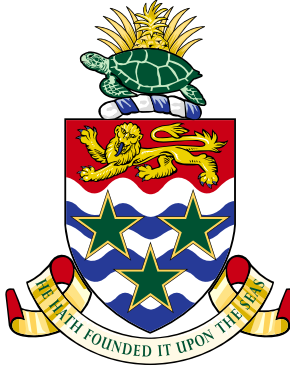


**CAYMAN ISLANDS**



**Defence Act, 2020**

**(Act 49 of 2020)**

**DEFENCE (ADMINISTRATIVE ACTION)  
GOVERNOR'S ORDERS, 2023**

**(SL 20 of 2023)**

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GOVERNOR'S ORDERS, 2023****(SL 20 of 2023)****Arrangement of Paragraphs**

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**CAYMAN ISLANDS****Defence Act, 2020****(Act 49 of 2020)****DEFENCE (ADMINISTRATIVE ACTION)  
GOVERNOR'S ORDERS, 2023****(SL 20 of 2023)**

In exercise of the powers conferred by section 13 of the Defence Act, 2020, the Governor makes the following Orders —

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**PART 1 - PRELIMINARY****Citation**

1. These Orders may be cited as the Defence (Administrative Action) Governor's Orders, 2023.

**Definitions**

2. In these Orders —

“**administrative action**” means action that is taken to maintain discipline and safeguard or restore the operational effectiveness and efficiency of the Regiment by commanders using their command authority under the Act;

“**Assisting Officer**” means a member of the Regiment chosen or appointed under paragraph 12 to assist the Subject;

“**breach**” means a breach of the Values and Standards of the Regiment or the Regiment Service Test;

“**Deciding Officer**” means the member of the Regiment with the responsibility and authority to consider the evidence and award a sanction in minor administrative action or major administrative action;

“**disciplinary action**” means action that is taken under Part 9 of the Act to deal with a member of the Regiment whom is alleged to have committed —

- (a) a military offence; or
- (b) an offence under section 25 or section 28(5) of the Act;

“**inefficiency**” means a failure to perform a duty, task or function in a timely manner, including a failure due to carelessness, negligence, disorganization, poor performance, irresponsibility or incompetence;

“**major administrative action**” means administrative action that is taken by the Commanding Officer or a subordinate commander to maintain discipline and safeguard or restore the operational effectiveness and efficiency of the Regiment where —

- (a) a member of the Regiment has significantly breached the Values and Standards of the Regiment; or
- (b) the conduct of a member of the Regiment breaches the Regiment Service Test;

“**major administrative sanction**” means a sanction imposed under paragraph 15;

“**minor administrative action**” means administrative action that is taken by the Commanding Officer or a subordinate commander to maintain discipline and safeguard or restore the operational effectiveness and efficiency of the Regiment where a member of the Regiment has committed a minor breach of the Values and Standards of the Regiment or the Regiment Service Test;

“**minor administrative sanction**” means a sanction imposed under paragraph 6;

“**on guard**” means performing a regimental duty;

“**Originating Officer**” means the member of the Regiment who first takes action in pursuing an administrative action;

“**Record of Minor Sanction**” means the record of the minor administrative sanction proposed by the Deciding Officer under paragraph 5(3)(d);

“**Regimental Legal Adviser**” means the official legal adviser to the Regiment;

“**Regiment Service Test**” means the test referred to in Part C of Schedule 1;

“**Reviewer**” means a higher authority to the Deciding Officer who reviews the case, finding and sanction for an administrative action;

“**Service Complaint**” means a complaint referred to in paragraph 7(2);



“**Subject**” means a member of the Regiment who is under an investigation for a breach that requires major administrative action or minor administrative action; and

“**Values and Standards of the Regiment**” means the values and standards of the Regiment set out in Schedule 1.

## **PART 2 - MINOR ADMINISTRATIVE ACTION**

### **Principles for pursuing minor administrative action**

3. (1) The Commanding Officer or a subordinate commander, prior to taking minor administrative action, shall consider the following principles —
- (a) that the Commanding Officer or a subordinate commander may take minor administrative action where it is necessary or appropriate to maintain discipline and safeguard or restore the operational effectiveness and efficiency of the Regiment;
  - (b) that minor administrative action is intended to be remedial and rehabilitative;
  - (c) that consideration shall be given to whether the Subject has failed to uphold the Values and Standards of the Regiment by conduct that has breached the Regiment Service Test;
  - (d) that minor administrative action is part of the normal process by which the Commanding Officer or subordinate commanders may instil military values and standards in their subordinates;
  - (e) that minor administrative action may be taken by the Commanding Officer or a subordinate commander, depending on the rank of the member of the Regiment being subjected to minor administrative action;
  - (f) that minor administrative action is not intended to replace informal rebukes and corrections in the ordinary course of military service;
  - (g) that it is preferable to correct a breach immediately using the principles of rationality, proportionality and practicality; and
  - (h) that minor administrative action shall be considered for correcting minor breaches of the Values and Standards of the Regiment unless there is a specific reason why the situation merits disciplinary action under the Act.
- (2) The subordinate commander of each sub-unit is directly accountable to the Commanding Officer in respect of the oversight of administrative discipline which takes place in the subordinate commander's sub-unit.
- (3) The oversight referred to under subparagraph (2), on a daily basis, shall be delegated to the Regimental Sergeant Major or Squadron Sergeant Major, but the Commanding Officer shall retain overall responsibility.



**Grounds for minor administrative action**

4. (1) Subject to subparagraph (2), the Commanding Officer or a subordinate commander of a rank specified in Schedule 3, after considering the matters referred to in subparagraph (2), may, in accordance with the procedure set out in paragraph 5, impose minor administrative action upon a Subject where the Subject commits any of the following acts —
- (a) poor turnout;
  - (b) bad soldiering;
  - (c) performing duties below the expected standard; or
  - (d) failure to attend on no more than three drill nights.
- (2) For the purposes of deciding whether minor administrative action should be pursued under this paragraph, more serious or repeat offences against military discipline shall be dealt with under Part 9 of the Act, including any conduct that falls within the following offences under the Act —
- (a) failure to complete military training;
  - (b) failure to report on embodiment;
  - (c) neglect of duty;
  - (d) violence against any person on guard;
  - (e) insubordinate behaviour, if involving violence or threats;
  - (f) absence without leave; and
  - (g) ill-treatment of subordinates.
- (3) For the purposes of subparagraph (1)(b), “**bad soldiering**” —
- (a) means the failure of a member of the Regiment to conduct himself or herself at all times in a professional manner which brings credit upon the member and the Regiment; and
  - (b) includes —
    - (i) inefficiency; and
    - (ii) any other conduct which undermines confidence in the member’s ability to perform the member’s duties appropriately or calls into question the member’s integrity, honesty or commitment to the Values and Standards of the Regiment or the suitability for the member’s rank or appointment.

**Procedure for pursuing minor administrative action**

5. (1) The Commanding Officer or subordinate commander (“the commander”), after considering the Subject’s actions and the principles referred to in paragraph 3, may —
- (a) pursue minor administrative action, if appropriate; or





- (b) decide that the matter should not be dealt with by minor administrative action but instead by a disciplinary action or by major administrative action.
- (2) Where the commander intends to pursue minor administrative action, the commander shall ensure that the procedure referred to in subparagraph (3) is followed.
- (3) The procedure referred to in subparagraph (2) is as follows —
  - (a) an Officer (“the Originator”) observes an action by a subordinate member of the Regiment (the “Subject”) and identifies that a minor breach of the Values and Standards of the Regiment or the Regiment Service Test has occurred;
  - (b) the person initiating administrative action (the “Deciding Officer”) investigates the alleged breach, applies the Values and Standards of the Regiment or the Regiment Service Test, as applicable, and comes to a judgement;
  - (c) where it is adjudged that the Values and Standards of the Regiment or the Regiment Service Test has been breached, an appropriate sanction or formal warning, or both, is selected and the commander shall expressly inform the Subject —
    - (i) of the sanction; and
    - (ii) that the Subject has a right for the sanction to be formally reviewed by the Reviewer before it is imposed;
  - (d) the commander shall fill out the Record of Minor Sanction and forward it to the Reviewer;
  - (e) where the Subject does not request a review, the commander shall impose the sanction;
  - (f) where the Subject requests a review, the Subject shall provide to the Reviewer the reason that the Subject believes the finding to be unfair or that the Subject should not receive the sanction;
  - (g) where upon review, if requested, the Reviewer upholds the decision to impose the sanction —
    - (i) the Reviewer shall inform the commander and the Subject of the Reviewer’s decision, and
    - (ii) the commander shall impose the sanction on the Subject; and
  - (h) after imposing the sanction, the Deciding Officer sends a copy of the Record of Minor Sanction to the member of the Regiment who will supervise the carrying out of the sanction.

- (4) Where the Subject's commander considers that the matter may be more appropriately dealt with by a charge under section 36(a) of the Act or by major administrative action —
- (a) if the Subject's commander is a subordinate commander, the subordinate commander shall submit to the Commanding Officer —
- (i) a file containing the documents relating to the matter; and
- (ii) the subordinate commander's recommendation in respect of the matter,
- and the Commanding Officer shall make a determination on the matter; or
- (b) if the Subject's commander is the Commanding Officer, the Commanding Officer shall follow the procedure set out —
- (i) in Part 9 of the Act in respect of a charge under section 36(a) of the Act; or
- (ii) in Part 3 of these Orders in respect of a major administrative action.

### **Minor administrative sanctions**

6. (1) The Commanding Officer or subordinate commander, prior to imposing a minor administrative sanction, shall consider the following principles —
- (a) that the sanction shall be —
- (i) fair;
- (ii) rational;
- (iii) proportionate and appropriate to the breach;
- (iv) reasonable; and
- (v) subject to review and oversight by the chain of command;
- (b) that the sanction shall be imposed for remedial purposes; and
- (c) that the sanctions set out in Schedule 2 are the sanctions to be imposed as a result of minor administrative action.
- (2) The sanctions for minor administrative action shall be imposed in accordance with Schedule 2.

### **Right of complaint**

7. (1) A member of the Regiment has a right to complain about any matter relating to the member's service.
- (2) A member of the Regiment who considers himself or herself to have been aggrieved by the imposition of a minor administrative sanction may submit a Service Complaint to the Commanding Officer.
- (3) The submission of a Service Complaint under this paragraph shall not delay the carrying out of any minor administrative sanction.



- (4) Where the Commanding Officer receives a Service Complaint under subparagraph (2), the Commanding Officer shall consider the Service Complaint and determine the appropriate redress.
- (5) The levels of authority responsible for providing redress for the imposition of a minor administrative sanction are specified in Schedule 3.

### **Records in relation to minor administrative action**

8. (1) The subordinate commander shall keep and maintain an updated record of the sanctions imposed under this Part and the record shall be known as the Minor Administrative Action File.
- (2) The subordinate commander shall review the Minor Administrative Action File of the subordinate commander's sub-unit twice a month and provide a report to the Commanding Officer of the matters contained in the file.
- (3) The records of each sub-unit's Minor Administrative Action File shall be retained for five years.
- (4) The records referred to in subparagraph (3) may be kept electronically or in another easily accessible form.

### **Adjutant to provide advice**

9. (1) A member of the Regiment may refer any questions in relation to minor administrative sanction to the adjutant.
- (2) Where the adjutant is unable to respond to any questions referred under subparagraph (1), the adjutant shall request legal advice from the Regimental Legal Adviser.

## **PART 3 - MAJOR ADMINISTRATIVE ACTION**

### **Principles for pursuing major administrative action**

10. The Commanding Officer, prior to pursuing major administrative action, shall consider the following principles —
  - (a) that major administrative action is action taken by the Commanding Officer to maintain the operational effectiveness and efficiency of the Regiment where a member of the Regiment may be significantly in breach of the Values and Standards of the Regiment, if this conduct breaches the Regiment Service Test;
  - (b) that major administrative action is intended to be remedial and rehabilitative; and
  - (c) that major administrative action may result in career sanctions or, in the most serious cases, termination of service.



**Grounds for major administrative action**

11. (1) The Commanding Officer, after considering the matters referred to in paragraph 10, may, in accordance with the procedure set out in paragraph 14, impose major administrative action upon a Subject where the Subject —
- (a) displays inefficiency, and the inefficiency continues after the Subject has received two verbal warnings as a result of minor administrative action;
  - (b) commits an act of personal misconduct;
  - (c) commits an act of social misconduct; or
  - (d) is convicted by a civilian court for an offence carried out on-duty or off-duty which —
    - (i) demonstrates a lack of judgement, integrity or reliability relative to the rank held by the Subject; or
    - (ii) may bring the Regiment into disrepute.
- (2) The Commanding Officer shall ensure that the major administrative action imposed on a Subject under subparagraph (1) is documented in writing and placed on the Subject's personnel file.
- (3) For the purposes of subparagraph (1) —
- (a) **“personal misconduct”** means misconduct which does not amount to a specific military offence and includes discrimination, bullying and deceit;
  - (b) **“social misconduct”** —
    - (i) includes behaviour which may undermine trust and cohesion, and damage the morale, discipline or operational effectiveness of the Regiment;
    - (ii) shall be construed with regard to the type of conduct that may constitute social misbehaviour but the seriousness will depend on the individual circumstances and the potential for adversely affecting operational effectiveness and team cohesion; and
    - (iii) shall be considered to include misconduct involving abuse of position, trust or rank, or taking advantage of a member of the Regiment's separation; and
  - (c) a reference to “convicted by a civilian court for an offence carried out on- or off-duty which demonstrates a lack of judgement, integrity or reliability relative to the rank held, or which may bring the Regiment into disrepute” includes the offence of driving under the influence of alcohol or drugs.

**Right to services of an Assisting Officer**

12. (1) A Subject referred to under this Part shall be offered the services of an Assisting Officer.
- (2) The Assisting Officer may be an officer chosen by the Subject.



- (3) Where the Subject —
  - (a) declines to choose an Assisting Officer; or
  - (b) chooses an officer who is not available or is unwilling to be an Assisting Officer,the Commanding Officer shall appoint an Assisting Officer, unless the Subject confirms that the Subject does not require one.
- (4) An Assisting Officer shall not be an officer who —
  - (a) acts in the Subject's chain of command; or
  - (b) is an actual or potential witness in the case.
- (5) Notwithstanding this paragraph, the Subject may employ a civilian lawyer at the Subject's own expense to advise the Subject.

### **Appointment and duties of an Assisting Officer**

- 13.** (1) The Commanding Officer shall —
- (a) where required, exercise due care in selecting an Assisting Officer to be appointed to the Subject; and
  - (b) ensure that the Assisting Officer is provided sufficient time to carry out the Assisting Officer's duties.
- (2) The Assisting Officer, at the request of the Subject, shall —
- (a) assist in the preparation of any written responses made by the Subject;
  - (b) liaise with other interested parties;
  - (c) where the Subject is suspended from duty, conduct research on the Subject's behalf;
  - (d) inform the Commanding Officer of any concerns that the Subject may have; and
  - (e) safeguard the interests and welfare of the Subject, while the administrative procedures are followed until the determination of the case.
- (3) Any conversation or correspondence between the Subject and the Assisting Officer shall be treated as privileged information and shall not be disclosed to the chain of command.
- (4) Notwithstanding subparagraph (3), the Assisting Officer shall inform the Subject that the Assisting Officer is obliged to report any information which indicates that —
- (a) there has been or may be a breach of security or safety; or
  - (b) a criminal offence has been committed.

**Procedure for pursuing major administrative action**

- 14.** (1) The Commanding Officer shall be informed initially that there is the possibility of a serious disciplinary matter.
- (2) The Commanding Officer shall make an initial assessment as to the type of breach and determine whether major administrative action or disciplinary action under the Act should be pursued.
- (3) If the Commanding Officer determines that disciplinary action is required under subparagraph (2), the procedure governing disciplinary action under Part 9 of the Act applies.
- (4) If the Commanding Officer determines that major administrative action is required under subparagraph (2), the following procedure applies —
- (a) the Commanding Officer shall appoint an investigating officer and order an investigation;
  - (b) the investigating officer conducts an initial interview with the Subject, in the presence of a third party where possible —
    - (i) to warn the Subject that the Subject is under investigation; and
    - (ii) to offer the assistance of an Assisting Officer;
  - (c) the Subject is given an opportunity to comment on the allegation but shall not be ordered to answer any question that would be an admission of inefficiency or misconduct;
  - (d) suspension is carried out if determined as absolutely necessary by the Commanding Officer;
  - (e) where requested, an Assisting Officer shall be chosen by the Subject or appointed by the Commanding Officer and the Assisting Officer shall liaise with the Subject;
  - (f) the investigation shall take place and the investigation shall include —
    - (i) interviews of the complainant, if any;
    - (ii) interviews of any potential witnesses; and
    - (iii) a record of the interviews conducted or a written statement by each witness;
  - (g) the Subject shall be —
    - (i) interviewed again in the presence of a third party and accompanied by an Assisting Officer where such officer has been chosen by the subject or appointed by the Commanding Officer; and
    - (ii) provided with a copy of the evidence against the Subject, including witness statements and interview records;
  - (h) the Subject is thereafter allowed to respond and shall be given a reasonable amount of time to make a written statement if desired;



- (i) the investigating officer shall —
    - (i) complete a written report which may include a summary of the investigation, but not a determination of the outcome;
    - (ii) attach the interview records and statements; and
    - (iii) give the documents to the Commanding Officer who acts as the Deciding Officer;
  - (j) the Subject shall appear before the Deciding Officer for an interview, with at least twenty-four hours' notice;
  - (k) the Deciding Officer may hold an oral hearing, where it is necessary to resolve a conflict of evidence which is central to the issue for determination and cannot be resolved on the available written evidence; and
  - (l) at the interview under sub-subparagraph (j) or hearing under sub-subparagraph (k), the Deciding Officer shall inform the Subject of the outcome of the investigation and the sanction imposed.
- (5) Where, during or after the investigation, the Commanding Officer decides that the matter should instead be dealt with by disciplinary action under the Act, the Commanding Officer may then proceed in that manner, instead of by means of interviews or other major administrative action.

### **Major administrative sanctions**

- 15.** (1) The Commanding Officer may impose any of the following sanctions in the exercise of the Commanding Officer's power to take major administrative action —
- (a) discharge from the Regiment;
  - (b) dishonourable discharge from the Regiment; or
  - (c) relinquishment of commission.
- (2) Where the Commanding Officer decides to impose the sanction of dishonourable discharge from the Regiment, the Commanding Officer may recommend to the Governor that a member of the Regiment of the rank of Warrant Officer and below, be dishonourably discharged in addition to, or instead of, any other punishment given at the Commanding Officer's orders.
- (3) Where the Commanding Officer decides to impose the sanction of relinquishment of commission —
- (a) a commissioned officer may only be ordered to relinquish his or her commission by the Governor as provided under section 16 of the Act; and
  - (b) before submitting a report for consideration by the Defence Board or the Governor (whoever is the Deciding Officer in respect of alleged

misconduct or inefficiency by officers), the Commanding Officer shall investigate the circumstances following the procedure in this Part.

- (4) Notwithstanding subparagraph (1), the Commanding Officer, in each case, may impose a range of lesser administrative sanctions including —
  - (a) a formal warning;
  - (b) moving members of the Regiment within the Regiment in order to separate them;
  - (c) change of appointment;
  - (d) an unfavourable comment in the Subject's annual report;
  - (e) a non-recommendation for promotion in the Subject's annual report; or
  - (f) the administrative sanctions applicable to recruits under paragraph 16.
- (5) Where a formal warning is issued under subparagraph (4)(a), the Subject shall be interviewed and a warning shall be placed in writing on the Subject's annual report.
- (6) Where a formal warning is placed on the Subject's annual report under subparagraph (5), any further proven case of major administrative action in the following six months may result in immediate termination of service.
- (7) The Commanding Officer may reduce major administrative action to minor administrative action, if appropriate.
- (8) Where the Commanding Officer decides that no further action is required, major administrative action may be discontinued.

### **Additional administrative sanctions for recruits and members of the Regiment**

- 16.** (1) During the first two weeks of recruit training, or after a person becomes a member of the Regiment, a recruit or a member of the Regiment may in addition to minor administrative sanctions and major administrative sanctions, in appropriate cases, be subject to the following administrative sanctions —
- (a) Section Commander's warning, that is, the docking of a quarter day's pay by twenty-five dollars;
  - (b) Squadron Commander's warning, that is, the docking of a half day's pay by fifty dollars;
  - (c) Commanding Officer's warning, that is, the docking of one day's pay by one hundred dollars; or
  - (d) termination.
- (2) In appropriate cases, a recruit or member of the Regiment may be given —
- (a) two Section Commander's warnings, before a Squadron Commander's Warning; and





- (b) two Squadron Commander's warnings, before a Commanding Officer's warning.
- (3) Where a recruit or member of the Regiment has received the warnings referred to in subparagraph (2), the recruit or member of the Regiment may be given one Commanding Officer's warning and thereafter, may be terminated.

### **Records in relation to major administrative action**

- 17.** (1) The subordinate commander shall keep and maintain an updated record of the sanctions imposed under this Part and the record shall be known as the Major Administrative Action File.
- (2) The Commanding Officer, on a quarterly basis, shall review the Major Administrative Action File for each sub-unit of the Regiment.
- (3) The Commanding Officer shall provide to the Governor, at such times as the Governor may request, a report of the matters contained in the Major Administrative Action File.
- (4) The records of each sub-unit's Major Administrative Action File shall be retained for ten years.
- (5) The records referred to in subparagraph (4) may be kept electronically or in another easily accessible form.



## SCHEDULE 1

*(paragraph 2)*

### VALUES AND STANDARDS OF THE REGIMENT

#### PART A

#### VALUES

1. Selfless commitment
2. Courage
3. Discipline
4. Integrity
5. Loyalty
6. Respect for others

#### PART B

#### STANDARDS

1. A member of the Regiment shall —
  - (a) abide by the civil law wherever the member is serving;
  - (b) abide by military law, which includes some additional offences which are needed to maintain discipline;
  - (c) avoid any activity which undermines the member's professional ability, or puts others at risk, in particular, the misuse of drugs and abuse of alcohol; and
  - (d) avoid any behaviour that damages trust and respect between the member and others in the team and sub-unit, such as deceit or social misconduct, in particular, the member shall not commit any form of harassment, bullying or discrimination, whether on grounds of race, age, marital status, gender, religion, sexual orientation or any other behaviour that could undermine good order and military discipline.
2. A member of the Regiment who has been convicted of a civil offence may be prohibited from serving in specialist units.
3. A member of the Regiment shall measure the member's conduct against the Regiment Service Test under Part C of this Schedule.



4. Those in positions of authority have a duty of care towards their subordinates, looking after their interests, and ensuring that they fully understand what is expected of them. This duty of care extends to ensuring that members of the Regiment who raise concerns have their complaints dealt with in a thorough and timely manner.

## **PART C**

### **REGIMENT SERVICE TEST**

1. In the cases where administrative action is considered necessary or appropriate, the test to be applied is as follows —  
  
“Have the actions or behaviour of an individual adversely impacted or are they likely to impact on the efficiency or operational effectiveness of the Regiment?”.
2. Administrative action may be taken only where the Regiment Service Test is breached, that is where the answer to the question referred to above is “yes”.
3. The Regiment Service Test encompasses the potential for adverse impact, and proof of actual impact is not required.
4. In order to decide whether the Regiment Service Test has been breached, conduct or performance shall be considered as to whether in some way it —
  - (a) adversely affects the standards, effectiveness or reputation of the Regiment or sub-unit;
  - (b) undermines confidence in a member of the Regiment’s ability to perform the member’s duties appropriately or calls into question the member’s integrity, honesty or commitment to the Regiment’s Values and Standards or the member’s suitability for the member’s rank or appointment;
  - (c) damages or compromises command or management relationships;
  - (d) damages or hazards the marriage or personal relationships of others within the immediate Defence community that supports them;
  - (e) adversely affects the Regiment as a corporate body, although it has no direct bearing on the sub-unit to which the member belongs;
  - (f) undermines morale, good order, discipline, trust or sub-unit cohesion and standards of conduct; or
  - (g) fails to maintain the standards of performance and conduct reasonably expected of those of the member’s rank and service.



## SCHEDULE 2

*(paragraph 6(1)(c) and (2))*

### MINOR ADMINISTRATIVE SANCTIONS

1. Show parades

The following shall apply in relation to show parades —

- (a) show parades shall take place no more than five times;
- (b) a Subject may be required to report back at a specific place and time in order to emphasise good time keeping and to ensure equipment and clothing is at a suitable state of upkeep and maintenance;
- (c) each parade shall be as long as necessary to correct the breach but no more than forty-five minutes;
- (d) dress and equipment shall be as directed by the person originating the minor administrative sanction;
- (e) poor standard of turnout may result in the Subject being required to redo the show parade or part of the show parade at a specified time and place, where the required standard is not met;
- (f) the Subject may be required to redo the show parade or part of the show parade under subparagraph (e) at a specified time and place for a maximum of two times for each muster or parade imposed, after which disciplinary action shall be considered;
- (g) failure to attend shall attract disciplinary action under the Act, and where the matter is sent for disciplinary action no further performance of the sanction imposed shall be required of the Subject;
- (h) skills training that is relevant to the breach, including appropriate physical training, may be included if the Subject's breach warrants such training; and
- (i) all training shall be conducted by an appropriately qualified instructor.

2. Extra tasks or duties

The following shall apply in relation to extra tasks or duties —

- (a) a Subject may be required to carry out tasks in addition to the Subject's normal duties in order to emphasise the efficient performance of those duties;
- (b) the additional task or duty nominated shall be of the same nature as the duty in which the Subject failed;
- (c) any duty shall be of the same or less duration of the normal period for the duty imposed and shall not extend beyond twenty-four hours;



- (d) in imposing and supervising this sanction care shall be taken to ensure that, together with the Subject's normal duties, the Subject is not being required to undertake an unreasonable or unlawful number of hours; and
- (e) all appropriate breaks as would be available in the normal performance of that duty shall be available to the Subject.

### 3. Extra work

- (1) Extra work shall be imposed for no more than three periods, subject to each period consisting of a maximum of four hours.
- (2) This sanction may be used subject to the following conditions —
  - (a) the work shall be of a constructive nature for the benefit of the sub-unit;
  - (b) all work shall be properly led, planned and risk-assessed and shall comply with health and safety regulations;
  - (c) correct tools shall be provided;
  - (d) each period of work may last no longer than four hours;
  - (e) a period of up to four hours may be split into two sessions within the day but the period may not be spread to cover more than one day; and
  - (f) in imposing and supervising this sanction, care shall be taken to ensure that, together with the Subject's normal duties, the Subject is not being required to work an unreasonable or unlawful number of hours.

### 4. Informal interview

An informal interview shall be imposed as a sanction, where it is considered that the most appropriate method to remedy the Subject's breaches is through a process that will enable the Subject to discuss the Subject's actions and receive advice on how the Subject's actions may be rectified.

### 5. Formal interview

- (1) A formal interview is intended to make a Subject aware of the Subject's shortcomings and give advice as to how the Subject shall rectify the behaviour.
- (2) The formal interview shall contain constructive and specific advice on conduct and performance and this advice shall be noted in writing.
- (3) The formal interview shall contain the following elements —
  - (a) the Subject's detailed breaches with examples and dates wherever possible;
  - (b) dates and types of any previous verbal warnings or rebukes;
  - (c) the standard of behaviour or performance required and direction on how the required behavioural standard or performance is to be achieved; and



- (d) the possible consequences of failing to improve performance within the timescales set, namely, that major administrative action or disciplinary action could be considered.
  
- 6. Combinations of sanctions  
Show parades, extra tasks and extra work may not be imposed in combination with each other but may be imposed in combination with formal or informal interviews.

### SCHEDULE 3

*(paragraphs 4(1) and 7(5))*

#### LEVELS OF AUTHORITY FOR MINOR ADMINISTRATIVE SANCTIONS

The table below sets out the minimum ranks of the Originating Officer and the Reviewer. Commanding Officers may vary these upward where it is considered necessary to suit the structure of their sub-unit. In each sub-unit, specific individuals shall be appointed (either by name or by appointment) as a Reviewer and this shall be promulgated within the sub-unit.

Serial	Rank of Subject	Minimum rank of Originating Officer	Minimum Rank of Reviewer	Remarks or Sanctions available
1.	Trooper	Lance Corporal	Sergeant	All sanctions are available.
2.	Lance Corporal	Corporal	Sergeant	All sanctions are available except show parades.
3.	Corporal	Sergeant	Senior Sergeant	
4.	Sergeant	Senior Sergeant	Warrant Officer 2	Extra work must take into account and be suited to the rank of the Subject.
5.	Colour Sergeant	Warrant Officer 2	Captain	
6.	Warrant Officer 2	Warrant Officer 1	Major or Lieutenant Colonel	The sanctions available are informal or formal interview or extra tasks.
7.	Warrant Officer 1	Major or Lieutenant Colonel (or Captain if subordinate commander or Adjutant)	Commanding Officer	





8.	Officer Cadets and Officers up to and including Captain	Major or Lieutenant Colonel	Commanding Officer	The sanctions available are informal or formal interview or extra tasks.
9.	Major or Lieutenant Colonel	Commanding Officer	The Governor	The sanctions available are informal or formal interview.

**Made by the Governor the 15th day of September, 2023.**

**Jane Owen**  
*Governor*

