

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Supplementary Budget Estimates 2011-12

Prime Minister and Cabinet portfolio

Department/Agency: Office of the Official Secretary to the Governor-General

Program 1: Support for the Governor-General and Official Activities

Outcome 1: The performance of the Governor-General's role is facilitated through the organisation and management of official duties, management and maintenance of the official household and property and administration of the Australian Honours and Awards system.

Topic: The provision of requested documents by Karen Kline

Senator: RONALDSON

Question reference number: PM117

Type of Question: Hansard, F&PA, p.47, 17 October

Date set by the committee for the return of answer: 2 December 2011

Number of Pages: 4

Question:

Senator RONALDSON: I am sure you are not keen to, Mr Fraser, but I find it quite remarkable that an Australian citizen has requested working manuals, policy guidelines and other criteria which you acknowledge that you have in relation to the assessment of a recommendation to the Order of Australia and they are being denied access to that. Would you provide that to the committee, please?

Mr Fraser: I have a lot of information on that particular case—

Senator RONALDSON: No, would you provide the case officer manual and those other internal policy documents to the committee?

Mr Fraser: Senator, I do not consider that those matters are matters that are subject to the FOI act. I understand that—

Senator RONALDSON: I do not care. Would you provide—

CHAIR: Senator Ronaldson, please allow Mr Fraser to continue. I am trying to listen to this very carefully. He is very clear on what your question is and if he can respond, it will help me. Mr Fraser, please continue.

Mr Fraser: Those are internal working documents, they are not documents that would be subject to the FOI act and hence they were not made available to this particular applicant. I may say that the individual you are referring to took this matter to the office of the Australian Information Commissioner on review and my decision in relation to this matter was upheld.

Senator RONALDSON: Would you provide that documentation that you refused to give to Ms Kline to this committee?

Mr Fraser: I perhaps will take the matter on notice and seek further advice from the secretary or the chair of the committee. My understanding is that matters that are not normally subject to the FOI act would also not be provided in estimates.

Answer:

The Order of Australia and the Council for the Order of Australia were established under Letters Patent in 1975. The Letters Patent do not limit 'the right of the Governor-General to exercise all powers and authorities of The Sovereign in respect of the Order'. The Governor-General, as Chancellor of the Order of Australia, is charged with the administration of the Order. The Australian Honours and Awards Secretariat exists to assist the Governor-General in this role through supporting the Council for the Order of Australia. The Council's independence from government, and authority derived directly from the Sovereign, are unique features, central to its operation.

The Council for the Order of Australia has primary reference to its Constitution and related Ordinances to guide it in its deliberations. There are broad criteria (published on the Office's website and repeated below) that the Council has reference to in forming its recommendations on awards within the Order (A full copy of the Constitution and related Ordinances is attached at A).

Excerpt from the Constitution:

Order of Australia — Companions in the General Division

12 (1) *Appointments as Companions or honorary Companions in the General Division shall be made for eminent achievement and merit of the highest degree in service to Australia or to humanity at large.*

(2) *Notwithstanding subsection (1), a distinguished person who is not an Australian citizen may be appointed an honorary Companion in the General Division where it is desirable that the person be honoured by Australia.*

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14 *The Governor-General may appoint to be Companions in the General Division, other than honorary Companions, not more than 30 persons in any calendar year.*

Order of Australia — Officers in the General Division

15 (1) *Appointments as Officers or honorary Officers in the General Division shall be made for distinguished service of a high degree to Australia or to humanity at large.*

(2) *Notwithstanding subsection (1), a distinguished person who is not an Australian citizen may be appointed an honorary officer in the General Division where it is desirable that the person be honoured by Australia.*

16 *The Governor-General may appoint to be officers in the General Division, other than honorary officers, not more than 125 persons in any calendar year.*

Order of Australia — Members in the General Division

17 (1) *Appointments as Members or honorary Members in the General Division may be made for service in a particular locality or field of activity or to a particular group.*

(2) *Notwithstanding subsection (1), a person who is not an Australian citizen may be appointed an honorary Member in the General Division where it is desirable that the person be honoured by Australia.*

18 *The Governor-General may appoint to be Members in the General Division, other than honorary Members, not more than 300 persons in any calendar year.*

Medal of the Order of Australia — Awards in the General Division

18A *Awards of the Medal of the Order in the General Division may be made for service worthy of particular recognition.*

Although consideration of nominations is merit-based, recommendation for appointment or non-appointment to the Order is necessarily a subjective decision based on the broad criteria referred to in the Constitution and the collective experience of the Council members. In making their recommendation, the Council has before it information supplied by the nominator (and supplied referees), and information researched and provided independently by the Secretariat (including additional referees).

The internal working documents of the Australian Honours and Awards Secretariat (as opposed to the Council itself) do not form part of the Council's decision making processes. There are no formal public service-style criteria, policies or guidelines that the Secretariat uses in researching and preparing nominations for consideration by Council. Any internal working documents, such as the so-called 'case officer manual' – which would be better described as a reference guide – are a compilation of timelines, templates, technical and formatting advice, suggestions, protocols, database instructions, research tips and examples etc, to assist staff in their work and do not form part of the Council's decision making processes.

Access to these internal reference documents under the FOI Act is a matter currently before the Administrative Appeals Tribunal.

Constitution of the Order of Australia

as amended

made under

Letters Patent

This compilation was prepared on 2 April 2009
taking into account amendments up to Letters Patent dated 30 April 2003 (LP 2003
No. S197)

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

The Order of Australia

- 1 (1) The Order of Australia (hereinafter called 'the Order') shall consist of a General Division and a Military Division.
- (2) A person appointed to the Order shall be appointed in the General Division or in the Military Division.
- (3) Appointments to the Order shall be as Companion, Officer, or Member.
- (4) There shall be a Medal of the Order called the 'Medal of the Order of Australia'.
- (5) Every Australian citizen appointed to the Order or awarded the Medal of the Order is a member of the Order, and every other person appointed to the Order or awarded the Medal of the Order is an honorary member of the Order.

Officers of and Council for the Order of Australia

- 2 (1) The Governor-General of the Commonwealth of Australia shall be the Chancellor of the Order and the Principal Companion in the General Division.
- (2) Where a person ceases to hold office as Governor-General, he or she shall continue to be a member of the Order in the General Division in the class of membership that he or she held immediately before ceasing to hold that office.
- 2A (1) The Governor-General shall have precedence, after the Sovereign, of all other members of the Order.
- (2) His Royal Highness Charles, Prince of Wales, shall have precedence in the Order immediately after the Governor-General.
- 3 The Chancellor is charged with the administration of the Order.
- 4 (1) There shall be a Council for the Order, hereinafter called "the Council" which shall consist of —
 - (a) *****
 - (b) the Vice-President of the Federal Executive Council;
 - (c) the person for the time being occupying, or performing the duties of, the office prescribed for the purposes of this paragraph by the Minister responsible for the administration of the Australian honours system or any Minister or member of the Executive Council acting for or on behalf of that Minister; and
 - (d) the person for the time being occupying the office of Chief of the Defence Force or, if another office is prescribed for the purpose of this paragraph, the person occupying the office so prescribed; and
 - (e) 16 persons appointed by the Governor-General, of whom:

- (i) 8 shall be nominated by the Prime Minister; and
 - (ii) one shall be nominated by the State of New South Wales; and
 - (iii) one shall be nominated by the State of Victoria; and
 - (iv) one shall be nominated by the State of Queensland; and
 - (v) one shall be nominated by the State of Western Australia; and
 - (vi) one shall be nominated by the State of South Australia; and
 - (vii) one shall be nominated by the State of Tasmania; and
 - (viii) one shall be nominated by the Northern Territory of Australia; and
 - (ix) one shall be nominated by the Australian Capital Territory.
- (2) A member of the Council referred to in paragraph (1) (e) shall hold office for a period of two years from the date of appointment and is eligible for re-appointment.
- (3) The Governor-General shall:
- (a) on the recommendation of the Prime Minister, appoint one of the members appointed under subparagraph (1) (e) (i) to be Chairman of the Council; and
 - (b) in the event of the Chairman being unavailable to act in the office, appoint another member appointed under subparagraph (1) (e) (i) to act as Chairman of the Council.
- (4) If a member of the Council is absent or unable to act in that capacity, the member may be represented on the Council:
- (a) if the member is the Vice-President of the Federal Executive Council — by another member of the Federal Executive Council under summons chosen, in accordance with arrangements made by the Governor-General, to act in the member's place as a member of the Council; or
 - (b) if the member is a member referred to in paragraph (1) (c) or (d) or subparagraph (1) (e) (ii), (iii), (iv), (v), (vi), (vii), (viii) or (ix) — by a person chosen, in accordance with arrangements made by the Governor-General, to act in the member's place as a member of the Council.
- 5 The Council shall —
- (a) consider nominations of Australian citizens for appointment to the Order and for the award of the Medal of the Order;
 - (b) make recommendations to the Governor-General in relation to those nominations; and
 - (c) advise the Governor-General on such other matters concerning the Order as the Governor-General may refer to the Council for consideration.
- 5A (1) 10 members of the Council constitute a quorum for the transaction of the business of the Council.

Section 6

- (2) In this section, ‘member of the Council’ includes a person chosen to act, under subsection 4 (4), in the place of a member mentioned in paragraph 4 (1) (b), (c), (d) or (e).
- 6 (1) There shall be a Secretary of the Order who shall be appointed by the Governor-General.
- (2) The Secretary shall maintain the records of the Order and of the Council, and shall perform such other functions in respect of the Order as the Governor-General directs.
- 7 The Governor-General may appoint such other officials for the Order as are, in the Governor-General’s sole discretion, considered to be necessary for the purpose.
- 8 A person is not a member of the Order by reason only of that person being a member of the Council or an official of the Order.

Appointments and Awards

- 9 Appointments (including honorary appointments) to the Order and awards of the Medal of the Order shall be made, with the approval of The Sovereign, by Instrument signed by the Governor-General and sealed with the Seal of the Order.
- 10 Nothing in this Constitution limits the right of the Governor-General to exercise all powers and authorities of The Sovereign in respect of the Order.

General Division

Eligibility for Appointment

- 11 (1) Australian citizens including members of the Defence Force, are eligible to be appointed to the Order as members in the General Division.
- (2) Persons other than Australian citizens are eligible to be appointed to the Order as honorary members in the General Division.
- (3) The Medal of the Order in the General Division may be awarded to Australian citizens and other persons.

Order of Australia — Companions in the General Division

- 12 (1) Appointments as Companions or honorary Companions in the General Division shall be made for eminent achievement and merit of the highest degree in service to Australia or to humanity at large.
- (2) Notwithstanding subsection (1), a distinguished person who is not an Australian citizen may be appointed an honorary Companion in the General Division where it is desirable that the person be honoured by Australia.

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- 14 The Governor-General may appoint to be Companions in the General Division, other than honorary Companions, not more than 30 persons in any calendar year.

Order of Australia — Officers in the General Division

- 15 (1) Appointments as Officers or honorary Officers in the General Division shall be made for distinguished service of a high degree to Australia or to humanity at large.
- (2) Notwithstanding subsection (1), a distinguished person who is not an Australian citizen may be appointed an honorary officer in the General Division where it is desirable that the person be honoured by Australia.
- 16 The Governor-General may appoint to be officers in the General Division, other than honorary officers, not more than 125 persons in any calendar year.

Order of Australia — Members in the General Division

- 17 (1) Appointments as Members or honorary Members in the General Division may be made for service in a particular locality or field of activity or to a particular group.
- (2) Notwithstanding subsection (1), a person who is not an Australian citizen may be appointed an honorary Member in the General Division where it is desirable that the person be honoured by Australia.
- 18 The Governor-General may appoint to be Members in the General Division, other than honorary Members, not more than 300 persons in any calendar year.

Medal of the Order of Australia — Awards in the General Division

- 18A Awards of the Medal of the Order in the General Division may be made for service worthy of particular recognition.

Nominations

- 19 (1) Any person or organisation may submit to the Secretary of the Order for consideration by the Council a nomination of an Australian citizen for appointment to the Order as a member in the General Division or a nomination of a person for the award of the Medal of the Order in the General Division.
- (2) Upon the recommendation of the Prime Minister, appointments to the Order as honorary members in the General Division may be made by the Governor-General.

Military Division***Eligibility for Appointment***

- 20 (1) The following are eligible to be appointed to the order as members in the Military Division:
- (a) members of the Defence Force; and
 - (b) former members of the Defence Force whose Defence Force service has ceased for not more than one year; and

- (c) other persons determined by the Minister for Defence for the purposes of this paragraph.
- (2) Members of the armed forces of a country other than Australia are eligible to be appointed to the Order as honorary members in the Military Division.
- (3) In any calendar year, the number of appointments, other than honorary appointments, to the Military Division, shall not exceed one-tenth of one per cent of the average number of persons who were members of the Defence Force on each day of the immediately preceding year.
- (4) The Medal of the Order in the Military Division may be awarded to:
 - (a) members of the Defence Force; and
 - (b) former members of the Defence Force whose Defence Force service has ceased for not more than one year; and
 - (c) other persons determined by the Minister for Defence for the purposes of this paragraph.

Order of Australia — Companions in the Military Division

- 21 (1) Appointments as Companions or honorary Companions in the Military Division shall be made for eminent service in duties of great responsibility.
- (2) The Governor-General may, in any calendar year, appoint as Companions in the Military Division, other than honorary Companions, a number of persons that is not greater than the number of persons that most closely approximates to five per cent of the total number of persons who may be appointed under subsection 20 (3) to all categories of membership, other than honorary membership, in the Military Division in that year.

Order of Australia — Officers in the Military Division

- 22 (1) Appointments as Officers or honorary Officers in the Military Division shall be made for distinguished service in responsible positions.
- (2) The Governor-General may, in any calendar year, appoint as Officers in the Military Division, other than honorary Officers, a number of persons that is not greater than the number of persons that most closely approximates to twenty per cent of the total number of persons who may be appointed under subsection 20 (3) to all categories of membership, other than honorary membership, in the Military Division in that year.

Order of Australia — Members in the Military Division

- 23 Appointments as Members or honorary Members in the Military Division may be made for exceptional service or performance of duty.

Medal of the Order of Australia — Awards in the Military Division

- 23A Awards of the Medal of the Order in the Military Division may be made for meritorious service or performance of duty.

Nominations

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- 24 (1) Upon the recommendation of the Minister for Defence, appointments to the Order as members in the Military Division and awards of the Medal of the Order in the Military Division may be made by the Governor-General.
- (2) Upon the recommendation of the Minister for Defence, appointments to the Order as honorary members in the Military Division may be made by the Governor-General.

Termination of Membership in the Order and Cancellation of an Award of the Medal

- 25 (1) A person does not cease to be a member or honorary member of the Order by reason only of that person ceasing to be eligible to be appointed to the Order or to be awarded the Medal of the Order.
- (2) A person ceases to be a member or honorary member of the Order upon —
- (a) the death of the person;
 - (b) the resignation of the person from the Order in writing, which resignation shall have effect from the day on which it is accepted by the Governor-General;
 - (c) the termination of the appointment of the person to the Order by Ordinance; or
 - (d) the cancellation of the award to the person of the Medal of the Order by Ordinance.
- (3) An appointment that has been terminated, or an award of the Medal of the Order that has been cancelled, may be restored by Ordinance.

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Insignia

- 27 When worn in Australia by an Australian citizen, the insignia of the Order shall be worn in the prescribed manner.
- 28 (1) Except as otherwise provided by Ordinance, the insignia of the Order shall remain the property of the Order.
- (2) Where a person ceases, otherwise than by death, to be a member of the Order, that person shall forthwith return to the Secretary of the Order the insignia of the Order.

Seal

29 The Governor-General shall have the custody of the Seal of the Order.

Ordinances of the Order

- 30 The Governor-General may make Ordinances, not inconsistent with this Constitution, prescribing all matters that are required or permitted by this Constitution to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Constitution and, in particular, prescribing matters for:
- (a) the government of the Order;

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- (b) the insignia of the Order;
- (c) the designations of members of the Order and persons who have been awarded the Medal of the Order; and
- (d) investitures; and
- (e) terminations and cancellations.

Table of Instruments**Notes to the *Constitution of the Order of Australia*****Note 1**

The *Constitution of the Order of Australia* (in force under *Letters Patent*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

Title	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
Letters Patent and Constitution of the Order of Australia (1975, No. S28)	17 Feb 1975	14 Feb 1975	
Letters Patent and Amendments of the Constitution of the Order of Australia (1976, No. S92)	2 June 1976	24 May 1976	
Letters Patent and Amendments of the Constitution of the Order of Australia (1981, No. S53)	27 Mar 1981	14 Mar 1981	
Letters Patent and Amendments of the Constitution of the Order of Australia (1986, No. S101)	11 Mar 1986	3 Mar 1986	
Letters Patent and Amendments of the Constitution of the Order of Australia (1988, No. S160)	10 June 1988	12 Apr 1988	
Letters Patent and Amendments of the Constitution of the Order of Australia (1989, No. S58)	16 Feb 1989	1 Feb 1989	
Letters Patent and Amendments of the Constitution of the Order of Australia (1991, No. S353)	20 Dec 1991	5 Dec 1991	
Letters Patent and Amendments of the Constitution of the Order of Australia (1993, No. S80)	10 Mar 1993	24 Feb 1993	
Letters Patent and Amendments of the Constitution of the Order of Australia (1996, No. S303)	16 Aug 1996	1 Aug 1996	
Letters Patent and Amendments of the Constitution of the Order of Australia (1998, No. S147)	3 Apr 1998	5 Mar 1998	
Letters Patent and Amendments of the Constitution of the Order of Australia (2003, No. S197)	6 June 2003	30 Apr 2003	

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 1.....	am. 1976 No. S92; 1986 No. S101; 1993 No. S80
S. 2.....	rs. 1976 No. S92; 1986 No. S101 am. 1989 No. S58
S. 2A.....	ad. 1986 No. S101
S. 3A.....	ad. 1981 No. S53 rep. 1986 No. S101
S. 4.....	am. 1976 No. S92; 1986 No. S101; 1988 No. S160; 1991 No. S353; 1996 No. S303; 1998 No. S147
S. 5.....	am. 1976 No. S92
S. 5A.....	ad. 1998 No. S147
S. 7.....	rs. 1976 No. S92
S. 8.....	am. 1976 No. S92
S. 9.....	am. 1976 No. S92; 1986 No. S101; 1993 No. S80
Heading before s. 11.....	am. 1976 No. S92
S. 11.....	rs. 1976 No. S92
Heading before s. 11A.....	ad. 1976 No. S92 rep. 1986 No. S101
S. 11A.....	ad. 1976 No. S92 rep. 1986 No. S101
S. 11B.....	ad. 1976 No. S92 rep. 1986 No. S101
S. 11C.....	ad. 1976 No. S92 rep. 1986 No. S101
Heading before s. 12.....	am. 1976 No. S92
S. 12.....	am. 1976 No. S92
S. 13.....	rep. 1976 No. S92
S. 14.....	am. 1976 No. S92; 1986 No. S101; 2003 No. S197
Heading before s. 15.....	am. 1976 No. S92
S. 16.....	am. 1976 No. S92; 1986 No. S101; 2003 No. S197
Heading before s. 17.....	am. 1976 No. S92
S. 17.....	am. 1976 No. S92
S. 18.....	am. 1976 No. S92; 1986 No. S101; 2003 No. S197
Heading before s. 18A.....	ad. 1976 No. S92
S. 18A.....	ad. 1976 No. S92 am. 1986 No. S101; 1989 No. S58
S. 19.....	am. 1976 No. S92
Renumbered s. 19 (1).....	1998 No. S147
S. 20.....	am. 1976 No. S92; 1998 No. S147
Heading before s. 23A.....	ad. 1976 No. S92
S. 23A.....	ad. 1976 No. S92
S. 24.....	am. 1976 No. S92; 1993 No. S80 rs. 1998 No. S147
Heading before s. 25.....	am. 1976 No. S92
S. 25.....	am. 1976 No. S92; 1993 No. S80
Heading before s. 26.....	am. 1986 No. S101
S. 26.....	rs. 1976 No. S92 rep. 1986 No. S101
S. 28.....	am. 1976 No. S92; 1993 No. S80

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected

How affected

S. 30..... am. 1986 No. S101; 1988 No. S160; 1998 No. S147

Amending Letters Patent Dated:

24 May 1976

14 March 1981

03 March 1986

12 April 1988

01 February 1989

05 December 1991

24 February 1993

01 August 1996

05 March 1998

03 April 2003

Outline of Changes

Changed "Civil" Division to "General".
Introduced Knights (AK), Dames (AD)
and Medal.

Prince Charles is made Knight (AK).

Removed AK/AD level.

Increased quotas of other levels.

Increased appointed members on the
Council to 15.

Added ACT and NT representation to
Council.

Governor-General is made Chancellor of
the Order and Principal Companion in the
General Division.

Altered to reflect self-government in the
ACT.

Medallists of the Order deemed to be
members of the Order.

Varied composition of Council for the
Order.

Varied composition of Council for the
Order.

Variations to Military Division.

Increases the maximum number of
recipients in any calendar year for
Companions (increase from 25 to 30),
Officers (increase from 100 to 125) and
Members (increase from 225 to 300) in
the General Division.

ORDINANCE

I, SIR NINIAN MARTIN STEPHEN, the Governor-General of the Commonwealth of Australia, hereby make the following Ordinance in pursuance of section 30 of the Constitution of the Order of Australia.

Dated this fourteenth day of April, 1983.



Governor-General

Sealed with the Seal of
the Order
of Australia in the
presence of -



Official Secretary to
the Governor-General

Council Ordinance

Short title

- 1 This Ordinance may be cited as the Council Ordinance.

Interpretation

- 2 In this Ordinance, “**Constitution**” means the Constitution of the Order of Australia.

Office prescribed for purpose of paragraph 4(1)(c) of Constitution

- 3 The office of Secretary to the Department of the Special Minister of State is prescribed for the purpose of paragraph 4 (1) (c) of the Constitution.



Bill Hayden

Governor-General of the Commonwealth of
Australia and Chancellor of
the Order of Australia
Dated *4th November 1993*

I, WILLIAM GEORGE HAYDEN, Governor-General of the Commonwealth of Australia, acting under section 30 of the Constitution of the Order of Australia, revoke the Insignia Ordinance made on 1 February 1977 and make the following Ordinance.

Sealed with the Seal of
the Order of Australia
in the presence of:

D. Sturkey

Douglas Sturkey
Secretary of the
Order of Australia

Insignia Ordinance

1 Short Title

This ordinance may be cited as the Insignia Ordinance.

Interpretation

2 (1) In this Ordinance, “**Constitution**” means then Constitution of the Order of Australia.

(2) Unless the contrary intention appears, an expression used in the Constitution and in this Ordinance has the same meaning in this Ordinance as in the Constitution.

(3) *Definition of “member”*

A “member of the Order of Australia” means any person who has received the approval of The Sovereign to wear the Insignia of Knight or Dame, Companion, Officer, or Member or the Medal of the Order of Australia.

(4) A reference in this Ordinance to the Ribbon of the Order in relation to Insignia of a member of the Order is:

(a) in the case of a member of the Order in the General Division — a reference to the Ribbon of the Order in the General Division, and

(b) in the case of a member of the Order in the Military Division — a reference to the Ribbon of the Order in the Military Division.

Emblem of the Order

3 The Emblem of the Order is a single flower of mimosa, represented in the form of a convex disc.

Ribbon of the Order

4 (1) Ribbons of the Order in the General Division are of moire Royal blue material in three sizes, being 38 millimetres, 32 millimetres and 16 millimetres wide; the widest Ribbon having a central band 12 millimetres wide of scattered golden mimosa blossoms of various sizes, the other widths having the same pattern in proportion.

(2) Ribbons of the Order in the Military Division are of the sizes, colours and pattern described in sub-regulation 4 (1) with a gold band 1.5 millimetres wide on each edge.

Insignia of The Sovereign

5 The Insignia of The Sovereign of the Order is a Badge of the same material, fashion and size as the Breast Badge of a Knight or Dame of the Order but with such alterations as distinguish the Royal dignity.

Insignia of the Chancellor

- 6 The Insignia of the Chancellor of the Order is a Badge of the same material, fashion and size as the Breast Badge of a Knight or Dame of the Order but with such alterations and additions as The Sovereign approves.

Insignia of Knight and Dame

- 7 (1) The Insignia of a Knight of the Order consists of a Neck Badge and a Breast Badge.
- (2) The Insignia of a Dame of the Order consists of a Neck (or Shoulder) Badge and a Breast Badge.
- (3) The Neck Badge of a Knight and the Neck/Shoulder Badge of a Dame consists of the Emblem of the Order, approximately 60 millimetres in diameter, of gold, jewelled and having in the centre of its convex surface, within a circle of gold, a representation of the Arms of the Commonwealth of Australia in full colour on a background of blue with two branches of mimosa in gold, the whole ensigned with the Crown of Saint Edward in full colour.
- (4) The Breast Badge of a Knight or Dame consists of the Emblem of the Order, approximately 80 millimetres in diameter, of gold, jewelled and having the same design and ensignment as the Insignia described in sub-regulation 7 (3).

Manner of wearing Knight of Dame Insignia

- (5) The Neck Badge of a Knight shall be worn about the neck suspended from the 16 millimetre Ribbon of the Order.
- (6) The Neck/Shoulder Badge of a Dame shall be worn either as for a Knight as described in sub-regulation 7 (5) or, if preferred by the recipient, on the left shoulder suspended from the 38 millimetre wide Ribbon of the Order tied in a bow.
- (7) The Breast Badge of a Knight or Dame shall be worn above the waist on the left side of the coat or outer garment.

Insignia of Companion

- 8 (1) The Insignia of a Companion of the Order is a Badge consisting of the Emblem of the Order, approximately 60 millimetres in diameter, of gold, jewelled, ensigned with the Crown of Saint Edward in full colour and having in the centre of its convex surface a circlet of blue enamel edged in gold, inscribed with the word "AUSTRALIA" in gold flanked by two sprigs of mimosa in gold.

Manner of wearing Companion Insignia

- (2) Female recipients not in uniform may wear the Insignia as for the Neck/Shoulder Badge of a Dame as described in sub-regulation 7 (6). All other recipients wear the Insignia as for the Neck Badge of a Knight as described in sub-regulation 7 (5).

Insignia of Officer

- 9 (1) The Insignia of an Officer of the Order is a Badge consisting of the Emblem of the Order, approximately 55 millimetres in diameter, of gold-plated silver, ensigned with the Crown of Saint Edward in full colour and having in the centre of its convex surface the same design as the Insignia of a Companion as described in sub-regulation 8 (1).

Manner of wearing Officer

- (2) Female recipients not in uniform may wear the Insignia as for the Neck/Shoulder Badge of a Dame as described in sub-regulation 7 (6). All other recipients wear the Insignia as for the Neck Badge of a Knight as described in sub-regulation 7 (5).

Insignia of Member

- 10 (1) The Insignia of a Member of the Order is a Badge consisting of the Emblem of the Order, approximately 45 millimetres in diameter, of gold-plated silver, ensigned with the Crown of Saint Edward in full colour and having in the centre of its convex surface a circlet of the same material as the Emblem containing the word “AUSTRALIA” flanked by two sprigs of mimosa.

Manner of wearing Member

- (2) The Badge of a Member of the Order, when worn by women in uniform, and by men, shall be worn on the left breast suspended from the 38 millimetre wide Ribbon of the Order.
- (3) The Badge of a member of the Order, when worn by women not in uniform, may be worn in the same manner as described in sub-regulation 10 (2), or if preferred by the recipient, may be worn on the left shoulder suspended from a Ribbon of the Order tied in a bow.

Medal of the Order

- 11 (1) The Medal of the Order consists of the Emblem of the Order, approximately 40 millimetres in diameter, of gold-plated silver, ensigned with the Crown of Saint Edward in gold-plated silver and having in the centre of its convex surface a circlet of the same material as the Emblem containing the word “AUSTRALIA” and two sprigs of mimosa.

Manner of wearing Medal

- (2) The Medal of the Order, when worn by women in uniform, and by men, shall be worn on the left breast suspended from a bar attached to the 32 millimetre wide Ribbon of the Order.
- (3) The Medal of the Order, when worn by women not in uniform, may be worn in the same manner as described in sub-regulation 11 (2) or if preferred by the recipient, may be worn on the left shoulder suspended from a bar attached to the 32 millimetre Ribbon of the Order tied in a bow.

Miniatures

- 12 (1) The miniature Insignia of the Order consists of the Emblem of the Order, approximately 20 millimetres in diameter, ensigned with the Crown of Saint Edward. The miniature for a Knight, Dame or Companion has a jewelled centre, that for an Officer or Member has an enamelled blue centre and that of the Medal has a plain gold centre.

Manner of wearing miniatures

- (2) Miniatures are worn on the left breast suspended from the 16 millimetre wide Ribbon of the Order, either from a medal bar with miniatures of other awards held, or singly if it is the recipient's only award. Women not in uniform may, if this is the only award, prefer to wear their miniature on the left shoulder attached to the 16 millimetre Ribbon of the Order tied in a bow, otherwise it should be worn with other miniatures mounted on a medal bar.

Lapel Badges

- 13 Lapel Badges of the Order consist of the Emblem of the Order, approximately 10 millimetres in diameter. The Lapel Badge for a Knight, Dame or Companion has a jewelled centre, that for an Officer or Member has an enamelled blue centre and that of the Medal has a plain gold centre.

Badge of Secretary

- 14 (1) The Badge of the Secretary of the Order has two crossed quills of gold-plated silver surmounted by the Emblem of the Order, approximately 55 millimetres in diameter and also of gold-plated silver, the Emblem being ensigned with the Crown of Saint Edward in full colour and having in the centre of its convex surface a circlet of blue enamel edged with gold, inscribed with the word "AUSTRALIA" flanked by two sprigs of mimosa in gold.

Manner of wearing Badge of Secretary

- (2) The Badge of the Secretary of the Order is worn:
- (a) at ceremonies of the Order — suspended from a gold chain about the neck; and
 - (b) on other occasions — in the manner prescribed for the wearing of the Insignia of a Companion in the General Division.

Precedence

- 15 (1) An award of the Order in the General Division takes precedence over the same level of award in the Military Division.
- (2) Insignia of the Order should be mounted in accordance with the Australian Order of Precedence of Honours and Awards as approved from time to time by The Sovereign and worn in accordance with the booklet "A Guide to the Wearing of Insignia" issued by the Office of the Official Secretary to the Governor-General.

Armorial Bearings

- 16 (1) In any Armorial Bearings granted by the Garter Principal King of Arms to a member of the Order, armorial indications of rank within the Order may be included in accordance with this sub-regulation.
- (2) Knights and Dames may be granted supporters.
- (3) A Knight, Dame, Companion or Officer of the Order may surround his or her armorial bearings with a circlet of the same design and colours as the circlet that is at the centre of the Badge of a Companion of the Order and may suspend therefrom a representation of the Ribbon of the Order together with:
- (a) in the case of a Knight or Dame — a representation of the Neck Badge of a Knight; and
- (b) in the case of a Companion or Officer — a representation of his or her Badge.
- (4) A Member of the Order may suspend a representation of the Badge of Member and the Ribbon of the Order from the bottom of the escutcheon containing his or her armorial bearings.
- (5) The holder of a Medal of the Order may suspend a representation of the Medal and the Ribbon of the Order from the bottom of the escutcheon containing his or her armorial bearings.

Return of Insignia on Promotion

- 17 (1) A person, previously appointed to the Order at the level of Member or Officer, who is subsequently appointed to a higher class of membership in the same Division, shall wear the Insignia of the higher award only. The person shall also return to the Secretary of the Order the Insignia of the lower class of membership.

Medal Holder to Retain Insignia on Promotion

- (2) A holder of the Medal of the Order who is subsequently appointed to the Order at any level in the same Division shall wear the Insignia of the higher award only. It is not necessary to return to the Secretary of the Order the Insignia of the Medal of the Order, but this should not be worn.

Member in both Divisions to retain Insignia in both Divisions

- 18 (1) A person who has been appointed at the level of Member or higher to both the General Division and the Military Division of the Order is entitled to retain and wear the Insignia of both Divisions.
- (2) A holder of the Medal of the Order in one Division who is subsequently appointed to the Order at any level in the other Division is entitled to retain and wear the Insignia of both Divisions.

Designations and Insignia Ordinance

as amended

made under section 30 of the

Constitution of the Order of Australia

This compilation was prepared on 21 May 2009
taking into account amendments up to Changes to the Designations and Insignia
Ordinance (dated 17 August 1993)

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

Short title (*see* Note 1)

1 This Ordinance may be cited as the Designations and Insignia Ordinance.

Interpretation

- 2 (1) In this Ordinance, “**Constitution**” means the Constitution of the Order of Australia.
- (2) Unless the contrary intention appears, an expression used in the Constitution and in this Ordinance has the same meaning in this Ordinance as in the Constitution.

Designations of members of the Order of Australia and of holders of the Medal of the Order of Australia

- 3 A member of the Order of Australia or a person awarded the Medal of the Order of Australia is entitled —
- (a) in the case of a Knight or Dame — to use the title “Sir” or “Dame”, as the case may be, before his or her name;
 - (b) in the case of a Knight or Dame, or honorary Knight or Dame —
 - (i) to have the letters “AK” or “AD”, as the case may be, placed after his or her name on all occasions when the use of such letters is customary; and
 - (ii) to wear as a decoration the prescribed insignia for Knights of the Order or Dames of the Order, as the case may be;
 - (c) in the case of a Companion, or honorary Companion —
 - (i) to have the letters “AC” placed after his or her name on all occasions when the use of such letters is customary; and
 - (ii) to wear as a decoration the prescribed insignia for Companions of the Order;
 - (d) in the case of an Officer, or honorary Officer —
 - (i) to have the letters “AO” placed after his or her name on all occasions when the use of such letters is customary; and
 - (ii) to wear as a decoration the prescribed insignia for Officers of the Order;
 - (e) in the case of a Member, or honorary Member —
 - (i) to have the letters “AM” placed after his or her name on all occasions when the use of such letters is customary; and
 - (ii) to wear as a decoration the prescribed insignia for Members of the Order;
 - (f) in the case of the holder of the Medal of the Order —
 - (i) to have the letters “OAM” placed after his or her name on all occasions when the use of such letters is customary; and

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- (ii) to wear as a decoration the prescribed insignia for holders of the Medal of the Order.
- 4
- (1) A person, previously appointed to the Order at the level of Member or Officer in either the General Division or in the Military Division who is subsequently appointed to a higher class of membership in the same Division, shall place after his or her name on all occasions when the use of such letters is customary, the letters of the higher award only.
 - (2) A holder of the Medal of the Order in either the General Division or in the Military Division who is subsequently appointed to the Order at any level in the same Division, shall place after his or her name on all occasions when the use of such letters is customary, the letters of the higher award only.
- 5
- (1) A person, previously appointed to the Order at the level of Member or Officer in either the General Division or in the Military Division who is subsequently appointed to a higher class of membership in the other Division, may identify the two awards by placing after his or her name on all occasions when the use of such letters is customary, the letters of both awards adding explanatory parentheses to the lower award, for example AC, AO (Mil).
 - (2) A holder of the Medal of the Order in either the General Division or in the Military Division who is subsequently appointed to the Order at any level in the other Division, may identify the two awards by placing after his or her name on all occasions when the use of such letters is customary, the letters of both awards adding explanatory parentheses to the lower award, for example AM, OAM (Gen).

Table of Instruments

Notes to the Designations and Insignia Ordinance

Note 1

The Designations and Insignia Ordinance (in force under section 30 of the *Constitution of the Order of Australia*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

Title	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
Designations and Insignia Ordinance	15 Apr 1986 (<i>see</i> <i>Gazette</i> 1986, No. S167)	12 Mar 1986	
Changes to the Designations and Insignia ordinance	19 Aug 1993 (<i>see</i> <i>Gazette</i> 1993, No. S256)	17 Aug 1993	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 4.....	ad. 1993 No. S256
S. 5.....	ad. 1993 No. S256



Terminations and Cancellations Ordinance

as amended

made under section 30 of the

Constitution of the Order of Australia

This compilation was prepared on 11 March 2009
taking into account amendments up to September 2007 No. S177

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

Short Title

- 1 This Ordinance may be cited as the Terminations and Cancellations Ordinance.

Interpretation

- 2 (1) In this Ordinance, "**Constitution**" means the Constitution of the Order of Australia.
- (2) Unless the contrary intention appears, an expression used in the Constitution and in this Ordinance has the same meaning in this Ordinance as in the Constitution.

Termination and cancellation of appointments and awards

- 3 (1) The Governor-General may, in writing:
- (a) terminate an appointment of a person as a member of the Order of Australia for a reason mentioned in section 4; or
 - (b) terminate an appointment of a person as an honorary member of the Order of Australia for a reason mentioned in section 4; or
 - (c) cancel an award to a person of the Medal of the Order of Australia for a reason mentioned in section 4.
- (2) The Governor-General may terminate an appointment, or cancel an award, with the advice of:
- (a) in the case of an appointment or award in the General Division of the Order — the Council; and
 - (b) in the case of an appointment or award in the Military Division of the Order — the Minister of State for Defence.
- (3) The Governor-General may terminate an appointment, or cancel an award, without the advice of the Council or the Minister of State for Defence if the Governor-General considers it appropriate to do so.

Reasons for termination or cancellation

- 4 (1) The Governor-General may terminate an appointment, or cancel an award, if a conviction for a crime or offence under:
- (a) a law of the Commonwealth, a State or a Territory; or
 - (b) a law of a foreign country;
- has been recorded in relation to the holder of the appointment or award.
- (2) The Governor-General may terminate an appointment, or cancel an award, if:
- (a) a civil penalty under a law of the Commonwealth, a State or a Territory; or
 - (b) a penalty of a similar kind under a law of a foreign country;
- has been imposed on the holder of the appointment or award.

- (3) The Governor-General may terminate an appointment, or cancel an award, if a court, tribunal or other body exercising judicial or administrative power under:
- (a) a law of the Commonwealth, a State or a Territory; or
 - (b) a law of a foreign country;
- has made a finding that is adverse to the holder of the appointment or award (including a circumstance in which the holder is found guilty of an offence without the recording of a conviction).
- (4) The Governor-General may terminate an appointment, or cancel an award, if, in the opinion of the Governor-General, the holder of the appointment or award has behaved or acted in a manner that has brought disrepute on the Order.
- (5) The Governor-General may terminate an appointment, or cancel an award, if the Governor-General is satisfied that:
- (a) any information on which a recommendation to make the appointment or give the award was based was false or misleading in a material particular; or
 - (b) any information on which the decision to make the appointment or give the award was based was false or misleading in a material particular.
- (6) The Governor-General may terminate an appointment, or cancel an award, if the Governor-General is satisfied that it would not have been desirable to make the appointment or give the award because of:
- (a) information that was not available to the Council or the Minister of State for Defence when the recommendation to make the appointment or give the award was made (whether or not the information existed when the recommendation or decision was made); or
 - (b) information that was not available to the Governor-General when the decision to make the appointment or give the award was made (whether or not the information existed when the recommendation or decision was made).

Notice to person affected—recommendation under subsection 3 (2)

- 5 (1) The Secretary of the Order must notify, in writing, a person whose appointment or award has been recommended for termination or cancellation under sub-section 3 (2) of the proposed action and the reasons for the proposed action.
- (2) A person who receives a notice may, not more than 30 days after the date of the notice, lodge with the Secretary an objection in writing to the proposed action.
- (3) As soon as practicable after the receipt of an objection, the Secretary must provide a copy of the objection:
- (a) if the objection relates to an appointment or award in the General Division of the Order—to the Council; or
 - (b) if the objection relates to an appointment or award in the Military Division of the Order—to the Minister of State for Defence.

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- (4) If the Secretary of the Order has not received an objection in response to a notice after the expiry of 35 days after the notice was sent, the Secretary
 - (a) write to the person informing the person that no response has been received; and
 - (b) advise the Council or the Minister of State for Defence, as the case may be, that no response has been received.
- (5) The Council or the Minister of State for Defence must make a recommendation to the Governor-General not later than 30 days after receiving a copy of the objection or advice from the Secretary.
- (6) If the Secretary receives an objection after the Council or Minister of State for Defence has made a recommendation to the Governor-General, the objection must be disregarded.

Notice to person affected—consideration under subsection 3 (3)

- 6 (1) The Secretary of the Order must notify, in writing, a person whose appointment or award has been considered for termination or cancellation under sub-section 3 (3) of the proposed action and the reasons for the proposed action.
 - (2) A person who receives a notice may, not more than 30 days after the date of the notice, lodge with the Secretary an objection in writing to the proposed action.
 - (3) As soon as practicable after the receipt of an objection, the Secretary must give a copy of the objection to the Governor-General.
 - (4) If the Secretary of the Order has not received an objection in response to a notice after the expiry of 35 days after the notice was sent, the Secretary must:
 - (a) write to the person informing the person that no response has been received; and
 - (b) notify the Governor-General that no response has been received.
 - (5) If the Secretary receives an objection after the Secretary has notified the Governor-General as required under subsection (4), the objection must be disregarded.

Gazettal

- 7 The Secretary of the Order must arrange for notice of the termination of an appointment, or the cancellation of an award, to be published in the Commonwealth of Australia *Gazette*.

Restoration

- 8 The Governor-General may, in writing, restore an appointment that has been terminated, or an award that has been cancelled, under section 3.

Table of Instruments
Notes to the *Terminations and Cancellations Ordinance*
Note 1

The *Terminations and Cancellations Ordinance* (in force under section 30 of the *Constitution of the Order of Australia*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

Title	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
Terminations and Cancellations Ordinance	2 Aug 1992 (<i>see</i> <i>Gazette</i> 1992, No. S223)	7 Aug 1992	
Amendment to the Terminations and Cancellations Ordinance	11 Sept 2007 (<i>see</i> <i>Gazette</i> 2007, No. S177)	13 Sept 2007	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 3.....	rs. 2007 No. S177
S. 4.....	rs. 2007 No. S177
S. 5.....	am. 2007 No. S177
S. 6.....	am. 2007 No. S177
