



Defence Force Discipline (Chief of Army) Determination 2022

I, Simon Stuart, AO, DSC, Chief of Army, make the following determination.

Dated 8 December 2022

Simon Stuart AO, DSC
Chief of Army

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1 Name

This instrument is the *Defence Force Discipline (Chief of Army) Determination 2022*.

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	At the same time as Schedule 1 to the <i>Defence Legislation Amendment (Discipline Reform) Act 2021</i> commences.	

Note: This table relates only to the provisions of this instrument as originally made.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 determination is made under subsection 9CA(2) of the *Defence Force Discipline Act 1982*.

4 Objects of this instrument

The object of this instrument is to ensure that breaches of discipline by the most senior enlisted members of the Australian Army are not dealt with under the infringement scheme established by Part IA of the Act, which is intended to deal only with minor service discipline matters

5 Simplified outline of this instrument

Part IA of the Act establishes an infringement scheme to deal with minor service discipline matters (the infringement scheme). A prescribed defence member may elect to be dealt with under the infringement scheme for breaches of discipline that are disciplinary infringements.

Subsection 9CA(1) of the Act defines a prescribed defence member. Under subsection 9CA(2) of Act, service chiefs may determine that a specified defence member, or each member of a specified class of defence members, holding the rank of warrant officer, chief petty officer or flight sergeant, is not a prescribed defence member.

This instrument determines that members of the Australian Army of the rank of Warrant Officer Class One are not prescribed defence members for the purposes of the infringement scheme.

6 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) disciplinary infringement
- (b) infringement scheme
- (c) prescribed defence member.

In this instrument:

Act means the *Defence Force Discipline Act 1982*.

7 Chief of Army Determination

Pursuant to subsection 9CA(2) of the Act each member of the class of defence members in the Australian Army holding the rank of Warrant Officer Class One is not a prescribed defence member for the purposes of Part IA of the Act.