

Committee Secretary
Defence Amendment (Defence Honours and Awards Tribunal) Bill 2025
Department of the Senate LTCOL George Hulse OAM (Retd)
PO Box 6100
Parliament House
CANBERRA ACT 2600
seniorclerk.committees.sen@aph.gov.au

Defence Amendment (Defence Honours and Awards Appeals Tribunal) Bill 2025

My background to this submission

I reach out to you as an Australian war veteran and an advocate for personnel who fought in the Vietnam War but who were not sufficiently recognised for either Defence honours and awards, or both, during the era of that war. As new factual material on these personnel emerged, many years later, I was able to make an application to the Department of Defence (Defence) and requested that these personnel be retrospectively recognised. Every last one of my submissions was rejected by Defence. My only recourse was to reach out to the Defence Honours and Awards Appeals Tribunal (the Tribunal) for a reviewable decision on the rejection by Defence of my advocacy for those personnel. The Tribunal conducted impartial hearings and listened to both sides of the submission for each of my nine personnel. The Tribunal decided in favour of my submission on eight of those occasions. These personnel received their belated recognition despite the robust pushback by Defence.

One of my submissions was for the upgrade of Private Richard Norden's Distinguished Conduct Medal to the Victoria Cross for Australia. Defence pushed back against this application in the most robust manner. However, when the Defence position was overturned by the Tribunal and his family was invested with the Victoria Cross on 15 August 2025, the government and Defence were delighted with the outcome.

Fortunately, Australia is a unique country that has a "Fair Go" contract with its veterans through the Defence Force Honours and Awards Appeals Tribunal. This allowed me to apply for a reviewable decision to have an independent umpire consider my claims for recognition of my nine personnel, including Richard Norden VC, against the rejection by Defence to not recognise them.

Terms of Reference for this Bill

I refer to the following Terms of Reference for this Bill:

- a) Experiences of ADF personnel progressing through the honours and awards system.

As explained above, the first reaction from Defence was rejection on every occasion that I made application to recognise a Vietnam War veteran for a retrospective honour or award. Sometimes, the rejection took twenty-five (25) months to arrive. I found this to be frustrating and disappointing that these applications should receive such a

tardy response. Perhaps the Defence entities who manage this area of concern are overworked or understaffed or both?

b) The operation of the Tribunal including potential improvements.

One of the most disturbing recommendations by the Minister for Veterans Affairs on this Bill as it has been presented to the Australian parliament, is the notion of truncating a time window for a reviewable decision for retrospective honours and awards to Defence. This a twenty-year window after the end of specified operations. This would introduce significant limitation on the Tribunal to conduct a hearing on a reviewable decision commencing from 2005 compared to the current arrangement whereby the Tribunal is able to conduct a hearing based on a reviewable decision going back to 3 September 1939. This proposed time moves forward each year so that when the time comes when there are no more end-dates for military warlike operations, the Tribunal would not be able to conduct a hearing for any reviewable decision at all. It would run the risk of disbandment. This would remove the freedom of veterans to review a rejection by Defence on their application for any retrospective honour or award. If this Bill is passed, the ability for advocates to apply to Defence for retrospective honours and awards going further back in time than 2005 would be eliminated. Indeed, had this Bill been introduced a couple of years ago, Australia would have been denied celebrating the VC outcomes for both Teddy Sheehan and Richard Norden.

The Tribunal has proven itself to be an open-minded and impartial body that should be maintained so that the Australian veteran has a right to challenge Defence rejections and pushback of their claims for recognition for both recognising Australia's unsung war heroes as well as sorting out some uncomfortable issues where ADF personnel have a personal issue with an unresponsive government department – such as Defence. Potential improvements to the operation of the Tribunal would be to expand the role of it so that it is able to hear more than reviewable decisions.

c) Any potential improvements to the Defence honours and awards system.

The most galling experiences I have had for each and every one of my applications for ADF personnel to receive retrospective honours or awards is the lack of transparency of the Defence “merits review” process. This pretends to demonstrate that Defence has conducted an extensive review of the facts that I have presented for their consideration so that Defence is able to make an informed decision. Defence has never, not for so much as one of my nine personnel I put up for retrospective honours or awards, contacted myself or my witnesses for validation or verification of my claims. At the Tribunal hearing for Richard Norden, I accused Defence of conducting nothing more than a ‘paper-chase’ as an excuse for a merits review when they rejected Private Richard Norden VC for his upgrade to his DCM. Defence did not like that accusation when I made it at the Tribunal hearing. But, Defence did not reject my accusation either. I am not surprised that Defence wants to see an eventual collapse of the Tribunal when advocates like myself can make such a statement without it going into legal litigation. That's what makes the Tribunal the entity that gives oxygen to the Australian axiom of a Fair Go!

In my eBook entitled “How to get the Victoria Cross” I mention all the personnel for whom I sought a retrospective honour or award. In that book I also make a suggestion for the way forward in the Defence Honours and Awards space. This is it:

Based on my experience, I suggest that a better process for adjudicating a submission for retrospective awards is for:

1. The DH&A to assign a case manager for each submission and then call in all the stakeholders by way of either a physical or teleconference meeting to establish who they are referring to, what the application is about (gallantry or conspicuous service etc) and any pertinent matter that will assist understanding the case. The stakeholders must include the advocate, the case manager, the DH&A review officer and the witnesses.
2. This group should determine what the submission aims to achieve, examine the merits of the case and determine which of the Letters Patent is the most appropriate. The group should not be restricted in scope and should be able to make a recommendation that (in special cases) are for two or more decorations for the one event.
3. Having determined the way forward, the case manager may wish to extend the time for the conduct of their merits review prior to a final recommendation to the Director of the DH&A.
4. The Director of the DH&A be empowered to recommend to the relevant Chief of Defence an appropriate award.
5. The Chief of Defence makes a recommendation to the Minister of Defence to award the individual or unit with the suggested award.
6. In the event that no consensus is achieved at items 2 or 4, the matter be referred to the DHAAT for resolution.

There may be other ways to resolve the issue, but as I see it, the current process at the DH&A is not fit-for-purpose.

d) Any related matters

I note the irony in this proposed Bill. It was a Labor government in 2011, under the stewardship of Prime Minister Julia Gillard AC, that introduced legislation that made the Tribunal an independent statutory body. This initiative provided the ability for an Australian veteran to stand up to Defence and ask for an independent hearing into a reviewable decision when Defence knocked back an application for recognition of an honour or award for veterans going back to 3 September 1939. I wonder what Ms Gillard thinks of the current government wanting to truncate her progressive and unique piece of forward-thinking legislation just fourteen years after she introduced it? I reach out to Ms Gillard to add her voice to reject this reprehensible Bill.

I extend a challenging invitation to every person who has an interest in this Bill to observe at first-hand a lesson in Australian soldiering. This is it:

On Friday 17th October 2025, commencing at 10:00 am in the Rydges Hotel in 17 Canberra Avenue, Forrest, the Tribunal is conducting a hearing into a reviewable decision on Lieutenant Colonel Tony Jensen's case of being an outstanding

commander and leader plus an extremely courageous soldier when his platoon was totally overwhelmed by the enemy on the morning of 13 May 1968. You can come along and hear for yourself what it took to be an Australian soldier under such deadly circumstances. You will hear from Tony Jensen as the officer-in-charge of Australian diggers in a hopeless situation and from Jack Parr, his radio operator who has vivid and clear recollections of that deadly morning in Australian military history.

That's the invitation. I dare you to put aside your more pressing agendas and listen to a couple of Australian soldiers recount their moments of truth and terror. And then go back to your offices and reflect on whether this Bill, to silence forever the voices of heroes such as Tony and Jack, should pass into law.

I beseech you to keep the current processes for the Tribunal intact and without change.

Yours in soldiering

George Hulse OAM
Veteran of Malaya, Papua New Guinea, Vietnam and Kashmir.
LTCOL RAE (Retd)

15 September 2025