



**Australian Government**

**Defence**

**Senate Foreign Affairs, Defence and Trade  
Legislation Committee**

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

**Department of Defence  
Submission**

**September 2025**

## Defence Response

Defence thanks the Senate Foreign Affairs, Defence and Trade Legislation Committee for its invitation to provide a submission to its Inquiry into the provisions of the *Defence Amendment (Defence Honours and Awards Appeals Tribunal) Bill 2025* (the Bill).

The Bill necessarily modernises several components of the review arrangements for Defence honours and awards, and, in particular, the scope and function of the Defence Honours and Awards Appeals Tribunal (the Tribunal).

The amendments in the Bill address three main issues with current review arrangements, specifically:

- Issues relating to the evidentiary complexities of reviewing historical honours and awards applications, and the difficulties of upholding the consistency and integrity of the honours and awards system;
- Aligning the arrangements for review with other Commonwealth Defence Forces, and the Tribunal's powers and functions under part VIIIC of the *Defence Act 1903* (the Act) with other contemporary administrative appeals bodies; and;
- Refocusing current review application criteria to better support members and their families.

It is important to note that the Bill will not impact the Government's ability to recognise eligible members with a Defence honour, award or foreign award, nor will it impact the Tribunal's ability to undertake Inquiries at the Minister's direction, regardless of time.

## Introduction

The Australian honours and awards system provides appropriate and tangible recognition for acts of gallantry and bravery; distinguished, conspicuous, meritorious or noteworthy service; and acknowledges individual, or group, commitment and contribution of Australians. Defence honours and awards are nested within the Australian honours and awards system.

The Australian honours and awards system was introduced on 14 February 1975 when Queen Elizabeth II established the Order of Australia, Australian Bravery Decorations and the National Medal. In 1982, the Defence Force Service Medal, the Reserve Force Decoration and the Reserve Force Medal were introduced and began a transition away from awarding Australian Defence Force (ADF) members with Imperial honours and awards. Progressively other Australian Defence honours and awards were introduced and on 5 October 1992 the Prime Minister, the Hon Paul Keating announced that Australia would make no further recommendations for Imperial honours and awards.

Defence administers the Defence honours and awards system by taking applications for Defence honours and awards, assessing eligibility and either recommending the award or providing a letter to the applicant explaining why the Defence honour or award is being refused. Independent of Defence is the Tribunal. In July 2008 the Defence Honours and Awards Tribunal was established administratively so that inquiries identified by Government could commence. As an administrative body, the Tribunal could only inquire into and make recommendations relating to issues referred to it by Government. The current Tribunal was formally established as a statutory body on 5 January 2011 under Part VIIIC of the Act, to consider Defence honours and awards matters. Australia is the only Commonwealth country to have an independent statutory review body of Defence honours and awards.

Individuals are able to apply to the Tribunal for review of a Defence decision regarding eligibility for a Defence honour or award listed in the *Defence Regulation 2016* (the Regulations) or foreign award. The Government is also able to refer general eligibility issues to the Tribunal for inquiry and recommendation.

When Part VIIC of the Act was introduced, the Tribunal was established with a broad remit, without the limitations that typically apply to other administrative review bodies. This reflected the unique nature of the Tribunal and the policy intent at the time to give it the widest possible scope to review Defence honours and awards.

Since establishment of the Tribunal, a small number of matters regarding the function and process of the Tribunal have become particularly acute; access to evidence; timeliness of review; and aligning Tribunal functions with contemporary medallic recognition policy. The provisions of the Bill seek to modernise the Tribunal by clarifying its functions and establishing definitions that support its operations. While the Tribunal itself has recommended certain refinements to its remit, the Bill adopts a broader suite of amendments, with the aim of focusing on the Tribunal and contemporising its operation.

### **Why reform is required**

The Bill seeks to modernise the Tribunal by clarifying the provisions of Part VIIC of the Act, introducing clearer definitions of its scope and powers, and implementing the Tribunal's recommendations regarding defined timeframes.

### ***Why reform the timeframe for reviewable service?***

The Act currently allows for an application for review to be lodged at any time for review of a reviewable decision concerning service dating back to the commencement of the Second World War, 3 September 1939 - a significant timeframe that generally requires significant resourcing, detracting from the important day-to-day work of the Defence honours and awards team.

The recommendations made by the Tribunal in their 2017 *Report of the Inquiry into Recognition for Far East Prisoners of War who were Killed While Escaping or Following Recapture* states at paragraph 9:

This evidentiary difficulty led the Tribunal to the view that a point has been, or will very soon be reached where it is unlikely that further reliable contemporaneous evidence in respect of any of the veterans of the Second World War will become available. As a result, it became increasingly clear to the Tribunal that little further medallic recognition for veterans of the Second World War is likely to be achieved. The Tribunal notes that the cessation of hostilities was now over 70 years ago and the official end of the Second World War was also nearly 70 years ago. In that regard the Tribunal observed that the youngest living operational veteran of the Second World War - who could personally accept an honour - would be aged at least 90.

In its report, the Tribunal recommended that amendments were made to Part VIIC of the Act to preclude applications regarding service during World War Two after 3 September 2020. The Tribunal acknowledged that at this time 75 years would have passed which was a more than sufficient period of notice to bring applications regarding this service to a close. The Tribunal also recommended that applications for medallic recognition with respect to post Second World War veterans also be precluded after an appropriate period to be determined after the end of hostilities to prevent these evidentiary difficulties becoming an ongoing concern for both Defence and the Tribunal. Importantly these recommendations were accepted by the Government, and are the key reasons for the tabling of this Bill.

### ***Access to evidence and decision makers***

Defence acknowledges the service of its members past and present and take the process of conferring Defence honours and awards, and ensuring the integrity of the system, very seriously. Records are thoroughly checked and, particularly in the case of honours, evidence is sought from current and former ADF eyewitnesses or members in the chain of command at the time the service under consideration occurred. It is clear from the recommendations made by the Tribunal and Defence's experience that obtaining records or testimony from people who witnessed honourable actions is increasingly difficult as time passes. A period of 20 years from the end of an operation, as proposed in the Bill, will provide members and veterans with a period in excess of 20 years to lodge an application with Defence. When they do so, a refusal decision (that is reviewable) can be reviewed by the Tribunal. This timeframe is important in upholding the consistency and integrity of the honours and awards system as described more fully below. Furthermore, Defence can and will continue to undertake merit reviews outside of this 20 year timeframe.

The application of these provisions will mean, for example, that a person who has served on Operation SLIPPER which commenced on 11 October 2001 and concluded on 31 December 2014 who applies to Defence for a Defence honour or award before 31 December 2034, will be able to seek a review by the Tribunal of any refusal decision. In effect, this means that a person actually has 33 years to apply to Defence for a reviewable decision. The period of time it takes for Defence to make its decision is not considered in defining the timeframe, so long as the person has applied to Defence within the defined timeframe, the decision will be reviewable for a Defence honour or award listed in the Regulations.

The volume of research required and the lack of availability of people who witnessed or were in the chain of command more than 20 years after an operation establishes evidentiary complexities that are difficult to overcome. This becomes increasingly difficult over time as the Tribunal continues to establish consistency across honours and awards appeals.

Therefore, the Bill seeks to establish a timeframe that addresses the evidentiary difficulties; is appropriate and reasonable; and beyond the period of what other Commonwealth countries permit to consider internal reviews. In the case of the United Kingdom, a 'five year rule' is applied where a nomination for an award will not be considered more than five years after the event. However, they do not have an independent Tribunal to review defence honours and awards. Likewise, Canada will only consider recommendations for military valour and bravery within two years of the date of the incident and requires two sworn statements from witnesses.

The Bill does not curtail the Minister's ability to direct the Tribunal to undertake an inquiry outside of the 20 year period. Additionally, an application to have a Defence decision reviewed internally is a fundamental aspect of administrative law that remains available to all applicants. The Bill does not displace this right.

### ***20 year timeframe from the end of an operation for defence honours, operational service awards and foreign awards***

Under the Bill, the Tribunal will be able to review a Defence decision to decline a Defence honour, operational service award or foreign award if the application to Defence was made within the timeframe of 20 years from the end of an operation or, if the operation has not ended, within 20 years of the service taking place. The Bill inserts separate definitions for defence operational service awards and defence length of service awards to permit a distinction in timeframe. Defence considers a distinction between the two types of awards is important as operational service awards recognise service on an operation at a fixed point in time. Personal awards such as length of service awards, extend across the entirety of a member's career and service and are unique to their individual circumstances.

- Example: An ADF member served on Operation KRUGER in 2010. Operation KRUGER was an ADF mission in Iraq from 1 January 2009 to 9 August 2011, focused primarily on the security of the Australian Embassy. Recognition criteria is awarded for the campaign by way of the Iraq Medal. Distinguished or gallant actions are awarded via honours subject to internal Defence policy on honours nominations. An applicant has 20 years from the end of the operation to make an application to Defence in order for any refusal decision to be reviewable by the Tribunal. An application for medallic recognition can be made at any time. Only the ability to review a *refusal decision* will be limited in time. As the operation ended in 2011, the Tribunal can review a refusal decision if the application is made to Defence before 9 August 2031, affording the Defence member a total of 22 years to consider recognition since their service on the operation.

### ***Timeframe for length of service awards***

The Bill redefines the relevant time periods for reviewable decisions the Tribunal is able to examine as they relate to a Defence honour, operational service award or foreign award, or decisions relating to length of service awards. Specifically, the proposed amendments would enable the Tribunal to review a Defence decision to decline a length of service award (these include the Australian Defence Medal and long service awards) if the person to whom the refusal decision relates has, or would have, reached 100 years of age (or such lesser age as is prescribed by the regulations) at the time the original application is made to Defence.

This period is to allow for the fact that records of a member's length of service are generally accessible and the difficulties regarding evidence are reduced. It is anticipated that this amendment will not have any impact on reviews made to the Tribunal about length of service awards, nor on the Tribunal's review of length of service award decisions.

- Example: The same ADF member joined in 1990 at the age of 20 years old. For any length of service award, such as the Australian Defence Medal or the Defence Long Service Medal with Clasp, the Tribunal will be able to review a Defence refusal decision if the application was made before 2070. As the member was born in 1970, an applicant has until the member has, or would have, turned 100 years old to make an application to Defence in order for any refusal decision to be reviewable by the Tribunal.

All reviews that were conducted by the Tribunal since its establishment, would also be reviewable under the amendments proposed in the Bill. For example, since 2020 the Tribunal reviewed 60 length of service awards (the Australian Defence Medal and long service awards), with the outcomes shown below. The Bill is not going to affect the process for the review of future Tribunal reviews of length of service award decisions.

| Example of Tribunal Decisions – Length of service awards |         |  |  |
|--|---------|--|--|
| Year of Decision   | Reviews | Outcomes   | Reviews within Tribunal's jurisdiction under the amendments proposed in the Bill |
| 2020   | 6       | Tribunal affirmed Defence's decision – 4<br>Applicant withdrew application – 1<br>Defence awarded (new evidence provided) – 1  | 6  |
| 2021   | 8       | Tribunal affirmed Defence's decision – 6<br>Applicant withdrew application – 1<br>Defence awarded (new evidence provided) – 1  | 8  |
| 2022   | 7       | Tribunal affirmed Defence's decision – 2<br>Tribunal set aside Defence's decision – 1<br>Applicant withdrew application – 1<br>Defence awarded (new evidence provided) – 3 | 7  |
| 2023   | 20      | Tribunal affirmed Defence's decision – 10<br>Tribunal set aside Defence's decision – 2<br>Defence awarded (new evidence provided) – 8                                      | 20   |
| 2024   | 13      | Tribunal affirmed Defence's decision – 8<br>Applicant withdrew application – 1<br>Defence awarded (new evidence provided) – 4  | 8  |
| 2025<br>(as of 22 Sept)                                  | 11      | Tribunal affirmed Defence's decision – 1<br>Tribunal set aside Defence's decision – 1<br>Defence awarded (new evidence provided) – 7<br>Under consideration – 2            | 11   |

### *Rights of a member and their family*

Currently, the legislation imposes no restrictions on who may make an application for conferral of a Defence honour, Defence award or foreign award, or on who may apply for review of a refusal decision made in response to that application. For example, a person with no familial, service-related or other personal links to the member or veteran may bring forward an application for conferral, regardless of whether the veteran (or in the case of a deceased veteran, their family) provides consent, and then to seek the Tribunal's review of any refusal decision.

### ***Why reform who can apply for a Tribunal review?***

Amending the definition of who can apply aligns with other administrative review bodies, for example, the *Administrative Review Tribunal Act 2024* states that ‘a person whose interests are affected by a reviewable decision may apply to the Tribunal for review of the decision’. Ensuring that affected persons are at the core of applications for Defence honours and awards reviews is imperative for the wellbeing of members and veterans. Applications for review, made by those who have no relationship to the member under consideration can cause distress to the member or their family.

As a comparison, the United Kingdom and the Canada have limitations on who may apply for a review. New Zealand states that they will not accept self-nominations for Defence honours and both the United Kingdom Ministry of Defence and the Canadian Defence Force require recommendations to be made through senior command in the theatre of operations. While the provisions of this Bill are not as restrictive, for Defence honours, it does require an applicant to either be more senior in the chain of command (at any rank, including both enlisted and commissioned personnel) or a current or former ADF member who was an eyewitness to the service. This amendment more closely aligns with contemporary arrangements for review with other Commonwealth Defence Forces.

### ***Who can apply for a review of a Defence honours decision?***

The Bill introduces provisions to define who can apply for review to the Tribunal. The defined categories for honours are:

- a. a person who is or was more senior in the chain of command (at any rank) to the affected person under consideration (with the affected person’s consent or their family’s consent); or
- b. a person who is or was an ADF member who witnessed the eligible service (with the affected person’s consent or their family’s consent).

The reason the provisions make a distinction for Defence honours decisions is that they require an objective assessment of the actions of the individual under consideration in the context of the operation and the actions of others in the same operation. Review of these decisions requires consideration of the views of the chain of command, who can more objectively assess the actions being considered for the honour, or current or former ADF eyewitnesses.

It is also proposed that a person should not be able to nominate themselves or seek nomination from a family member given they are unable to objectively assess the facts of what they did in the context of others’ actions in the same operation. The specific categories of applicant provided for in the Bill will ensure that the most appropriate people who can offer testimony to the events that occurred, are directly involved in the application. This will support prioritising those cases for the Tribunal where sufficient evidence and testimony is available.

Defence can still consider applications from others not included in the above categories under these amended provisions, but they would not be reviewable by the Tribunal.

In the absence of documentary evidence or testimony from the chain of command or eyewitnesses, Defence would generally not confer an honour on the basis that there is insufficient evidence that the person under consideration would meet the eligibility criteria for the honour.

These changes to the defined applicants aligns this Tribunal with other review bodies and ensures the most appropriate people are making the nomination while ensuring the member or their family are engaged in the process. The changes also aligns with the criteria for who can apply with other Defence Forces that limit self-nomination with regard to supporting the objectives in the Honours and Awards system. For example, New Zealand similarly limit self-nominations, and the United Kingdom who do not accept applications for honours.

### ***Who can apply for defence operational service, length of service and foreign awards?***

The defined applicants for operational service awards, length of service awards and foreign awards are:

- a. the member or veteran;
- b. an immediate family member of the veteran; or
- c. if the member or veteran is deceased—the applicant is the executor, administrator, trustee of the estate or other personal representative of the affected person.

The Bill introduces provisions that ensure a person with a direct relationship to the member, or the member themselves, is involved in the application for review. As outlined regarding Defence honours, there is no concern with the member or veteran ‘self-nominating’ for these types of award because it does not rely on the more subjective assessment of gallantry or distinguished and conspicuous conduct.

This provides assurance to the member and their family that they are directly involved while also aligning the Tribunal with other review bodies in terms of defining who can apply, rather than impacting upon applications for review of these types of awards.

### ***Avoiding unnecessary reviews***

#### ***Why reform the review of cancellation decisions?***

Currently, the Tribunal has no power to review a decision to cancel a Defence honour, Defence award or foreign award. However, if a person re-applies to Defence for a Defence honour, Defence award or foreign award that has been cancelled and Defence does not recommend that the Defence honour, Defence award or foreign award be conferred, the applicant may make application for a review of that decision by the Tribunal.

This inconsistency creates a circumstance where the Tribunal is, in effect, reviewing cancellation decisions through a proxy application process. To address this anomaly, the Bill provides that a refusal decision regarding a previously cancelled Defence honour, Defence award or foreign award is not a reviewable decision.

- Example: An ADF member is found by a court to have committed fraud to obtain Defence awards. As a result, the Chief of the Defence Force recommends that the medals obtained from this fraudulent



activity are revoked. The Minister for Defence Personnel agrees with this decision and recommends that the Governor-General revokes the medals. The Governor-General concurs and revokes the medals. Under the current provisions of the Act, the member cannot apply to the Tribunal for a review of the cancellation decision however, if they reapply for those medals and Defence refuses to reissue them on the basis that they have been revoked, the member can then apply for a review of that decision. The provisions of the Bill will prevent these unnecessary reviews from occurring.

### ***Acting on your review rights***

#### *Why reform how long a person has to apply for a review?*

Other administrative review bodies incorporate requirements that a person must seek a review of a decision within a reasonable timeframe after the original decision was made. These timeframes are to ensure that the decision maker is available to discuss why and how the decision was made and to ensure that the documentary evidence is easily available. These timeframes are usually in the order of 28 days. The Bill inserts a reasonable and flexible timeframe of six months, or longer if exceptional circumstances apply.

- Example: An ADF member makes an application to Defence for an operational service award, they are advised that they are not eligible for the award. Additionally, they are advised they have six months to seek a review of the Defence decision by the Tribunal. As a result of the ADF member being deployed on an operation there is a delay in them receiving their notification until after their return to Australia. On their return they seek a review of Defence's decision, however they have applied past the six months. The Tribunal under the exceptional circumstance clause could accept this application for a review.

This measure will ensure that the decision maker of the day and the facts relating to how an application was assessed will be more easily accessible whilst acknowledging there may be occasions where flexibility is needed, and that the Tribunal will be able to accept reviews under exceptional circumstances.

- Example: An applicant is notified by Defence that their application for a defence award is refused on 10 October 2018. The member suffers from a range of health conditions that prevent them from applying to the Tribunal until 2025. When the member applies for a review to the Tribunal, the Bill will permit the Tribunal to continue to accept the application on the basis that they are satisfied exceptional circumstances apply.

### ***Recognising the decisions Australia can make***

Part VIIIC of the Act currently defines a 'foreign award' as 'an honour or award given by a government of a foreign country, or by an international organisation'. It is noted that this definition is very broad and consequently uncertain in its scope. The current provisions allow decisions taken by Australian officials in respect of such awards to be reviewed in the same manner as decisions relating to Australian Defence awards.

Addressing reviews of foreign awards for Defence has been problematic in that some of the awards have been instigated by foreign governments that no longer exist and where Australia and Defence is not the original decision maker nor hold the power or ability to modify the award eligibility criteria lawfully.

The issues surrounding foreign awards are addressed by aligning the definitions of foreign award with Defence honours and Defence awards by stipulating that they will be specified in the regulations. This ensures that the foreign awards listed in the Regulations are reviewable by the Tribunal.

Defence strongly supports this insertion to align the definitions and enable the Minister to appropriately determine if reviews into those foreign awards are appropriate.

***Addition of clasp, bar, accumulated service device, ribbon or other insignia or decoration***

*Why add clasps, bars, accumulated service devices, ribbons and other insignia or decorations now?*

The Bill amends the definitions of Defence award and Defence honour to clarify that decisions about clasps, bars, accumulated service devices, ribbons or other insignia or decorations associated with Defence honours and Defence awards are reviewable decisions.

This measure ensures that the Tribunal can review these types of decisions.

The provisions of the Bill aim to ensure that the Tribunal explicitly has the authority to undertake reviews into refusal decisions regarding these items.

***Decisions relating to Defence honours***

The current provisions of Part VIIC of the Act enables the Tribunal to review the reviewable decision and make any recommendation to the Minister that they consider appropriate.

The Bill makes provision for the Tribunal to still undertake the review but only to make a recommendation to the Minister about whether the reviewable decision is consistent with the eligibility criteria of the Defence honour at the time the reviewable decision was made. This amendment ensures that the Tribunal is considering whether Defence's administration of the Defence honour was appropriate. This is important so that broader questions that are more suitably addressed in an inquiry, for example, regarding the nature of service of an operation.

The Minister will continue to be able to direct the Tribunal to conduct an inquiry into systemic matters. This amendment will not significantly impact on the rights of applicants, rather it is addressing the broader feature matters of inquiry.

## *Decisions relating to Defence awards and foreign awards*

### *Streamlining the Tribunal decision making process*

With regards to Defence awards and foreign awards, the current Act enables the Tribunal to either affirm a decision, set aside the decision and either substitute a new decision or refer the matter to a person determined by the Tribunal for reconsideration. There is also provision for the Tribunal to make any recommendations that arise out of or relate to these reviews. The Bill amends these provisions by requiring the Tribunal to either affirm the decision, or set aside the decision and substitute a new decision.

There have been occasions where the Tribunal has set aside the decision, directed someone (including Defence) to reconsider the matter which has resulted in the award still being refused. This has resulted in the applicant then reapplying to the Tribunal for reconsideration, causing a loop of Defence decisions, followed by Tribunal reviews, further Defence decisions and further Tribunal reviews. The option to refer a decision to another decision-maker creates doubt for the applicant and extends the period of time the applicant may have to wait for an outcome. Importantly, this amendment is made with the intent to support the applicant by providing certainty and finality, ensuring the Tribunal, which is best placed to review these decisions, can arrive at an appropriate decision at the earliest opportunity.

### *Revoking recommendations regarding other issues that arise out of a review*

The Bill, in seeking to repeal subsection 110VB(3) relating to the recommendations the Tribunal may make to the Minister with regards to reviews of Defence awards and foreign awards, seeks to strengthen the Tribunal's role. As with Defence honours, this amendment seeks to ensure that the Tribunal is considering whether Defence's administration of the defence award or foreign award was appropriate rather than addressing broader questions that are more suitably addressed in an inquiry.

These provisions will strengthen the Tribunal's role in specifically reviewing the decision made by Defence without requiring them to look at broader systemic issues.

### *Increased transparency*

To provide for greater transparency, the Bill would require the Tribunal to prepare and give to the Minister an annual report on the operations of the Tribunal during the financial year. This will require the Tribunal to report on its financial expenditure and key activities, with the report to be tabled in each House of the Parliament.

Defence notes that the Tribunal has produced annual reports since 2022-23 and the Bill formalises this process.

### *Government direction*

The Bill also enables regulations to provide for the conduct of reviews of reviewable decisions or inquiries conducted by the Tribunal. The intent is for regulations to be made to support the Tribunal with administrative matters that would better enable the Tribunal to deal with applications made to it. The Chair of the Tribunal must be consulted before any regulations are made that affect the practice, procedure or operation of the Tribunal. The Bill also provides that the regulations must not direct the Tribunal or Tribunal members in relation to the performance or exercise of the Tribunal's or members' functions or powers.

### **The Future**

Under current arrangements for ADF members and veterans, there is a review of approximately 4 per cent of honours decisions and 0.05 per cent of Defence awards decisions.

After nearly two decades of operation, Defence considers that the Tribunal has performed its role admirably and has supported the ADF community by providing an independent review body. Whilst there have been concerns raised that the proposed amendments contained in the Bill would reduce the rights of review currently available to ADF members and veterans, these reforms are necessary to ensure the Tribunal remains fit for purpose. Focusing the current review application criteria for honours and awards ensure the scope of the Tribunal better supports ADF members, veterans and their families. Addressing issues relating to evidentiary complexities that come with reviewing historical honours and awards applications maintains the consistency and integrity of the honours and awards system. Modernising the Tribunal's powers and functions in alignment with other contemporary administrative appeals bodies, and the review arrangements for other Commonwealth Defence Forces strengthens the capacity of the Tribunal to fulfil its mandate.

Critically, these reforms do not diminish the ability of ADF members, veterans or their families from making applications to the Tribunal. Applicants will continue to be able to apply to the Tribunal, provided the application is made within a reasonable timeframe and by someone with a direct relationship to the member or the relevant events. The Bill also does not affect who may make an application to Defence for internal review of decisions relating to historical Defence honours, Defence awards and foreign awards.

Defence has taken the internal review function seriously and have been progressively awarding more Defence honours and Defence awards, whilst importantly providing an assurance of these considerations.

However, both the Tribunal and Defence acknowledged that historical cases are highly complex because evidence is increasingly difficult to source and people who witnessed the acts or were in the chain of command at the time they took place are no longer available to provide the evidence needed to make a proper decision. The Tribunal has stated that the difficulties in obtaining evidence essentially means that awarding those members is equally difficult and Defence concurs with this view. The amendments in the Bill not only help address the evidence-related issues faced but will help Defence focus on achieving the National Defence Strategy and ensure recognition for the next generation is timely, accurate and reflective of their service.

The Bill makes provisions to ensure that the people who apply for a review are those who have a direct relationship to the member or the events in question. This Bill places the member and their family at the centre of the review process. Defence understands that there may be an interpretation that preventing the member or their family from being able to apply for a review of a defence honour is unfair, however for the whole community the honours and awards systems serves, it is critical that applications are from those who are objective in their presentation of the facts of those events in the wider context of the operation. The importance of having the chain of command of the day or current or former ADF eyewitnesses cannot be underestimated. This Bill will ensure that the most appropriate cases are provided with the opportunity for review while also ensuring that all other cases can still be considered either by Defence internally or at an inquiry by the Tribunal.

Defence has continued to improve how it administers Defence honours and Defence awards. Applicants will continue to be able to apply to Defence and will always have their applications considered on merit. When refusal decisions are made, Defence will continue to provide written notification to applicants explaining how and why that decision was made. The applicant can then seek to view all documentation regarding how their matter was reviewed by Defence. This Bill makes no changes to this process and ensures that the applicant has full transparency of the decision making process.

### ***Engagement with stakeholders***

Defence had initial discussions with the current Chair of the Tribunal upon his appointment following the recommendations made by the Tribunal regarding precluding World War Two and other applications. A number of meetings were conducted during 2021 and 2022 specifically discussing options for legislative reform.

Defence acknowledges the Tribunal's support and consideration of the options, and much of this information was used during the development of the Bill. Further consultation regarding the draft Bill occurred with the Tribunal during 2024.

The Minister for Defence Personnel attended the Ex-Service Organisation Round Table on 27 August 2024 and briefed them on the intent of the Bill, and has also discussed the amendments on multiple times with the Chair of the Tribunal.

Defence welcomes further input from stakeholders during this Committee process.

### **Conclusion**

This Bill updates Part VIIIC of the Act to ensure that the Tribunal can continue its valuable role of providing a means of independent review regarding Defence honours and awards decisions. The Bill does not abolish review rights but more clearly defines suitable timeframes for consideration of a decision.

The Tribunal has had since 2011 to consider decisions with a broad and largely undefined scope. Reforming the legislation now to ensure the Tribunal remains fit for purpose and is focused on more contemporary matters is both timely and appropriate. Importantly, the Bill ensures that the member or their family are at the centre of any Tribunal review and better aligns who can apply for a review of a defence honour or award with other Commonwealth Defence Forces.