



FEDERATION OF TOTALLY AND PERMANENTLY INCAPACITATED EX-SERVICE MEN AND WOMEN, INC – AUSTRALIA

*Patron: Her Excellency the Honourable Ms Sam Mostyn AC
Governor General of the Commonwealth of Australia*

Submission by the Federation of the Totally and Permanently Incapacitated Ex-Service Men and Women of Australia

OVERVIEW

This submission addresses the Senate Inquiry into DEFENCE AMENDMENT (DEFENCE HONOURS AND AWARDS APPEALS TRIBUNAL) BILL 2025. This Bill has significant structural inequities that need to be addressed, or at the bare minimum looked at in the context of a 20-year timeframe.

Based on correspondence with members, families and other members of the Veteran Community, we propose key recommendations:

- ☐ No time limit be placed upon a review of the awarding of military Honours and Awards.

- ☐ That after all active service (Warlike) engagements, that a complete 'After Conflict Review' list is compiled, and that all Honours and Awards that had been recommended are looked again to find out if there is anymore significant information that could have been missed due to the 'Fog of War' (This being the uncertainty, confusion, and lack of information experienced during military conflict, making it difficult to understand the battlefield.)

- ☐ The number of un-recognised individuals who have served in Peacekeeping / Peacemaking Operations, particularly those after the Vietnam War, who haven't been recognised, and which still need to be addressed.

- That Relatives of the veteran/Defence Members are **NOT** prohibited from applying/appealing said process.
- Many Commonwealth and Defence records are sealed for many years, and some enter the open access period after around 20 years. A rigid cap would deny the veteran's rights just as critical evidence becomes available. Due to this the TPI Federation Recommends no timeframe to be applied.
- If the change of Conditions of Service, as what occurred with Rwanda and Cambodia, there becomes a legitimate call for an independent body to hear long-standing retrospective ADF Reclassification of Service issues, and certainly at arm's length from Defence.
- Cancelled awards should provide the right of review.
- As the Senate Foreign Affairs, Defence and Trade Committee has emphasised transparency and the value of structured retrospective reviews. Constraining the Tribunal's reach and timetable risks undermining public confidence in the fairness of the Honours and Awards system.

This submission calls on the Committee reflect upon those who have for reasons unbeknown to them, have not received medallic recognition for their service and sacrifice to Australia and our national interests. It also fails the families of those who have paid the ultimate sacrifice, and those that live with the scares of such service for the remaining days of their lives.

Introduction

After World War I (WW1), the Repatriation Commission was established in 1918 to help disabled or debilitated veterans with their personal needs and medical treatment when they returned to Australia. To recognise these veterans, legislation was introduced and the TPI Special Rate was established as a payment to support those who could not work anymore due to chronic or permanent disabilities caused by their service.

The origins of the Totally and Permanently Incapacitated Ex-Service Men and Women Associations was first established in Victoria in 1926. A small group of WW1 veterans created this. After the word got around, other states established their own Associations, which was to be an advocacy body for these disabled or debilitated veterans.

The Totally and Permanently Incapacitated Ex-Service Men and Women Federation of Australia (TPI Federation) became a federal body representing State and Territory TPI organisations was formed prior to 1941.

The first Federation Body representing State and Territories TPI Organisations was formed prior to 1941 and by 1942 had become known as the Federal Council of Totally and Permanently Incapacitated Ex-Service Men and Women of Australia.

In 1952 this body changed its name to The Commonwealth Council of Totally and Permanently Disabled Soldiers Association. This Council continued to exist until March 1979 when four States withdrew from it (New South Wales, Tasmania, Queensland and Western Australia) and formed The TPI Federation of Australia.

The TPI Federation functions as a not-for-profit charity, driven by lived experience, ethical responsibility, and a commitment to relationships. We don't seek publicity or profit; we are present, personally, for those who can no longer advocate for themselves.

Submission Items

The no time limit be placed upon a review of the awarding of military Honours and award.

Over the past three to five years, there has been instances where members of the ADF were retrospectively awarded Honours for their deeds that occurred. These awards range from the

Victoria Cross though to Medals for Gallantry. For some clarity of this are Edward "Teddy" Sheean was an ordinary seaman serving on HMAS Armidale, who was awarded the Victoria Cross for actions during World War Two, and was well over the 20 year threshold suggested. Another Veteran Private Richard Norden was awarded a Victoria Cross for Australia for his gallantry during the Battle of Fire Support Base Coral in Vietnam, once again well after the 20 years suggested by this act. The list goes on to include Major (later Lieutenant Colonel) Harry Smith, and Lieutenant David Sabben having their awards upgraded to fit the actions that these fine Australians conducted upon the battle fields of the Battle of Long Tan.

If we as a country are to recognise our men and women for their gallant acts upon the battlefield and had to work within the 20-year time frame suggested, the above gentlemen, and many more would simply be a 'footnote' in the pages of history of the Australian Commitment to in their various conflict zones.

This also extends to the presentation of Meritorious Unit Citations (MUC). Many MUC's such as for the missions in Cambodia, Somalia and Rwanda, just to name a few, would simply not have received these unit awards for the outstanding acts they did as a formed body. It would also apply to the awarding of the Unit Citation for Gallantry (UCG) for the 1st Australian Task Force Units involved in the battle for Fire Support Bases Coral and Balmoral.

With no time limit imposed we, as a country have been able to correct the wrongs of the past and award these brave men and women their just rewards, for the gallant acts that they performed on both land and at sea. It also allowed the units that deployed as formed bodies to receive the appropriate Unit Citations, be it either the MUC or the UCG, for their actions.

That after all active service engagements, that a complete 'end of conflict' list is compiled, and that all honours and awards that had been recommended are looked again to find out if there is any more significant information that could have been missed as a part of the 'Fog of War' (as explained in the introduction).

As with all conflicts and military actions there is a sense of the 'Fog of War' and that there could be the over awarding of medals, and/or unit citations. It is suggested that once the conflict has ceased, a complete look at ALL Honours and Awards should be reviewed by the Defence Honours and Awards Tribunal. This is to ensure that ALL applications are reviewed by an independent body, from that the veterans and / or unit deployed with to ensure that all Honours and Awards are treated the same and that there is no bias towards either the member or the units.

If this was to occur, we would not have the issues such as the awarding of the MUC to the 1 RAR Group for their deployment to Somalia, in 1993.

When the Conditions of Service changed from Non-Warlike to Warlike for the units deployed to Rwanda, a complete review should have been completed in a timely manner. This would have meant many of those that deployed to Rwanda, especially those who were present at the Kabaio Massacre, would have been alive to receive their MUC.

Sadly, they were let down by the government, and many took their own lives as they thought that the government that sent them, did not care for them, or the actions that they took during this deployment.

The number of un-recognised individuals who have served in Peacekeeping/peacemaking Operations, particularly those after the Vietnam War, who haven't been recognised, and which still need to be addressed.

As with the Nature of Peacekeeping and Peacemaking Operations, there seems to be a bias towards the higher commanders receiving these Honours and Awards. As stated before, a complete 'After Conflict Review' should be conducted and all nominations and actions should be looked at. This would be to find out if any further awards need to be submitted to the Honours and Awards Tribunal for these deployments.

That Relatives of the veteran/Defence Members are NOT prohibited from applying/appealing said process.

If a Veteran, or their family, believe that there is a substantial reason for applying for, or in some cases requesting a review of a decision, the family should not be prohibited from this process.

Many times, the surviving Veteran will reveal actions took and dealing with combatant forces. These verbal accounts MUST be taken into account, and in conjunction with the official unit War Diary, form a basis for investigation. If an investigation is warranted, they family should be involved as part of this process.

Many Commonwealth records and Defence records are sealed for many years, and some enter the open cess period after around 20 years. A rigid cap would deny the veteran's rights just as critical evidence becomes available.

With the Australian privacy system, and the 'Cabinet in Confidence' legislation, it can take up to 30 years to obtain the documents, to substantiate a recommendation for an Honour or Award. This is especially so for the Special Force Community, as some of their missions or actions are classified, by the Government, to the highest degree. If the actions taken by a serving members or indeed a unit are of a 'Classified nature' the information can be held for 30 years, which would mean that these members and/or units would miss out, if a 20 year threshold was implemented.

Concerns from the Special Forces community have highlighted this not just to me, but many of the Directors of the TPI Federation of Australia. Also, having personally worked within this area I can confirm this is a fact. Also, that some actions would not be know of, or actioned upon, until the caveats are lifted. As stated, if the 20-year cutoff was in place, would mean that these members and units would not have the chance to justify, or clarify their actions and provide personal accounts of the actions taken.

If the change of Conditions of Service, as what occurred with Rwanda and Cambodia, there becomes a legitimate call for an independent body to hear long-standing retrospective ADF Reclassification of Service issues, and certainly at arm's length from Defence.

Over the passage of time, governments have retrospectively changed the conditions of service from Non-Warlike to Warlike. This then creates not just an issue within the Advocate and DVA space, but with the actioning with Honours and Awards. This is highlighted by the changing of the Conditions of Service for the Cambodia and Rwanda Veterans. They Deployed under the Non-Warlike provisions, but at a later stage the Conditions of Service were changed to Warlike. Whilst the Honours and Awards were looked at after this change, if a 20 year cut off was to occur this simply would not have happened.

It could be suggested that, upon the change of the Conditions of Service from Non-Warlike to Warlike a complete review is conducted for these operations, but would that also fall under the 20-year time frame that is suggested?

Cancelled awards should provide the right of review.

If an award was cancelled / not fully submitted, there should be a review of these applications. In this case a 20-year time frame COULD be used; however, it would need to ensure that there is no new evidence provided. Along with all evidence such as the unit's war diary, individual accounts and members statement should all be considered. Once this is all completed, the case should be closed, and the family / unit should be provided with the list of reasons, or rationale behind the final decision.

As the Senate Foreign Affairs, Defence and Trade Committee has emphasised transparency and the value of structured retrospective reviews. Constraining the Tribunal's reach and timetable risks undermining public confidence in the fairness of the Honours and Awards system.

Australia needs a robust and honest Honours and Awards System that provides medallic recognition to those men and women that deserve and fought for. If the Australian public is to trust the Defence Honours and Awards Tribunal, the Tribunal needs to be honest, open and transparent with what they do. Obviously, there are times of when operations are of a

sensitive nature, but this does not prevent the Tribunal presenting to the Veterans and their families the findings.

The TPI Federation fully believe that the Tribunal need to be open / Honest and transparent with all of their dealings to ensure that the uphold the Honours and Awards systems, but more importantly will provide the wider public the confidence that the Tribunal is being conducted correctly.

Conclusion

The TPI Federation is asking the Senate to withdraw the Bill and rewrite it in full consultation with veteran organisations, the veteran community, and all stakeholders as equal partners. If this is not possible, the TPI Federation requests that the Senate remove the proposed 20-year limit and instead maintain an independent, trauma-informed, evidence-based review system for Honours and Awards related to ADF operations.

If the Parliament insists on setting a fixed timeframe, it should be at a minimum of 100 years to ensure ALL veterans, and their families still have access to justice. Additionally, due to the changes of Conditions of Service, a Review Panel is recommended to provide fair and expert decisions on retrospective warlike or non-warlike classifications, with clear procedural safeguards such as the option for cross-examination

For your Consideration

Original Signed

S.R. Jeffrey
President
TPI Federation of Australia