



Suite 5, 18 Napier Close
Deakin ACT 2600
www.peacekeepers.asn.au

29 September 2025

Committee Secretary
Foreign Affairs, Defence and Trade Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

SUBMISSION ON DEFENCE AMENDMENT (DEFENCE HONOURS AND AWARDS APPEALS TRIBUNAL) BILL 2025 - PREPARED UNDER THE STRONGEST PROTEST

Dear Committee Secretary,

On behalf of the Australian Peacekeeper and Peacemaker Veterans' Association (APPVA), we lodge our submission concerning the Defence Amendment (Defence Honours and Awards Appeals Tribunal) Bill 2025 under the strongest protest. Our position reflects both the harm to veterans and the Bill's departure from procedural fairness norms.

We protest because the Bill, if enacted, would inflict serious and avoidable harm on veterans and families. It curtails independent merits review in the very matters where fairness and accuracy are most critical. In particular, the Bill introduces a 20-year look-back cap and a 6-month application window that would foreclose many historic cases.

Our protest is grounded in the findings and principles of the Royal Commission into Defence and Veteran Suicide. The Bill narrows access to review and constrains the Tribunal's remedial function, eroding trust, heightening moral injury, and impeding recognition and truth, factors with profound implications for wellbeing and help-seeking.

We further protest because the Bill undermines the DHAAT's essential role. The Tribunal must remain a genuinely independent, remedial merits-review body empowered to correct error, including for historic and complex cases where records emerge late due to classification, FOI practices, or operational sensitivities. Weakening DHAAT's jurisdiction or reducing it to a recommendatory forum, particularly while carving out older operations, creates pockets of practical unreviewability where the stakes are highest.

Notwithstanding the strength of our objections, APPVA unequivocally requests to appear at the Committee's public hearings. Our protest must not be read as reluctance to attend, nor as any reason to deny us an opportunity to give evidence. We wish to assist the Committee by presenting the lived experience of our members, the evidentiary realities of historical operations, and practical amendments that would reduce harm while preserving integrity in the honours and awards system.

In the spirit of constructive reform, APPVA respectfully requests that the Committee recommend the Bill be withdrawn and returned to the House for further work, and that the Minister convene a time-bound co-design panel comprising veterans with direct experience of DHAAT processes, DHAAT representatives, Ex-Service Organisations, and subject-matter experts; in parallel, APPVA seeks the establishment of an impartial, quasi-judicial body to hear retrospective Conditions of Service classification matters—specifically whether particular ADF operations should be classified or reclassified as warlike or non-warlike—so that long-standing recognition issues can be resolved through an evidence-based, independent pathway.

Yours sincerely,

Rod Henderson
Chief Executive Officer

SUBMISSION ON THE DEFENCE AMENDMENT (DEFENCE HONOURS AND AWARDS APPEALS TRIBUNAL) BILL 2025

INTRODUCTION — ABOUT THE APPVA

The Australian Peacekeeper and Peacemaker Veterans' Association Limited (APPVA) was established on ANZAC Day 1997 and is a recognised Primary Ex-Service Organisation (ESO), representing the interests of over 65,000 Australian Peacekeeper Veterans and other ADF Veterans. Since the DHAAT's establishment in 2008, APPVA has continuously advocated for individual veterans and contributed to inquiries up to the present day. APPVA was founded because the larger primary ESOs in Australia failed to recognise and address the many issues adversely affecting the Australian Peacekeeper Veteran community.

APPVA is concerned with the ongoing erosion of Defence and veteran recognition—particularly the harsh approach taken by the Defence Amendment (Defence Honours and Awards Appeals Tribunal) Bill 2025. The Bill seeks to introduce a significantly reduced ability for veterans of the Australian Defence Force (ADF), and their families, to seek procedural and judicial process for under-recognised service rendered to the Commonwealth of Australia. Such austerity measures contradict the established retrospectivity and coherence of Australia's holistic Honours and Awards System.

The harsh obstacles proposed in this Bill goes against the recommendations of the Royal Commission into Defence and Veteran Suicide (Final Report by the Royal Commission into Defence and Veteran Suicide); of reducing such hardships for veterans and their families. In fact, it appears that Defence has not heeded to the necessary cultural changes highlighted within the Final Report by the Royal Commission into Defence and Veteran Suicide. In short Defence has ignored such cultural change.

Administrative notes addressing the Secretariat's Invitation

APPVA acknowledges the committee's invitation dated 4 September 2025 to make a submission to the Senate Foreign Affairs, Defence and Trade Legislation Committee, with a reporting date of 30 October 2025.

This submission addresses key provisions of the Bill, including standing (proposed s 110VA), time limits (proposed s 110VAA), the proposed 20-year reviewability cap (proposed s 110V), recommendation powers, and commencement/transitional matters.

APPVA intends this submission to be published on the inquiry webpage. No confidentiality is requested. (If the committee prefers partial publication or redaction, APPVA consents to any reasonable editorial treatment.)

APPVA is aware of the closing date of Wednesday, 1 October 2025, and submits within time (or alternatively seeks the committee's indulgence for acceptance if received thereafter).

APPVA understands submissions become committee documents and should not be circulated or published before acceptance; once accepted, they attract parliamentary privilege.

EXECUTIVE SUMMARY

With the utmost respect to the Senate Committee, the APPVA advises that it cannot support the Bill in its current form. We recommend the Bill be withdrawn and redrafted in full consultation with the veteran community and all stakeholders as equals in the process. We protest because the Bill, if enacted, will inflict serious and avoidable harm on veterans and families. It curtails independent merits review in the very matters where fairness and accuracy are most critical.

If the Bill must be considered the Bill's proposed 20-year 'look-back' cap on reviewable decisions by the Defence Honours and Awards Appeals Tribunal (DHAAT) and calls for it to be removed. Such a cap would prematurely bar meritorious claims relating to ADF operations from the Korean War onward, at precisely the time when source records are routinely declassified and when new evidence and witnesses often emerge.

Further, the proposed 20-year 'look-back' cap is untenable: Defence FOI often yields heavily redacted or delayed releases; key Defence records only declassify at or after 20 years; Cabinet material reaches the National Archives on variable schedules; and many witnesses can provide frank accounts only after leaving service. Closing the door at 20 years would defeat proper research by applicants and fair adjudication.

APPVA also seeks the creation of an impartial quasi-judicial body to hear retrospective Conditions of Service (CoS) classification matters—specifically, whether particular ADF operations should be classified or reclassified as warlike or non-warlike. This forum would provide an evidence-based, independent pathway for long-standing recognition issues that cannot be adequately addressed within the DHAAT's narrowed remit.

Safeguarding DHAAT's Impartiality and Independence

APPVA supports maintaining and strengthening the impartiality of DHAAT and its independence from Government and Defence. Any reforms must avoid actual or perceived influence over the Tribunal's membership, procedures, jurisdiction, or recommendations.

- Appointments and re-appointments should emphasise judicial or quasi-judicial independence and diversity of expertise.
- No narrowing of DHAAT jurisdiction by regulation; any changes must occur through primary legislation with parliamentary scrutiny.
- Reserve the existing powers of the DHAAT and improve accountability in evidence.
- Transparent conflict-of-interest rules and published reasons for decisions (with necessary redactions).

Evidence and Procedural Fairness (including cross-examination)

APPVA recommends DHAAT adopt clear rules of evidence (adapted for a merits review body), procedural fairness, and—where appropriate—cross-examination of Defence representatives and other witnesses during inquiries. These safeguards ensure robust testing of evidence and support public confidence.

- Disclosure obligations on Defence and timely production of relevant documents (with confidentiality controls where required).
- Right of applicants to respond to adverse material; access to hearing transcripts and reasons.
- Trauma-informed hearing practices for applicants with service-related conditions.

Psychological and Emotional effects of Recognition

Recognition through fair, independent review can have substantial psychological and emotional benefits for veterans and their families. These views are supported with the emphasis from the Royal Commission into Defence and Veteran Suicide, that calls for the reduction in obstacles in Government decision-making. While individual experiences vary, common effects include:

- Validation and acknowledgement of service, reducing feelings of invisibility or moral injury;
- Restoration of dignity and trust in institutions through transparent, reasoned decisions;
- Facilitating closure for individuals and families after long periods of uncertainty;
- Reducing intergenerational strain by addressing unresolved recognition disputes;
- Encouraging help-seeking and engagement with support services when veterans feel heard and respected.

Recommendations

We recommend the Bill be withdrawn and redrafted in full consultation with the veteran community and all stakeholders as equals. If the Committee cannot support that then we make the following recommendations:

1) Remove the proposed 20-year cap in proposed s 110V; retain open-ended review rights for decisions relating to operations from the Korean War onward.

- Defence FOI releases are frequently heavily redacted or delayed, hindering timely case assembly;
- Many Defence records declassify only at or after 20 years; a cap extinguishes rights as evidence emerges;
- Cabinet records transfer to the National Archives on variable schedules tied to sensitivity;
- Former ADF members can provide frank, unmasked testimony after separation from service.

2) If Parliament nevertheless insists on a fixed outer period (not preferred), it should be no less than 80 years—so that Korean War veterans and their families retain a pathway to review—together with tolling while records are classified/unavailable and an overarching public-interest override.

- 3) Replace references to ‘end-of-war’ reviews with ‘end-of-conflict’ or thematic reviews, recognising that Australia has not declared war since WWII and many ADF operations occur outside formal declarations.
- 4) Preserve broad standing: retain rights for ADF members, veterans, families (including extended relatives) and bona fide supporters/third parties to apply to the Tribunal for review (not only eyewitnesses or superior officers).
- 5) Preserve cancellation review rights: maintain the right to seek Tribunal review of decisions to cancel an honour.
- 6) No curtailment by regulation: prohibit narrowing the Tribunal’s remit (time periods, conflicts, classes) by regulation; require primary legislation.
- 7) Transitional safeguards: if any limits are enacted, require at least a 24–36 month transition and explicit savings provisions for matters underway in Defence or DHAAT; disallow executive abridgement of the transition period.
- 8) Jurisdiction clarity: preserve review jurisdiction for conflicts from the Korean War onward (and earlier where evidence exists) and prevent blanket exclusions by conflict list.
- 9) Resource and trauma-informed practice: fund DHAAT to manage legacy matters and retain trauma-informed processes.
- 10) Establish a dedicated, quasi-judicial Conditions of Service Review Panel (separate from DHAAT) to hear retrospective CoS classifications for ADF operations (warlike / non-warlike).
- 11) Consultation: note with concern that Ex-Service Organisations (ESOs) were not originally consulted on the Bill’s design; request structured consultation before passage, including with APPVA.

Background and Context

As introduced on 28 August 2025, the Bill would impose a 6-month application window (with an ‘exceptional circumstances’ discretion) and a 20-year temporal bar on reviewing refusal decisions tied to particular operations. This reverses the current position under Part VIIIC of the Defence Act, which allows applications to be lodged at any time and in respect of service as far back as the Second World War. Recent parliamentary committee work has also encouraged systematic, retrospective review—such as establishing an ‘end-of-conflict’ or thematic review program—rather than limiting access.

APPVA Constituency and Unresolved Operations requiring Fair Hearing

APPVA represents cohorts involved in unrecognised or under-recognised ADF operations, including matters commencing from the Korean War onward. APPVA primarily focuses on Peacekeeping Operations. These include, but are not limited to:

- Humanitarian and Disaster Relief (HADR) operations overseas that have not received appropriate recognition or classification;
- ADF personnel exposure and tasking related to French nuclear testing at Mururoa Atoll;
- Signals Intelligence taskings and deployments where service remains sensitive or under-acknowledged;
- The Commonwealth Monitoring Force – Rhodesia; and
- Other operations and contingents that remain unresolved within the current honours, awards, or Conditions of Service frameworks.

The APPVA advocates for veterans who have been under-recognised for gallant, courageous, distinguished, meritorious and conspicuous service that has yet to be resolved.

Additional Reasons against a 20-year ‘look-back’ Cap

Conclusion

APPVA urges the Senate to withdraw this Bill so it can be redrafted in full consultation with the veteran community and all stakeholders as equals in the process. If that cannot be supported the APPVA urges the Senate to remove the 20-year cap and to uphold an independent, trauma-informed, evidence-based system of merits review for honours and awards relating to ADF operations from the Korean War onward. Should Parliament insist on a fixed period (not preferred), it must be no less than 80 years so that Korean War veterans and their families retain a pathway to justice. A complementary quasi-judicial Conditions of Service Review Panel would ensure fair, expert resolution of retrospective warlike/non-warlike classifications, supported by clear procedural safeguards (including cross-examination where appropriate).

Yours sincerely,

Paul Copeland, OAM
Director of Current Issues
Australian Peacekeeper and Peacemaker Veterans’ Association Ltd

Appendix A — Secretariat invitation (for reference)

Submission invitation – Inquiry into the Defence Amendment (Defence Honours and Awards Appeals Tribunal) Bill 2025

On 4 September 2025 the Senate referred the above bill to the Senate Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 30 October 2025.

Information about the inquiry, including links to the bill, is available on the inquiry webpage.

The committee invites your organisation to make a submission addressing some or all of the bill's provisions. The closing date for submissions is Wednesday, 1 October 2025. Late submissions may not be accepted unless an extension has been granted by the committee.

Submissions can be made online via the inquiry webpage, sent to the committee via email at fadt.sen@aph.gov.au or posted to the committee at PO Box 6100, Parliament House, Canberra ACT 2600.

If your submission is accepted by the committee, it will usually be made publicly available on the inquiry webpage. If you would like to request that your name or any part of your submission to be kept confidential, please state this clearly when you make your submission and provide a reason for your request. You will be advised whether the committee has agreed to your request.

Submissions become committee documents. You should not circulate or publish your submission before it has been accepted by the committee. Once accepted, submissions are covered by parliamentary privilege in Australia but the unauthorised release of them is not.

For further information about making a submission see: Making a submission – Parliament of Australia (aph.gov.au)

If you have any questions, please contact the secretariat via email fadt.sen@aph.gov.au or +61 2 6277 3535.

Yours sincerely,

(sent electronically)

Pothida Youhorn

Committee Secretary