

# **Military Decorations and Distinctive Badges (~~Modernisation~~) Amendment Bill**

Member's Bill

As reported from the Foreign Affairs, Defence and Trade Committee

## **Commentary**

### **Recommendation**

The Foreign Affairs, Defence and Trade Committee has examined the Military Decorations and Distinctive Badges (Modernisation) Amendment Bill and recommends by majority that it be passed. We recommend all amendments unanimously.

### **Introduction**

This bill would update the Military Decorations and Distinctive Badges Act 1918. The Act imposes a penalty on a person who wears a distinctive badge when not entitled to do so, or pretends to be entitled wear a distinctive badge. It also imposes penalties on a person who misleads others by presenting themselves as entitled to wear a military decoration that they have not been awarded. A penalty is also imposed for supplying, or offering to supply, a military decoration to another person who is not authorised to wear or use it.

The financial penalty for the offence in section 4 of the Act, wearing or pretending to be entitled to wear a distinctive badge, was set in 1918 at 20 pounds, or up to 1 month's imprisonment. The penalty for the offence in section 4A, wearing or pretending to be entitled to wear a military decoration, was set at \$500 when it was introduced by the Summary Offences Act 1981. The bill as introduced would increase the penalties for both these offences to a maximum of \$10,000, and introduce the possibility of a prison sentence for the offence in section 4A.

The bill as introduced would also update language in the Act to reflect that military service is no longer only for men.

## Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

## Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

## Expanded scope and amendment to bill title

We sought and received authorisation from the Business Committee to propose amendments that go beyond the scope of the bill as introduced. Along with several submitters, we considered that there were aspects of the Act that remained out of step with the modern context, and that we propose to address. This means we are proposing substantive changes to the bill as introduced.

It would no longer be appropriate to use “modernisation” in the bill's title, as our changes would do more than simply update the legislation. We recommend changing the title of the bill to “Military Decorations and Distinctive Badges Amendment Bill”.

## Adding an intention element to offences

The Act imposes penalties on individuals who represent themselves as being entitled to wear a military decoration, whether or not they intended to deceive others. This means it captures people who may inadvertently or unknowingly wear decorations or distinctive badges, or replicas, that they are not entitled to wear.

We considered a potential range of circumstances in which this might occur in the modern context. We wanted to ensure, for example, that there would be no penalty for a person wearing a relative's medals. Customarily these are worn on the right side of the chest instead of the left, but some people may not be aware of this.

We concluded that the introduction of an intention element to the offences would be appropriate. We recommend amending the bill to include in the offences an intent to misrepresent the nature or extent of service. These amendments would:

- focus the offence on intentional misrepresentation
- not criminalise widely accepted wear (for example, family members on commemorative occasions, or theatrical use)
- not criminalise veterans wearing commemorative medals contrary to the New Zealand Order of Wear (which sets out the appropriate sequence for wearing of decorations).

We consider that the addition of an intention element means that a penalty of up to \$10,000, and the introduction of a penalty of imprisonment to new section 2 and s 4A, as proposed in the bill, is reasonable and justified.

## **False representation as current or former member of Armed Forces, or member of a society**

A submitter proposed including an offence in the bill of impersonating a member of the Armed Forces. We share their concerns, and recommend replacing section 2 of the Act. New section 2 would make it an offence to pretend to be a current or former member of the Armed Forces, including by wearing or using a military decoration and/or distinctive badge. The intention element discussed above would be included in new section 2(1). The penalty in new section 2(2) would be up to 1 month's imprisonment or a fine of up to \$10,000.

We recommend a corresponding amendment to section 4 of the Act to create an offence of pretending to be a member of a society for former service members, through wearing that society's distinctive badge. This would carry the same penalty as the offence in new section 2.

## **Wearing parts of a uniform**

Submitters told us that false representation of current or former membership of the Armed Forces could also occur through wearing a New Zealand Armed Forces uniform, or parts of such a uniform, especially items that are reserved for specific branches, units, or trades. Submitters cited examples including corps belts, and the distinctive sand-coloured beret worn by members of the 1st New Zealand Special Air Services Regiment. We agree with submitters' concerns and recommend that this is addressed in the bill in paragraph (a) of the definition of conduct in clause 4, inserting new section 2(3), which addresses a range of false representations of current or former membership of the Armed Forces.

## **Military decorations**

We recommend replacing section 4A of the Act to accommodate several proposed changes.

The element of intent discussed above would be added as new section 4A(1). We also recommend expanding the definition of "military decoration" in new section 4A(4) to include the four New Zealand Gallantry Awards and the New Zealand Distinguished Service Decoration.

## **Wearing of foreign decorations not awarded**

In addition, we recommend including in new section 4A(4) military service awards from any foreign country. In the century since the Act was drafted, many New Zealand service members have participated in multinational operations, and have earned foreign decorations as a result. We are concerned that there is potential for individuals to seek to misrepresent themselves to others by wearing foreign military decorations that they have not been awarded. We recognise that it could be difficult to prove that an individual has not been awarded a decoration if records are incomplete or difficult to access, especially for decorations awarded on deployment.

**The burden of proof should be on the prosecution**

Section 4A(3) of the Act states that in any prosecution under section 4A, the burden of proof shall be on the defendant. We recommend removing this provision. It is out of step with the usual approach, and with the Legislative Design and Advisory Committee guidelines, in which the prosecution bears the burden of proving criminal liability. Alongside our proposed addition of an intention element, we consider that retaining this provision would be unjustified.

**Removal of offences relating to supply of military decorations**

We recommend repealing the offence in section 4A(2)(c) of the Act, which relates to the supply of military decorations or distinctive badges “to any person who is not authorised to wear or use that military decoration”. It is not uncommon for medals to be traded or sold, for example to medal collectors, or for medals to be passed to next of kin, and these are technically captured by section 4A(2)(c). Our view is that this offence is no longer relevant or appropriate, especially given our proposal that the offences in the bill should include an intention to deceive.

## **Appendix**

### **Committee process**

The Military Decorations and Distinctive Badges (Modernisation) Amendment Bill was referred to this committee on 1 April 2026. We invited the member in charge of the bill, Tim van de Molen, to provide an oral submission. He did so on 30 April 2026.

We called for submissions on the bill with a closing date of 14 May 2026. We received and considered submissions from 17 interested groups and individuals. We heard oral evidence from four submitters. We wish to acknowledge the efforts of all submitters and thank them for their engagement.

Advice on the bill was provided by the New Zealand Defence Force. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

### **Committee membership**

Tim van de Molen (Chairperson)

Hon Damien O'Connor (Deputy Chairperson)

Tim Costley

Laura McClure

Hon Dr Shane Reti

Teanau Tuiono

Vanushi Walters

### **Related resources**

The documents we received as advice and evidence are available on the Parliament website.



**Military Decorations and Distinctive Badges  
(~~Modernisation~~)-Amendment Bill**

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**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~



*Tim van de Molen*

## **Military Decorations and Distinctive Badges (Modernisation) Amendment Bill**

Member's Bill

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|           | <b>New Schedule 1 inserted</b>                                                                                                                                                               |          |

**The Parliament of New Zealand enacts as follows:**

### **1 Title**

This Act is the Military Decorations and Distinctive Badges (Modernisation) Amendment Act **2025**.

## 2 Commencement

This Act comes into force on the day after Royal assent.

## 3 Principal Act

This Act amends the Military Decorations and Distinctive Badges Act 1918.

## 4 ~~New section 1A~~ **section 2 inserted (False representation as current or former member of Armed Forces)** (~~Transitional, savings, and related provisions~~) 5

After section 1, insert:

### ~~1A~~ **Transitional, savings, and related provisions**

The ~~transitional, savings, and related provisions~~ set out in ~~Schedule 1~~ have effect according to their terms. 10

### **2 False representation as current or former member of Armed Forces**

(1) A person commits an offence if the person, without reasonable excuse and with intent to deceive, by conduct pretends to be a current or former member of—

(a) the Armed Forces; or 15

(b) any branch, corps, command, formation, unit, trade, or other part of the Navy, the Army, or the Air Force.

(2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding \$10,000. 20

(3) In this section,—

**Air Force** has the meaning set out in section 2(1) of the Defence Act 1990

**Armed Forces** has the meaning set out in section 2(1) of the Defence Act 1990

**Army** has the meaning set out in section 2(1) of the Defence Act 1990

**conduct** includes wearing any or all of the following: 25

(a) the whole or any part of a uniform of the Navy, the Army, or the Air Force;

(b) a distinctive badge, insignia, or other embellishment of any branch, corps, command, formation, unit, trade, or other part of the Navy, the Army, or the Air Force; 30

(c) wearing or using a military decoration (*see* **section 4A**):

(d) wearing a distinctive badge defined and assigned under section 4(1)

**member of the Armed Forces** means—

(a) a member of the regular forces (*see* section 13 of the Defence Act 1990); 35  
or

(b) a member of the territorial forces (*see* section 15 of the Defence Act 1990)

Navy has the meaning set out in section 2(1) of the Defence Act 1990

regular forces has the meaning set out in section 2(1) of the Defence Act 1990

territorial forces has the meaning set out in section 2(1) of the Defence Act 1990.

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**4A Section 4 amended (Governor-General may define and assign distinctive badges)**

(1) Replace the heading to section 4 with “**False representation as member of society**”.

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(2) Replace section 4(2) with:

(2) A person commits an offence if, by wearing a badge that is defined and assigned under subsection (1) with intent to deceive, the person pretends to be a member of the society to which the badge is assigned who has served in a manner described in that subsection.

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(3) A person who commits an offence against **subsection (2)** is liable on conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding \$10,000.

**5 Section 4A ~~amended~~ replaced (Offences in respect of military decorations)**

(1) Replace section 4A with:

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**4A Military decorations**

(1) A person commits an offence if, with intent to deceive any other person into believing that a military decoration has been awarded to them, the person—

(a) states or implies, by speech or in writing, that they have been awarded a military decoration; or

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(b) wears or uses a military decoration or an imitation military decoration.

(2) A person commits an offence if the person wears or uses any decoration, medal, ribbon, badge, or clasp with intent to deceive any other person into believing that it is a military decoration.

(3) A person who commits an offence against **subsection (1) or (2)** is liable on conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding \$10,000.

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(4) In this section,—

**military decoration** means—

(a) any decoration, medal, ribbon, badge, or clasp issued, supplied, or authorised by—

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(i) the New Zealand Defence Force; or

|          |                                                                                                                                                                                                                                              |    |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|          | (ii) <u>a naval, military, or air force authority, whether in New Zealand or in any other Commonwealth country, before 1 April 1990 (when the New Zealand Defence Force was constituted under section 11(1) of the Defence Act 1990); or</u> |    |
|          | (b) <u>a New Zealand Gallantry Award instituted and created by the Royal Warrant titled The New Zealand Gallantry Awards, dated 20 September 1999; or</u>                                                                                    | 5  |
|          | (c) <u>The New Zealand Distinguished Service Decoration instituted and created by the Royal Warrant titled The New Zealand Distinguished Service Decoration, dated 14 May 2007; or</u>                                                       | 10 |
|          | (d) <u>any military or civilian decoration, medal, ribbon, badge, or clasp issued, supplied, or authorised for military service by the Government of—</u>                                                                                    |    |
|          | (i) <u>a Commonwealth country other than New Zealand; or</u>                                                                                                                                                                                 |    |
|          | (ii) <u>any other foreign country</u>                                                                                                                                                                                                        |    |
|          | <u>New Zealand Defence Force has the same meaning as Defence Force in section 2(1) of the Defence Act 1990.</u>                                                                                                                              | 15 |
| (1)      | <del>In section 4A(2), delete “and is liable on conviction to a fine not exceeding \$500”.</del>                                                                                                                                             |    |
| (2)      | <del>In section 4A(2)(a), replace “himself” with “themselves”.</del>                                                                                                                                                                         |    |
| <b>6</b> | <b><u>Section 6 amended-repealed (Penalties)</u></b>                                                                                                                                                                                         | 20 |
|          | <u>Repeal section 6.</u>                                                                                                                                                                                                                     |    |
|          | <u>In section 6, replace—</u>                                                                                                                                                                                                                |    |
|          | (a) <u>“section 4” with “section 4 or 4A”; and</u>                                                                                                                                                                                           |    |
|          | (b) <u>“20 pounds” with “\$10,000”.</u>                                                                                                                                                                                                      |    |
| <b>7</b> | <b><u>New Schedule 1 inserted</u></b>                                                                                                                                                                                                        | 25 |
|          | <u>Insert the <b>Schedule 1</b> set out in the <b>Schedule</b> of this Act as the first schedule to appear after the last section of the principal Act.</u>                                                                                  |    |

**Schedule**  
**~~New Schedule 1 inserted~~**

**~~s 7~~**

**Schedule 1**  
**~~Transitional, savings, and related provisions~~**

5

**~~s 1A~~**

**Part 1**  
**~~Provisions relating to Military Decorations and Distinctive Badges~~**  
**~~(Increased Penalties) Amendment Act 2025~~**

**~~1 Penalties for offences committed before commencement~~**

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~~This Act, as in force before the commencement of the Military Decorations and Distinctive Badges (Increased Penalties) Amendment Act **2025**, continues to apply in relation to offences committed before that commencement.~~

**Legislative history**

22 May 2025  
1 April 2026

Introduction (Bill 168–1)  
First reading and referral to Foreign Affairs, Defence and Trade  
Committee