



**Submission to
the Senate Foreign Affairs, Defence and Trade Legislation Committee
on the Inquiry into the Defence Amendment
(Defence Honours and Awards Appeals Tribunal) Bill 2025
from Legacy Australia**

On 9 September 2025, the Senate Foreign Affairs, Defence and Trade Legislation Committee invited Legacy Australia to make a submission to its inquiry into the Defence Amendment (Defence Honours and Awards Appeals Tribunal) Bill 2025. As the major Ex-Service Organisation that supports the families of veterans who have given their lives or their health in service of Australia, Legacy Australia's submission is predominantly focussed on the impact on the families of veterans.

Legacy's mission is to ensure that no dependent of a veteran suffers financial or social disadvantage because of their loved one's death or injury from service, and we serve over 28,000 individuals through our programs and services. Given our long-standing commitment to supporting veteran families, we have a vested interest in the successful implementation of reforms within the veteran support framework. Legacy's model of care differs from other organisations, as our membership provides services to the veteran family cohort for their entire lifetime and freely. Service provision is client-centred and tailored to the unique needs of families of veterans and specifically designed to empower and support them to build a sustainable future, when they need it most.

The Defence Honours and Awards Appeals Tribunal (DHAAT) was originally established as the Defence Honours and Awards Tribunal (DHAT) in June 2008. It was initially established by the Parliamentary Secretary for Defence, the Hon, Dr Mike Kelly, MP with recommendatory (administrative) powers to Government. With the passing of amendments to the Defence Act 1903 (Part VIII C), the DHAT became the Defence Honours and Awards Appeals Tribunal (DHAAT)

in July 2011 which gave the Tribunal the power to direct Defence to issue campaign and long service medals and in some cases foreign awards. Honours were referred to the Minister.

The DHAAT was established to provide an independent review into medal claims after rejection by Defence. This gave veterans and the families the right of appeal which did not exist prior. It was a Rudd Government election promise.

The Tribunal conducts two types of hearings. From their website:

- In reviewing eligibility for a defence award (such as a campaign or long service award) and foreign awards the Tribunal is able to affirm a decision, revoke a decision, substitute a new decision or vary a decision.
- In reviewing eligibility for defence honours (such as a gallantry or distinguished service award) the Tribunal may make recommendations to Government to affirm, revoke, substitute or vary the Department's initial decision.

Inquiries

At the conclusion of an inquiry the Tribunal will provide a report to Government outlining its findings and any recommendations.

Consultation

Legacy has no record of any meaningful consultation on this amendment with either the Minister's office or the department. We acknowledge though that the Minister did briefly discuss some proposed changes to the DHAAT Act at an ESORT meeting on 27 August 2024. Legacy was unaware of the bill until it was introduced to the House of Representatives and debated earlier this month.

The Proposed Amendment

Prior to this amendment, which is clearly to reduce costs and administrative burden on Ministers, the Tribunal could consider service after 3 September 1939. This amendment would deny families the right of appeal for any award made more than 20 years after the completion of the relevant operation. That affects awards relating to the Second World War, Korea, the Malayan Emergency, Vietnam, Cambodia, the Gulf War, Somalia, Rwanda, some of the earlier operations in Timor Leste, Afghanistan and Iraq, and other humanitarian, peacekeeping and border protection claims thus denying the families natural justice.

While the difficulty in gathering evidence relating to actions from decades ago is acknowledged, this is not a reason to curtail the consideration of the merits of an award. The Department of Defence needs to focus on doing what is right rather than what is easy or expedient. It owes this to all current and former ADF members. The DHAAT fulfils a critical role in reviewing the Department's decisions.

A further concern is the restricting to only immediate family members (as defined in the Proposed Amendment) of who can apply for a review of a reviewable decision. There may be cases where an extended family member, such as an uncle, aunt or cousin may be the only surviving family member or may be better able to plead the case. Allowing such family members to apply for their relative's medals has certainly been Government policy for many years. This restricting of applicants should not be included in the amendment.

Conclusion

In conclusion, Legacy appreciates the opportunity to raise these matters with the Senate Committee. We acknowledge the Department's intent to streamline the operation of the Defence Honours and Awards Appeals Tribunal but are concerned by the restrictions on historical timelines placed on applicants should this amendment pass. The Defence Amendment (Defence Honours and Awards Appeals Tribunal) Bill 2025 should not be supported by the Senate as it stands.

Wayne McNee

Chairman

Legacy Australia Incorporated

29 September 2025