a clasp, may be worn are as determined by the Governor-General.

## Part 7 Administration

### 29 Registrar

- (1) The Governor-General must appoint a Registrar of National Medals.

- (2) The Registrar must maintain:
  - (a) a Register of Approved Organisations, containing the name of each organisation to which a determination under regulation 4 or 10 applies; and
  - (b) a Register of Awards, containing the name of each person to whom the Medal or a clasp has been awarded; and
  - (c) such other records, relating to the Medal, as the Governor-General directs.
- (3) The Registrar must enter in the Register of Approved Organisations, in respect of each organisation:
  - (a) the approval date for the organisation; and
  - (b) if applicable:
    - (i) details of the specification in a determination under regulation 4 or 10 of the date from which, or the period within which, eligible service can be counted for these regulations; and
    - (ii) the date when, and the reason why, the organisation ceases to be an approved organisation; and
    - (iii) the new name of the organisation.
- (4) The Registrar may alter an entry in a register to correct an error in the entry.

**30 Revocation of determination of approval**

The Governor-General, acting on the recommendation of the Minister, may revoke, in writing, a determination under regulation 4 or 10.

**31 Power to determine guidelines**

The Governor-General may determine, in writing, on the recommendation of the Minister, guidelines for the implementation of these regulations.

**32 Delegations**

- (1) The Minister may delegate, in writing, a function, duty or power of the Minister under these regulations, except this power of delegation.
- (2) The Minister may delegate the power to make a recommendation under subregulation 26 (1) only to a member of the Federal Executive Council under summons.
- (3) A delegation under this regulation:
  - (a) is revocable at will; and
  - (b) does not prevent the exercise or performance of a function, duty or power by the Minister; and
  - (c) continues in force until expressly revoked.

**33 Transitional**

A power exercised by the Governor-General under the Regulations Governing the Award of the National Medal (*the revoked Regulations*) in force immediately before the commencement of these regulations, being a power equivalent to a power that may be exercised by the Governor-General under these regulations, has the same effect under these regulations as it had under the revoked Regulations.