

## SUBMISSION

25 September 2025

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

Honourable Members

On behalf of the Veterans, Emergency Services & Police Industry Institute of Australia (VESPIIA), we are pleased to provide our submission on the Defence Amendment (Defence Honours and Awards Appeals Tribunal) Bill 2025.

VESPIIA is the national professional body for the organisations, staff, and volunteers who support our nation's veterans, emergency services, police, and their families. While we do not act as a direct advocacy service, our role as a peak body allows us to see how legislative and policy settings flow into the daily work of ex-service organisations, first responder agencies, and families.

From this vantage point, we welcome the Bill's intent to make the Tribunal permanent. However, we also note significant risks in the proposed limitations, which could restrict accessibility, fairness, and independence at the very moment the Tribunal is being strengthened. Our submission outlines both our concerns and our constructive recommendations for amendments.

We have also included VESPIIA's unique perspective on recognition—not only as a Defence issue but as a foundation of wellbeing across all frontline services. Recognition of service underpins family resilience, supports transition, and sustains public trust. We believe Defence can and should set a benchmark for recognition processes that may later be adopted by other frontline agencies.

I commend this submission to the Committee and thank you for the opportunity to contribute. VESPIIA would be pleased to provide further evidence or appear at hearings if that would assist the Committee's deliberations.

Kind regards,

Shannon Hennessy  
CEO

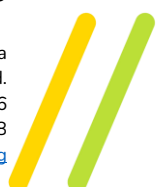
Greg Whitehouse  
Chair

#### Executive Summary

VESPIIA welcomes the Government's decision to make the Defence Honours and Awards Appeals Tribunal a permanent body. Permanency demonstrates that recognition disputes deserve an independent hearing and offers certainty for veterans and families. However, the Bill also introduces restrictions that risk undermining the Tribunal's effectiveness. The 20-year application limit, the 100-year age cap for service awards, the six-month appeal window, restrictions on who may apply, and the exclusion of cancellations from review will unfairly exclude many legitimate cases.

Recognition is not only a matter of evidence; it is a matter of wellbeing, family pride, and public trust. When recognition is denied, delayed, or removed without recourse, families carry unresolved grief and community organisations are left to absorb the advocacy burden.

Our recommendations balance fairness with practicality. We call for: no time limits on pre-2010 operations, removal of the 100-year age cap, a review pathway for cancelled awards, an appeal timeframe extended to



12 months with discretion to accept later applications in the interests of fairness, broader eligibility for families and historians, and full Tribunal independence safeguarded from regulation. We also recommend trauma-informed and culturally safe processes, stronger transparency in reporting, and positioning this Tribunal as a benchmark for recognition across all frontline services.

In our view, permanency alone is not enough. To be worthy of those it serves, the Tribunal must also be independent, fair, and accessible — with no genuine case closed off by arbitrary limits.

## ABOUT VESPIIA

The Veterans, Emergency Services & Police Industry Institute of Australia (VESPIIA) is a professional body for the organisations, staff, and volunteers who support our nation's veterans, emergency services, police, and their families.

Our role is to strengthen the ecosystem of support that surrounds these communities. We do this through professional development, research, recognition programs, and advocacy that enable ex-service organisations (ESOs), first responder agencies, volunteers, and allied professionals to do their best work.

VESPIIA's membership spans across the country, from large ESOs to small charities, police-affiliated networks, academics, and frontline volunteers. This gives us a unique vantage point: we see how policy settings not only affect individual veterans and families, but also flow into the organisations that support them.

Recognition systems, such as Defence honours and awards, matter deeply to this ecosystem. They validate sacrifice, sustain identity, and provide families with pride and closure. When recognition is denied or delayed, the impact is not limited to the veteran — it creates distress for families and adds pressure on community organisations. That is why VESPIIA has chosen to make a submission on this Bill.

## GENERAL POSITION

We welcome the intent of the Bill: making the Defence Honours and Awards Appeals Tribunal permanent. A standing Tribunal provides certainty and consistency, and demonstrates that recognition disputes deserve an independent hearing.

However, some of the Bill's provisions would significantly narrow access to the Tribunal. These changes risk shutting out legitimate claims, weakening trust in the system, and transferring unresolved distress back onto families and ESOs.

In this submission, we set out our comments on the key provisions of the Bill. We reference the relevant clauses, explain what they mean, and outline VESPIIA's concerns and recommendations.

## KEY ASKS

- Keep pre-2010 operations open — no arbitrary cut-off.
- Remove the 100-year age barrier for service awards.
- Allow independent review of cancelled awards.
- Appeals: 12 months baseline, with discretion for fairness.
- Families and historians included in standing rules.
- Independence safeguarded — no erosion by regulation.

## SUBMISSION

### CLAUSE 8 (S110V(2)–(5)) – 20-YEAR LIMIT ON APPLICATIONS

The Bill introduces a 20-year time limit on applications for Defence honours, operational service awards, and foreign awards. The Government argues this avoids evidentiary difficulties with older cases and prevents “double recognition.”



VESPIIA recognises these concerns, but recognition should not be cut off arbitrarily. Many acts of gallantry are uncovered decades later through family archives or declassified records. Families and historians often surface this evidence. To deny them review is inconsistent with the principle that all substantive recognition decisions — eligibility, classification, or cancellation — must remain open to independent scrutiny.

**Recommendation:** No time limit for operations ending before 2010. Apply the 20-year limit prospectively only. Any change to this timeframe should require legislation, not regulation.

#### **CLAUSE 8 (S110V(6)) – 100-YEAR AGE CAP FOR LENGTH-OF-SERVICE AWARDS**

The Bill limits review of length-of-service awards, such as the Defence Long Service Medal, to cases where the veteran has not yet reached 100 years of age (or would not have reached 100 if deceased). The Government describes this as a generous window that ensures the Tribunal focuses on contemporary cases.

In practice, this creates arbitrary exclusions. Families often only discover details of a veteran's service long after their death, sometimes through estate matters or later research. An age-based cut-off risks preventing families from correcting errors or omissions. Recognition of long service is just as significant to families seeking to honour their loved one's contribution, regardless of age.

**Recommendation:** Remove the 100-year cap altogether, or at minimum, allow family applications after 100 years where credible evidence exists.

#### **CLAUSE 8 (S110V(9)) – CANCELLED AWARDS NOT REVIEWABLE**

The Bill prevents the Tribunal from reviewing refusals to reissue honours and awards that have been cancelled. The Government's rationale is that cancellations are rare, highly scrutinised, and generally linked to serious misconduct.

VESPIIA considers this exclusion problematic. Cancelling an award is one of the most serious administrative actions that can be taken against a service member. It affects not only the individual's reputation but also their family's sense of legacy and the historical record of service. To exclude such decisions from independent review removes a critical safeguard of natural justice.

Australia's recent experience shows why review is necessary. Following the Brereton inquiry, there were proposals to remove unit-level awards, including the Meritorious Unit Citation from Special Operations Task Group personnel. While that course was ultimately not pursued in its original form, the debate demonstrated how cancellation decisions can be proposed, reconsidered, and adjusted over time. More recently, cancellations have been implemented on a targeted basis to address command accountability. These are complex, high-stakes matters where fairness, proportionality, and public trust are central.

For these reasons, VESPIIA believes members and their families must have recourse to independent appeal. Allowing Tribunal review does not undermine accountability; it strengthens decision quality, ensures procedural fairness, and helps maintain confidence that sanctions are proportionate and evidence-based.

**Recommendation:** Remove s110V(9) and restore Tribunal jurisdiction to review cancellation or termination decisions. If Government insists on limits, at minimum the Tribunal should be able to review questions of law, procedural fairness, and proportionality, with power to recommend reconsideration to the Minister and publish reasons (subject to security requirements).

#### ***Comparative context – Public Service Medals vs Defence Medals***

The way cancellations are handled in the Defence honours system stands in sharp contrast to the arrangements for other Australian honours, such as the Public Service Medal (PSM).



Under the PSM regulations, cancellations can occur, but safeguards are built into the process. If a cancellation is proposed, the individual must be formally notified and given an opportunity to object, usually within 30 days. There is also provision for reinstatement if a cancellation is later found to be inappropriate. In this way, the system recognises that cancelling an award is a serious act with lasting consequences, and it ensures that recipients are not left without recourse.

By comparison, Defence medals and honours also allow for cancellation, but members and their families are not afforded equivalent protections. There is no guaranteed right to be notified, no formal opportunity to object before cancellation, and no independent pathway to appeal a decision once made. While the Defence Honours and Awards Appeals Tribunal provides review for eligibility refusals, it does not extend to cancellations. This Bill would entrench that gap.

This creates a troubling inconsistency. In civilian contexts such as the PSM, procedural fairness is recognised as essential. Yet in Defence — where honours often relate to service in life-threatening environments, and where cancellations carry profound consequences for reputation, wellbeing, and family legacy — those safeguards are absent.

VESPIIA believes this imbalance is unacceptable. If civilian awards are afforded notification, objection, and the possibility of reinstatement, Defence awards should have at least the same level of protection.

**Recommendation:** Amend Clause 8 (s110V(9)) to remove the exclusion of cancellations from Tribunal review. Defence members and their families must be afforded the same basic safeguards that apply to civilian honours: notice, objection, reinstatement, and access to independent review.

#### **SECTION 110VAA – SIX-MONTH APPEAL LIMIT**

The Bill requires applications to the Tribunal to be lodged within six months of Defence’s decision, unless “exceptional circumstances” apply.

Six months is too short for many families. Veterans may be managing PTSD, injuries, or transition stress. Families may be dealing with grief, illness, or deployment duties. These are not exceptional circumstances; they are everyday realities. A short timeframe risks shutting out those most in need.

For recognition matters, efficiency must not override fairness. Families often only uncover relevant service information years later through archives, estate records, or conversations with former colleagues. To deny them the ability to seek review simply because more than a short period has passed undermines the purpose of the Tribunal.

**Recommendation:** Extend the appeal window to 12 months as the baseline timeframe. In addition, empower the Tribunal to accept applications lodged beyond 12 months where it considers this fair and reasonable, particularly where families discover new service information well down the line or where illness, deployments, or grief prevented earlier action.

#### **SECTION 110VA – RESTRICTIONS ON WHO CAN APPLY**

The Bill narrows eligibility to apply. For honours, only the original nominator — an eyewitness or superior officer — may apply, with the veteran or family’s consent. For awards and foreign awards, only the veteran, immediate family, or executor may apply. The Government argues this prevents applications from people with no connection to the veteran and maintains the integrity of honours as a discretionary gift.

While these aims are understandable, this approach locks out important contributors. Many historic recognition cases have been uncovered by historians, extended relatives, or advocates, particularly where no immediate family survives. Restricting eligibility risks silencing valid claims and entrenching inequity.



**Recommendation:** Allow extended relatives (e.g. nieces, nephews, cousins) to apply where no immediate family remains. Permit historians or advocates to apply where no family survives, subject to robust evidence standards.

#### SECTION 110VB – NARROWER TRIBUNAL POWERS

The Bill limits the Tribunal's scope to reviewing whether Defence applied eligibility criteria correctly "at the time." It cannot question broader classifications, such as whether an operation was warlike or non-warlike. The Government views this as keeping the Tribunal focused strictly on eligibility criteria.

For VESPIIA, this strips away true independence. Recognition often depends directly on how service is classified. If the Tribunal cannot consider these factors, it may be unable to deliver justice. Veterans and families will see this as a Tribunal bound by Defence's framing, not a genuinely independent review body.

**Recommendation:** Retain the Tribunal's ability to consider all aspects of recognition decisions where they directly affect outcomes.

#### SECTION 110Z – REGULATION-MAKING POWERS

The Bill grants Government broad powers to make regulations about the Tribunal's procedures, types of evidence, and even timeframes. While the Explanatory Memorandum argues this gives flexibility, it risks undermining independence if misused. Allowing Government to shorten statutory timeframes or restrict admissible evidence could close off access to justice.

If recognition matters are too important to be left to arbitrary time limits or cancellation exclusions, they are also too important to be altered by regulation.

**Recommendation:** Prohibit regulations from excluding decisions from review, shortening statutory timeframes, or narrowing evidentiary standards.

### VESPIIA'S BROADER PERSPECTIVE

While the clauses of the Bill raise specific concerns, VESPIIA's unique contribution is to show how recognition systems shape wellbeing, trust, and the sustainability of the support sector. Recognition is not symbolic — it is structural. It validates sacrifice, supports transition to civilian life, and gives families pride and closure. When recognition is denied or delayed, the impacts ripple through the entire service ecosystem.

**Recognition and wellbeing.** Research and lived experience show that recognition contributes to mental health and resilience. Conversely, a lack of recognition can exacerbate post-service struggles, intensify grief, and undermine morale. Recognition is therefore a determinant of wellbeing, not just a ceremonial issue.

**Flow-on impacts for the sector.** When veterans and families cannot resolve recognition disputes through formal channels, they turn to ex-service organisations, charities, and volunteers. This creates advocacy burdens that draw resources away from core wellbeing programs. The Bill must therefore consider not only individual veterans, but also the community organisations left to manage the fallout of unresolved cases.

**Benchmark for first responders.** Defence is the only portfolio with an independent recognition appeals body. Police, fire, and ambulance services have opaque systems with no equivalent Tribunal. The way this Bill is shaped will set the benchmark for whether Australia values fairness in recognition across all frontline professions. A strong, independent Tribunal could become a model for reform beyond Defence.

**Accessibility and fairness.** Tribunal processes should be trauma-informed, culturally safe, and written in plain language. This is especially important for Aboriginal and Torres Strait Islander veterans and families,



who have historically faced barriers to recognition. Accessibility must be built into the Tribunal's design, not left to regulation.

**Transparency.** The Bill's annual reporting requirement is welcome, but it should go further. Reporting should include public data on applications, outcomes, timeframes, and applicant demographics. Transparency not only builds public trust, it also helps the sector understand where systemic gaps remain and plan accordingly.

Annual reporting should not only be maintained but strengthened. Reports should include:

- Number of applications received.
- Number of refusals and reasons.
- Number of appeals lodged and outcomes.
- Average processing times.
- Demographic breakdowns (region, gender, service type, Indigenous status).
- Cases involving posthumous recognition or family-led applications.

By weaving these broader considerations into the Tribunal's design, Parliament has the chance to strengthen not just the fairness of honours and awards, but also the wellbeing of families, the resilience of ESOs, and the integrity of recognition systems across all frontline services.

## CONCLUSION

VESPIIA supports the intent of this Bill to make the Tribunal permanent. Permanency is the right step and demonstrates that recognition disputes deserve independent review. But permanency on its own is not enough. The Bill as drafted introduces barriers that risk undermining fairness, accessibility, and confidence in the honours system.

Time limits, age caps, restrictions on standing, narrowed Tribunal powers, and the exclusion of cancellations may achieve administrative efficiency, but they come at the cost of justice. Equally, the six-month appeal window is inadequate for veterans and families managing grief, illness, deployments, or transition stress. Recognition is too important to be rushed. A baseline of 12 months, coupled with Tribunal discretion to accept appeals lodged later where fairness requires, strikes the right balance between timeliness and justice.

Recognition is not symbolic. It shapes wellbeing, strengthens family resilience, and sustains public trust. When recognition is withheld, cancelled, or closed off without recourse, families live with unresolved grief and the sector absorbs the strain.

Defence is the only portfolio with such a body. If the Tribunal is robust, independent, and accessible, it can set a benchmark for all frontline services. Importantly, this must include review rights across all substantive recognition decisions — including cancellations — to ensure that the most serious sanctions are always subject to independent scrutiny.

Parliament can ensure the Tribunal is not just permanent, but effective, fair, and future-focused — sending a clear signal that service is valued, recognition is secure, and the honours system is worthy of those it exists to serve.

This Bill is an opportunity not just to make the Tribunal permanent, but to make it credible. VESPIIA urges Parliament to take it.

