

INQUIRY QUESTION

(Question No. 1)

Senator Jessica Collins asked the Department of Defence the following question, upon notice, on 16 October 2025:

Senator COLLINS: Thank you. No, I would just like to perhaps reflect and seek your view on this: we have heard a lot of evidence today that there is no problem to be solved here, so a lot of people are scratching their heads as to why this bill is going ahead. It is a resounding question that has been asked by everybody on this panel, and a lot of the evidence given today and, in fact, I believe, by the Tribunal as well is that there is no problem to solve here, and they are doing a terrific job in the review process with the Tribunal as well. Your submission says that the Tribunal places a significant administrative burden on the Defence honours and awards team. How many permanent full-time staff are currently employed in that team?

Ms Cole I'll need to take that on notice. Do you mean in the team responsible for specifically looking at the historical honours requests—or all awards that were processed through this honours and awards team?

Senator COLLINS: If we can get that all broken down, that would be terrific.

Ms Cole: We can.

Defence provides the following answer:

The Directorate of Honours and Awards assess applications for operational service, length of service and foreign awards, respond to Parliamentary matters and customer responses, manage ADF honours and awards policy on behalf of the Chief of the Defence Force, and manage ADF and APS honours and recognition. The numbers below represent the Full Time Equivalent actuals for APS employees in the Directorate of Honours and Awards, as at the last pay of each financial year. The Honours and Recognition team manages historical honours related requests.

Year	APS Employees	Honours and Recognition team APS Employees	Others
2015-16	39.6	4	Joint Operations Command and each Service and non-Service Group have staff who coordinate contemporary honours and awards matters within those Groups.
2016-17	42.5	4	
2017-18	42.2	4	
2018-19	35.1	4	
2019-20	36.1	4	
2020-21	36.0	4	
2021-22	37.6	4	
2022-23	42.2	4	
2023-24	40.1	6	
2024-25	37.6	6	

INQUIRY QUESTION

(Question No. 2)

Senator David Pocock asked the Department of Defence the following question, upon notice, on 16 October 2025:

Senator DAVID POCOCK: Maybe on notice you can tell us how many complaints have been received about non-family members making submissions and then also, to your other point, how many cases there have been of international scholars or others making recommendations.

Rear Adm. Boulton: I might pass to Ms Cole. She has some data on other affected people.

Ms Cole: This might help you. Since the establishment of the Tribunal, for honours, we can see that we have 14 'other' people. In terms of the breakdown of the 'other' category, be it an historian or an interested party, I don't know that level of detail. I just know that they were not the member affected, the family, the witness or a chain of command. But I also have the breakdown of those people.

Senator DAVID POCOCK: Of those 14, how many of their families took exception to that?

Ms Cole: We don't have that level of detail today. We'll get it for you on notice.

Defence provides the following answer:

Defence is aware of 13 cases heard by the Tribunal where the application for an honour was made by a person other than the affected person, a member of the chain of command, an eyewitness or a member of the immediate family. One of the cases referred to in the Senate Committee hearing was counted in error and was an application from a person who self-nominated.

Of these 13 reviews, Defence is aware of two cases where the family expressed dissatisfaction with the Tribunal review proceeding.

INQUIRY QUESTION

(Question No. 3)

Senator Ellie Whiteaker asked the Department of Defence the following question, upon notice, on 16 October 2025:

Senator WHITEAKER: On the question of family members and the requirement that they are either a party to the request for review or consent to that review, some of the evidence that we've heard today has spoken specifically to, for example, nieces, nephews or grandchildren, who are excluded from the definition of 'immediate family member'. I note that in the Bill there is a difference in the circumstances in which someone is able to apply for a review for a Defence honour rather than a Defence award or foreign award. Under the definition of 'Defence award or foreign award', the applicant if the affected person is deceased is 'the executor, administrator, trustee of the estate or other personal representative'. Is it the intention that that 'other personal representative' be an official representative? Could a niece, nephew or grandchild potentially fit that definition? If not, why was the definition of 'immediate family member' used?

Ms Cole : I might have to take the first part of your question on notice because it is a legal term and I want to make sure we are legally answering correctly.

Senator WHITEAKER: If you could take that on notice, that would be great.

Ms Cole: The first bit, about why there is that extra person at the end—yes. Immediate family was taken on, though, because that's from the Family Law Act. That was the persistence of OPC helping us in the process.

Defence provides the following answer:

A member, or their immediate family, may apply for a review of a reviewable decision regarding a Defence award or foreign award. If the affected person is deceased, the executor, administrator, trustee of the estate or other personal representative of the affected person may apply for a review.

The term 'immediate family member' means any of the following persons:

- a spouse or former spouse;
- a de facto partner or former de facto partner;
- their parent;
- their child (including an adopted child or stepchild or a person who is their child within the meaning of the *Family Law Act 1975*);
- their sibling;
- their grandparent;
- or their grandchild.

A de facto partner and spouse of a person are defined by the *Acts Interpretation Act 1901*.

In all Australian jurisdictions, someone is appointed to administer the estate of a deceased person. That person is generically referred to as a 'legal personal representative' or 'personal representative', and may be called an 'executor' (if named in a will) or an 'administrator' (if appointed by a court). For example, under the *Succession Act 2006* (NSW), a personal representative means the executor or administrator of the estate.

The term 'personal representative' is not defined in the proposed Bill, but is commonly understood to be the person who takes control of the deceased person's estate.

A niece or nephew is not currently captured by the proposed definition of immediate family member but a grandchild is. A niece or nephew may be eligible to apply for a review if they are appointed as the personal representative of the deceased person's estate.