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2002B00278

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## Australian Military Amendment Regulations 2002 (No. 1)<sup>1</sup>

Statutory Rules 2002 No. 1<sup>2</sup>

277

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Defence Act 1903*.

Dated 14 NOV 2002 2002

**PETER HOLLINGWORTH**

Governor-General

By His Excellency's Command

DANNA VALE  
Minister for Veterans' Affairs

## Regulation 1

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### 1 Name of Regulations

These Regulations are the *Australian Military Amendment Regulations 2002 (No. 4)*.

1

### 2 Commencement

These Regulations commence on 1 December 2002.

### 3 Amendment of *Australian Military Regulations 1927*

Schedule 1 amends the *Australian Military Regulations 1927*.

## Schedule 1 Amendments

(regulation 3)

### [1] Part I, heading

*substitute*

## Part 1 General

### [2] Subregulation 3 (1)

*omit*

- (1) In these regulations, and in the forms authorized by these regulations,

*insert*

In these Regulations, and in the forms authorised by these Regulations,

### [3] Subregulation 3 (1), definition of *Active Army Reserve*

*omit*

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- [4] **Subregulation 3 (1), definition of *force***  
*omit*
- [5] **Subregulation 3 (1), definitions of *His Majesty's Forces, His Majesty's Service and Inactive Army Reserve***  
*omit*
- [6] **Subregulation 3 (1), definition of *salary***  
*omit*
- [7] **Subregulation 3 (1), definitions of *superior officer* and *temporary rank***  
*omit*
- [8] **Regulation 12**  
*omit*  
Assistant Chief of the General Staff — Personnel  
*insert*  
Director General Personnel — Army
- [9] **Part III, heading**  
*substitute*

### **Part 3                      Command, precedence and Divisions**

- [10] **Part III, Division 1, heading**  
*omit*

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**[11] Regulations 64 to 193***substitute***68 Precedence of Corps**

- (1) The Corps in the Army are the Corps in the following list, set out in order of precedence:
  - (a) the Corps of Staff Cadets;
  - (b) the Royal Australian Armoured Corps;
  - (c) the Royal Regiment of Australian Artillery;
  - (d) the Royal Australian Engineers;
  - (e) the Royal Australian Corps of Signals;
  - (f) the Royal Australian Infantry Corps;
  - (g) the Australian Army Aviation Corps;
  - (h) the Australian Intelligence Corps;
  - (i) the Royal Australian Army Chaplains Department;
  - (j) the Royal Australian Corps of Transport;
  - (k) the Royal Australian Army Medical Corps;
  - (l) the Royal Australian Army Dental Corps;
  - (m) the Royal Australian Army Ordnance Corps;
  - (n) the Royal Australian Electrical and Mechanical Engineers;
  - (o) the Royal Australian Army Educational Corps;
  - (p) the Australian Army Public Relations Service;
  - (q) the Australian Army Catering Corps;
  - (r) the Royal Australian Army Pay Corps;
  - (s) the Australian Army Legal Corps;
  - (t) the Royal Australian Corps of Military Police;
  - (u) the Australian Army Psychology Corps;
  - (v) the Australian Army Band Corps;
  - (w) the Royal Australian Army Nursing Corps;
  - (x) the Women's Royal Australian Army Corps.
- (2) Units of the Army take precedence as follows:
  - (a) the units of the Permanent Forces have precedence over the units of the Reserves;

- (b) the units have precedence according to the order of their numerical succession;
- (c) if units are not included in a numerical succession, the units have precedence according to the order in which the Commands to which they belong are specified in the instrument appointing Commands.

**70 Consular service**

Officers of the Consular Service rank with officers of the Army as follows:

- (a) a Consul-General ranks with, but after, a Major-General;
- (b) a Consul ranks with, but after, a Colonel;
- (c) a Vice-Consul ranks with, but after, a Major;
- (d) a Consular Agent ranks with, but after, a Captain.

**72 Establishment of Divisions**

The following Divisions are established in the Australian Army:

- (a) the General Service Officer Division;
- (b) the Prescribed Service Officer Division;
- (c) the Specialist Service Officer Division.

**[12] Part IIIA**

*omit*

**[13] Part IV, heading**

*substitute*

**Part 4 Deductions from salary**

**[14] Part IV, Division 3, heading**

*omit*

[15] **Part IV, Division 12, heading**  
*omit*

[16] **Part VI, heading**  
*substitute*

## **Part 6                      Medical examination and treatment**

[17] **Part VI, Division 2, heading**  
*omit*

[18] **Regulation 433**  
*substitute*

### **433      Liability to be examined**

- (1) A member may be required at any time, by the member's commanding officer or any other superior officer, to be medically examined.
- (2) If the member is required to be medically examined, the member must:
  - (a) attend at the time and place directed by the officer who requires the examination; and
  - (b) submit to being examined; and
  - (c) give all information, and do anything, that the person who conducts the examination requires for the purpose of the examination.

[19] **Part VI, Division 8**  
*omit*

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[20] **Part VII, heading**  
*substitute*

**Part 7** **Particulars of service in the  
Australian Army Legal Corps**

[21] **Part VII, Division 6A, heading**  
*omit*

[22] **Regulation 580, heading**  
*substitute*

**580 Appointment and transfer to Standby Reserve of  
A.A.L.C.**

[23] **Subregulation 580 (1)**  
*after*  
in these Regulations  
*insert*  
or the *Defence (Personnel) Regulations 2002*

[24] **Subregulation 580 (1)**  
*omit*  
the Inactive Army Reserve.  
*insert*  
the Standby Reserve.

**[25] Subregulation 580 (2)**

*omit*

the Inactive Army Reserve.

*insert*

the Standby Reserve.

**[26] Subregulation 580 (3)**

*after*

in these Regulations

*insert*

or the *Defence (Personnel) Regulations 2002*

**[27] Subregulation 580 (3)**

*omit*

the Inactive Army Reserve

*insert*

the Standby Reserve

**[28] Part VII, Division 8**

*omit*

**[29] Part X, heading**

*substitute*

**Part 10 Personal records**

**[30] Part X, Division 4, heading**

*omit*



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- [31] **Subregulation 770 (1), definition of *authorizing officer*, paragraph (d)**

*omit*

the Chief of Personnel.

*insert*

the Director General Personnel — Army.

- [32] **Part XI, heading**

*substitute*

## **Part 11                    Messes**

- [33] **Part XI, Division 2, heading**

*omit*

- [34] **Part XIII, heading**

*substitute*

## **Part 13                    Miscellaneous**

- [35] **Part XIII, Division 1, heading**

*omit*

- [36] **Regulation 801**

*omit*

**[37] Regulations 803 and 804**

*substitute*

**803 Personation, false representation and assumption of title**

- (1) A person is guilty of an offence if:
  - (a) the person:
    - (i) impersonates a member of the Australian Army; or
    - (ii) falsely represents himself or herself to be a member of the Australian Army or a former member of the Australian Army; and
  - (b) the person does so with intent to deceive.

Penalty: 10 penalty units.

- (2) To avoid doubt, for subregulation (1):
  - (a) ***impersonation*** does not include conduct engaged in solely for satirical or other artistic purposes; and
  - (b) ***false representation*** does not include conduct engaged in solely for satirical or other artistic purposes.
- (3) A person commits an offence if the person assumes the title of a rank in the Australian Army that the person does not hold.

Penalty: 10 penalty units.

- (4) Subregulation (3) does not apply if the person has a reasonable excuse.

*Note* A defendant bears an evidential burden in relation to the matter in subregulation (3) (see subsection 13.3 (3) of the *Criminal Code*).

**[38] Schedule**

*omit*

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**Notes**

1. These Regulations amend Statutory Rules 1927 No. 149, as amended by 1928 Nos. 23, 28 and 126; 1929 No. 123; 1930 Nos. 26, 67 and 92; 1931 No. 13; 1932 Nos. 80, 87 and 125; 1933 Nos. 49 and 77; 1934 Nos. 26 and 80; 1935 Nos. 99 and 109; 1936 Nos. 21, 44 and 100; 1937 No. 45; 1938 Nos. 75, 90 and 93; 1939 Nos. 31, 51, 58, 115, 123, 134, 160 and 173; 1940 Nos. 2, 16, 29, 59, 150, 183, 184, 185, 186, 199, 237, 252, 272 and 273; 1941 Nos. 3, 4, 14, 43, 135, 153, 155, 205, 245, 246, 260 and 311; 1942 Nos. 35, 59, 60, 85, 114, 166, 179, 211, 231, 289, 333, 334, 350, 417, 477, 506, 508, 521, 522, 555 and 556; 1943 Nos. 17, 68, 72, 126, 174, 199, 200, 219, 244, 245, 246, 249 and 258; 1944 Nos. 1, 39, 69, 71, 72, 114, 120, 122, 154 and 164; 1945 Nos. 6, 19, 38, 42, 68, 94, 111, 141 and 195; 1946 Nos. 72, 113, 114, 116 and 150; 1947 Nos. 25 and 59; 1948 Nos. 40, 59, 65 and 79; 1949 Nos. 55 and 68; 1950 Nos. 10, 21, 29, 64 and 65; 1951 Nos. 20, 56, 125, 149 and 152; 1952 Nos. 8, 60, 68 and 69; 1953 No. 87; 1954 Nos. 113, 117 and 118; 1955 Nos. 7, 31 and 55; 1956 Nos. 52, 102 and 115; 1957 No. 56; 1958 Nos. 31, 32 and 85; 1959 Nos. 22 and 30; 1960 No. 25; 1961 No. 42; 1962 Nos. 23, 27, 68, 69 and 71; 1963 No. 28; 1964 Nos. 62, 83, 93 and 149; 1965 Nos. 61, 72, 116, 119, 138 and 174; 1966 Nos. 119 and 167; 1967 Nos. 13, 118 and 168; 1968 Nos. 91 and 96; 1969 Nos. 76, 94, 96, 197 and 217; 1970 Nos. 101 and 193; 1971 Nos. 85 and 179; 1972 Nos. 57, 123 and 207; 1973 Nos. 99, 206, 245 and 250; 1974 Nos. 75 and 91; 1975 Nos. 2, 143, 144 and 192; 1976 Nos. 59 and 220; 1977 No. 50; 1978 Nos. 53, 139 and 197; 1979 Nos. 20, 30, 169, 170 and 242; 1980 Nos. 64, 177, 245, 340 and 360; 1981 Nos. 54, 60, 257 and 338; 1982 Nos. 36, 190 and 331; 1983 Nos. 40, 61, 203 and 289; 1984 Nos. 76, 78, 378, 390, 391 and 429; 1985 Nos. 90, 117 and 211; 1986 No. 331; 1987 Nos. 19 and 177; 1988 Nos. 38, 90 and 127; 1990 Nos. 42 and 375; 1991 No. 131; 1993 No. 190; 1995 Nos. 261 and 274; 1997 No. 38; 2000 Nos. 67 and 263; 2001 Nos. 176 and 278.
2. Notified in the *Commonwealth of Australia Gazette* on 2 2002. 21 November