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Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Regulations 2002 (No. 1)¹

Statutory Rules 2002 No. 1²

278

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*, the *Naval Defence Act 1910*, the *Air Force Act 1923* and the *Defence Forces Retirement Benefits Act 1948*.

Dated 14 NOV 2002 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

DANNA VALE
Minister for Veterans' Affairs

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1 Name of Regulations

These Regulations are the *Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Regulations 2002 (No. 1)*.

2 Commencement

These Regulations commence on 1 December 2002.

3 Amendment of *Defence Force Regulations 1952*

Schedule 1 amends the *Defence Force Regulations 1952*.

2 <i>Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Regulations 2002 (No. 1)</i>	2002, 1 278
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4 Amendment of Defence Forces Retirement Benefits Regulations

Schedule 2 amends the Defence Forces Retirement Benefits Regulations.

5 Amendment of Defence (Inquiry) Regulations 1985

Schedule 3 amends the *Defence (Inquiry) Regulations 1985*.

6 Amendment of Defence (Prohibited Words and Letters) Regulations 1957

Schedule 4 amends the *Defence (Prohibited Words and Letters) Regulations 1957*.

Schedule 1 **Amendments of *Defence Force Regulations 1952***

(regulation 3)

[1] Paragraph 11C (2) (b)

omit

the Emergency Forces or the Reserve Forces

insert

the Reserves

[2] Regulation 58A

substitute

58A Definition for Part 12A

In this Part:

member means a member of the Defence Force (including the Reserves) rendering continuous full-time service.

[3] Subregulation 68 (2)

omit

the Emergency Forces or the Reserve Forces

insert

the Reserves

[4] Paragraph 72A (1) (b)

substitute

- (b) the payment of allowances or other pecuniary benefits, not being allowances or benefits by way of remuneration, to or in respect of members or cadets, including the payment of additional compensation to members of the Reserves to whom compensation is payable under the *Safety, Rehabilitation and Compensation Act 1988*;

Schedule 2 Amendments of Defence Forces Retirement Benefits Regulations

(regulation 4)

[1] Paragraph 20 (1) (c)

after

Permanent Military Forces

insert

or the Permanent Forces

[2] Subregulation 20 (4)

after

the Australian Regular Army

insert

, or an officer in a part of the Permanent Forces other than
the Australian Army,

[3] Paragraph 21 (1) (a)

omit

Permanent Military Forces

insert

Permanent Forces

Schedule 3 **Amendments of *Defence***
(*Inquiry*) Regulations 1985
(regulation 5)

[1] **Subregulation 53 (2)**

omit

the Reserve Forces

insert

the Reserves

[2] **Subregulation 53 (3)**

omit

the Reserve Forces

insert

the Reserves

**Schedule 4 Amendments of Defence
(Prohibited Words and
Letters) Regulations 1957**
(regulation 6)

[1] Paragraph 2 (a)

omit

the Schedule,

insert

Schedule 1,

[2] Paragraph 2 (b)

omit

the Schedule,

insert

Schedule 1,

[3] Subregulation 3 (1)

omit

the Schedule

insert

Schedule 1

[4] Regulation 4

substitute

4 Consent

- (1) The Minister may:
 - (a) consent to the use of the word, words or group of letters;
or
 - (b) refuse the application.
- (2) The Minister must have regard to the following matters when considering the application:
 - (a) the purposes, constitution and structure of the applicant;
 - (b) the trade, business, calling or profession of the applicant;
 - (c) the financial resources of the applicant, to the extent that those resources affect its ability to use the words or group of letters in its trade, business, calling or profession;
 - (d) if the applicant has previously received a consent under these Regulations — the way in which the applicant used the words or group of letters to which the consent related;
 - (e) the period for which consent is sought.
- (3) The Minister may have regard to other matters, relating to the protection and use of the words or group of letters to which the application relates, when considering the application.
- (4) Consent may be given subject to conditions about the following matters:
 - (a) notifying the Minister about any change to:
 - (i) the purposes, constitution or structure of the organisation or body; or
 - (ii) the trade, business, calling or profession of the applicant; or
 - (iii) any other matter, to the extent that the change may affect the ability of the organisation or body to use the words or group of letters in its trade, business, calling or profession;
 - (b) the period for which consent is given;

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- (c) the way in which the applicant may, or may not, use the words or group of letters to which the consent relates;
- (d) the protection and use of the words or group of letters to which the consent relates.
- (5) Application may be made to the Administrative Appeals Tribunal for review of a decision to refuse an application for consent, or a decision relating to a condition.

[5] **Schedule**
substitute

Schedule 1 Prohibited words and letters

(regulation 2)

Part 1 Australian Navy

Item	Prohibited words	Prohibited letters
101	Australian Navy	
102	Her Majesty's Australian Ship	HMAS
103	Her Majesty's Australian Ships	HMA Ships
104	Naval	
105	Naval Emergency Reserve Forces	NERF
106	Naval Forces	
107	Naval Reserve	
108	Navy	
109	Permanent Naval Forces	
110	Royal Australian Navy	RAN
111	Royal Australian Naval Reserve	RANR
112	Royal Australian Fleet Reserve	RAFR

10 *Defence Legislation Amendment (Enhancement of the Reserves and Modernisation) Regulations 2002 (No.)* 2002,

Part 2 Australian Army

Item	Prohibited words	Prohibited letters
201	Australian Army	
202	Australian Army Reserve	
203	Australian Flying Corps	AFC
204	Australian Imperial Forces	AIF
205	Australian Military Forces	AMF
206	Australian Regular Army	ARA
207	Army Reserve	
208	Permanent Military Forces	
209	Regular Army	
210	Regular Army Emergency Reserve	
211	Regular Army Supplement	

Part 3 Australian Air Force

Item	Prohibited words	Prohibited letters
301	Air Force	
302	Air Force Reserve	
303	Air Force Emergency Force	AFEF
304	Australian Air Force Reserve	AAFR
305	Permanent Air Force	PAF
306	Royal Australian Air Force	RAAF

Part 4 Words applicable to more than 1 Service

Item	Prohibited words	Prohibited letters
401	Active Reserve	
402	Australian Defence Force	ADF
403	Australian Defence Force Reserves	
404	Defence Force	
405	Defence Force Reserves	
406	Defence Reserves	
407	High Readiness Active Reserve	
408	High Readiness Reserve	
409	High Readiness Specialist Reserve	
410	Permanent Forces	
411	Reserve Forces	
412	Specialist Reserve	
413	Standby Reserve	

Notes

1. These Regulations amend (in Schedule 1) Statutory Rules 1952 No. 29, as amended by 1953 Nos. 61 and 62; 1958 No. 38; 1963 No. 133; 1968 No. 14; 1976 Nos. 52 and 106; 1980 Nos. 95 and 244; 1981 Nos. 177 and 352; 1982 No. 271; 1983 No. 129; 1984 No. 392; 1985 Nos. 88, 118, 131, 156, 235 and 331; 1986 No. 101; 1987 No. 113; 1988 Nos. 58, 89, 321 and 322; 1989 Nos. 203, 275, 290 and 302; 1990 No. 92; 1995 Nos. 51 and 69; 1996 No. 177; 1997 Nos. 40 and 257; 1998 Nos. 5 and 63; 1999 Nos. 117 and 235; 2000 Nos. 82 and 263; 2001 No. 305.

These Regulations also amend (in Schedule 2) Statutory Rules 1949 No. 60, as amended by 1950 No. 14; 1951 No. 11; 1954 Nos. 14 and 45; 1956 No. 25; 1959 No. 104; 1964 Nos. 84, 114 and 162; 1965 Nos. 6, 37 and 161; 1966 Nos. 39, 97 and 134; 1967 No. 26; 1968 No. 80; 1969 Nos. 8, 48 and 130; 1970 Nos. 55 and 161; 1971 Nos. 66, 71, 74 and 127; 1972 Nos. 34, 140, 152 and 157; 1976 No. 28; 1992 No. 93.

These Regulations also amend (in Schedule 3) Statutory Rules 1985 No. 114, as amended by 1987 No. 36; 1990 Nos. 10 and 207; 1997 No. 43; 2000 No. 327; 2001 No. 278.

These Regulations also amend (in Schedule 4) Statutory Rules 1957 No. 16, as amended by 1976 No. 51; 1981 No. 102; 1990 No. 378; 2000 No. 41; 2001 No. 305.

2. Notified in the *Commonwealth of Australia Gazette* on 2002. 21 November