



## Submission to the Senate Foreign Affairs, Defence and Trade Legislation Committee

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

Submitted by: Heston Russell, Founder/Managing Director – Veteran Support Force LTD

## Introduction

The Defence Honours and Awards Appeals Tribunal (DHAAT) is vital for maintaining fairness, integrity, and trust in how our nation recognises service. Any amendment to its mandate must enhance, not restrict, veterans' access to recognition. From my experience as a former Special Forces Commander, and through my ongoing advocacy for veterans and their families, I hold significant concerns about the limitations proposed in this Bill.

This submission addresses the key provisions of the Bill and outlines the elements I support retaining in their current form, along with reasons grounded in lived experience and principle.

## 1. Review Period

**Position:** Reviews should remain unlimited back to WWII (1939).

### Reasoning:

- Recognition and justice often take far longer than 20 years.
- Many veterans only gain the confidence or strength to seek recognition later in life.
- Public perception, classified information, or shifting institutional culture often delays recognition.
- Imposing a 20-year cut-off risks shutting out legitimate cases, including those from conflicts as recent as Afghanistan.

## 2. Who Can Apply

**Position:** The right to apply should remain open to any serving member, coalition or allied forces who were present, and not be restricted to "senior" ADF members with consent.

### Reasoning:

- In practice, there are cases (including my own) where I was the senior-most person on the ground. Under the proposed model, there would be no one above me to apply for review — a serious flaw that would block valid appeals.
- Coalition and allied forces often fight and witness the same actions; they must be included.

- Restricting applications risks silencing critical eyewitness testimony and undermining justice.

### 3. Application Deadline

**Position:** There should be no specified timeframe for lodging an appeal.

**Reasoning:**

- Veterans often face barriers of mental health, stigma, or lack of awareness that delay their applications.
- A strict six-month deadline places unnecessary administrative burden and risks excluding those who need the Tribunal most.
- Justice delayed must not mean justice denied.

### 4. Tribunal Recommendations

**Position:** The Tribunal should retain its broad scope, including the ability to make recommendations for awards, not just determinations of eligibility.

**Reasoning:**

- Limiting the Tribunal to a narrow “tick-box” role strips it of the ability to recognise merit and recommend appropriate honours.
- Broader powers ensure fairness, accountability, and that Defence and Government cannot unduly limit recognition.

### 5. Cancelled Awards

**Position:** Cancelled awards should remain reviewable.

**Reasoning:**

- Awards may have been cancelled on the basis of flawed or incomplete information.
- The right to review is essential to preserve fairness and protect the reputation of those who served.

### 6. Annual Reporting

**Position:** Support the Bill’s proposal for the Tribunal to report annually to the Minister and Parliament.

**Reasoning:**

- Transparency is vital for maintaining public trust.
- Regular reporting ensures accountability and allows Parliament to assess whether the Tribunal is operating fairly and effectively.

## 7. Review of Awarded Honours and Awards

**Position:** There should be a provision enabling the Tribunal to review awards that have already been granted, if called upon by credible evidence or application.

**Reasoning:**

- The integrity of the honours system requires that recognition is both fair to those who receive it and to those who serve alongside them.
- There are circumstances where honours may have been awarded on the basis of incomplete, flawed, or even misleading information.
- Allowing for review of awarded honours provides accountability, ensuring that honours are not only preserved but also legitimately conferred.
- This protects the credibility of the system as a whole, ensuring that honours retain their true value and are trusted by veterans, the public, and future generations.

## Conclusion

The DHAAT must remain a body that veterans, their families, and the Australian community can trust to provide justice in the recognition of service. Arbitrary limits on timeframes, eligibility, or the Tribunal's powers risk eroding that trust.

I urge the Committee to ensure that any reforms to the Tribunal expand accessibility and fairness, rather than restrict them.

Respectfully,

**Heston Russell**

Managing Director & Veteran Games Founder

16 September 2025

## **Annex: Supplementary Submission – Case Study of Awards Nominations, Afghanistan 2012**

### **Introduction**

This supplementary section provides a case study of how the current Defence Honours and Awards framework fails to deliver justice to those whose actions in combat warranted recognition. It highlights systemic issues that prevented valid award nominations from being considered, and demonstrates why the proposed Bill would further entrench these injustices.

### **Current Policy Barrier**

Under the current Defence Honours and Awards Appeals Tribunal framework, a veteran may only apply for review after Defence has formally advised them that their application for an award was unsuccessful. This excludes circumstances where recommendations were never submitted by the chain of command. In such cases, veterans or their commanders on the ground have no pathway to appeal decisions made by higher headquarters not to forward nominations.

### **Case Study: Afghanistan, 2012**

During my command of November Platoon, Special Operations Task Group in Afghanistan in 2012, I nominated a number of soldiers and non-commissioned officers for recognition of their outstanding actions in combat. These included nominations for the Distinguished Service Medal, Commendations for Distinguished Service, and Commendations for Gallantry. However, when I submitted these nominations to headquarters, I was told that they would not proceed due to an imposed “quota” system.

***“When I handed the nominations in to headquarters an officer flicked through them. He looked at my nomination for a DSM for Damo.***

***‘That’s unlikely to get up,’ he said to me. ‘There are only three DSMs allocated to the entire SOTG.’***

***‘What do you mean? There are quotas?’***

***He nodded. I was told that because the special operations task group had historically received a high number of awards, the senior brass had put a cap on them, and raised the bar for what constituted distinguished service or gallantry for us.”***

***— Heston Russell, \*Forging the Will to Fight\*, p. 241–242***

Despite these quotas, senior officers up the chain of command — none of whom commanded a single mission on the ground during this deployment — received significant honours. The SOTG Executive Officer, who is the “headquarters officer” I referred to in the above expert from my book, received a Distinguished Service Medal. My Company Commander (the officer directly above me) received a Distinguished Service Cross, as did the Special Operations Task Group Commanding Officer. Commanders above them were subsequently recognised with Australian Honours for the same period also. This disparity between those who commanded actions in combat and those who remained at higher headquarters undermines the integrity of the honours system.

## Policy Gap

There is no pathway under the current legislation to resubmit or appeal nominations that were blocked at higher levels. As this case demonstrates, those whose actions directly merited recognition were denied even the chance of fair consideration. The proposed amendments in the Defence Amendment Bill 2025 would further narrow eligibility and review, compounding this injustice.

## Recommendations

That the Committee consider amendments to allow:

1. A direct appeal pathway for cases where nominations were not forwarded by the chain of command.
2. Recognition of first-hand testimony, published records, and commanding officer accounts as valid evidence.
3. Tribunal authority to consider such cases on merit, rather than being blocked by administrative technicalities.

## Conclusion

The quota system, be it self imposed or directed, and hierarchical filtering of nominations has denied justice to many veterans. My soldiers' bravery and distinguished service in Afghanistan deserved recognition, yet their nominations were blocked or simply never passed on, while higher headquarters staff received honours, perhaps without even actually commanding in action or to the standards of which these awards should be expected in contrast. It is critical that the Tribunal's framework be reformed to correct these failures, not reinforced with further restrictions.

Respectfully,

**Heston Russell**  
Major (Ret'd)