



Defence Amendment (2020 Measures No. 1) Regulations 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 06 February 2020

David Hurley
Governor-General

By His Excellency's Command

Darren Chester
Minister for Veterans and Defence Personnel

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
	<i>Defence Regulation 2016</i>	2

1 Name

This instrument is the *Defence Amendment (2020 Measures No. 1) Regulations 2020*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	13 February 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Defence Act 1903*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Defence Regulation 2016

1 After paragraph 6(2)(c)

Insert:

- (ca) a member's failure to meet one or more conditions of the member's enlistment, appointment or promotion;

2 Paragraph 24(1)(c)

Omit "Force;"; substitute "Force."

3 Paragraphs 24(1)(d) and (e)

Repeal the paragraphs.

4 Subsection 24(2)

Omit "For termination under paragraph (1)(a), (b) or (c), the member must be given notice", substitute "The member must be given notice of the termination".

5 Subsection 24(3)

Repeal the subsection, substitute:

- (3) However, notice is not required to be given under subsection (2) if:
 - (a) the member's appointment or enlistment is subject to a probationary period and that period has not ended; or
 - (b) the termination decision is made in relation to a member who:
 - (i) has failed to meet a condition of the member's appointment or enlistment; or
 - (ii) has been sentenced to imprisonment for an offence (whether or not the sentence has been suspended); or
 - (iii) has been absent without leave for a continuous period of 3 months or more; or
 - (c) the termination decision is made in relation to a member who has pleaded guilty to, or been convicted of, an offence and the Chief of the Defence Force is satisfied that it is not in the interests of the Defence Force for notice to be given to the member.

6 Subsection 84(1)

After "Part 3", insert "(other than paragraph 24(3)(c))".

7 After subsection 84(1)

Insert:

- (1A) The Chief of the Defence Force may, by instrument in writing, delegate to a service chief all or any of the powers of the Chief of the Defence Force under paragraph 24(3)(c).