



Australian Government

Defence Honours and Awards Appeals Tribunal

FACT SHEET 01 – Overview

What is the Defence Honours and Awards Appeals Tribunal?

The Defence Honours and Awards Appeals Tribunal (the Tribunal) is an independent statutory body that has been established under the *Defence Act 1903*. The Tribunal commenced operation as a statutory body on 5 January 2011. Before that it operated administratively from July 2008.

Before 2008 there was no avenue of review concerning eligibility for Defence honours or awards. The establishment of the Tribunal has changed this. In particular:

- An individual is able to directly seek review by the Tribunal about their eligibility for a Defence honour or award but only after an application has been refused by Defence.
- The Government is able to refer general eligibility issues relating to Defence honours and awards to the Tribunal for inquiry and recommendation.

Members of the Tribunal

The Tribunal consists of a Chair and ten members. All of these positions are part-time.

Mr Mark Sullivan AO was appointed as the Chair of the Tribunal for a period of three years on 23 November 2014.

The other members of Tribunal are:

- Mr David Ashley AM, former RSM-Army, NSW
- Brigadier Mark Bornholt AM (Retd), former senior Army officer, ACT
- Rear Admiral James Goldrick AO CSC RAN (Retd), former senior Navy officer, ACT
- Ms Naida Isenberg, lawyer, NSW
- Ms Josephine Lumb, legal and policy professional, ACT
- Mr Graham 'Bert' Mowbray, retired Federal Magistrate, ACT
- Brigadier Kevin O'Brien, former senior Army officer, QLD
- Air Vice-Marshal John Quaipe AM (Retd), former senior Air Force officer, NSW
- Ms Jane Schwager AO, mediator and former senior NSW public servant, NSW
- Ms Anne Trengove, lawyer, SA

Secretariat Support to the Tribunal

The Tribunal is supported administratively by Defence. The Tribunal's Secretariat is located within the Defence Legal Division. The four secretariat positions are full-time and comprise an Executive Officer, a Deputy Executive Officer, a Research Officer and an Assistant Executive Officer.

The Secretariat works closely with the Chair of the Tribunal on the administration of the Tribunal.

What can the Tribunal review / decide?

The Tribunal can review decisions of Defence in respect of applications for Defence honours and awards.

In respect of Defence **honours** the Tribunal may review an application and make recommendations to Government.

In respect of Defence **awards** the Tribunal is able to affirm a decision, revoke a decision, substitute a new decision or vary a decision.

The Tribunal can review a decision for eligibility for a Defence honour or award that is available for recognition of service from the beginning of World War II (3 September 1939) onwards.

The Tribunal can review a Defence decision refusing to recommend a **foreign award** for defence service. However, the Tribunal can only review an application for an award within the terms set by the foreign government or international organisation where that government or organisation allows Defence to assess applications for the award or Defence is able to nominate Australian Defence Force members (including ex-serving members) for the award.

What cannot be reviewed by the Tribunal?

Applications for review of eligibility for Defence honours and awards for the period before the commencement of World War II (3 September 1939) can only be referred to the Tribunal by the Government.

If an honour or award does not exist, a person or organisation cannot seek review by the Tribunal to create such an honour or award.

The Tribunal cannot review nominations for appointments to and awards in the Order of Australia.

The Tribunal cannot review an application for a foreign award that seeks to amend the criteria set by the foreign government or international organisation.

What are the limits of the Tribunal's powers?

Medal Entitlements: The initial decisions on honours and awards eligibility for serving and ex-serving Australian Defence Force members are made by Defence through the Directorate of Honours and Awards. It is only once an applicant has been advised that they are not eligible for an award that the Tribunal can review that decision.

Serving and ex-serving members seeking an award should therefore first apply to Defence at: www.defence.gov.au/medals

Veterans' Entitlements: Eligibility for repatriation benefits is governed by the *Veterans' Entitlements Act 1986*, the *Safety, Rehabilitation and Compensation Act 1988*, and the *Military Rehabilitation and Compensation Act 2004*.

There is no legal connection between eligibility for the award of medals and repatriation benefits.

The Tribunal has no powers, nor any role, in the determination of eligibility for repatriation benefits for veterans.

Who can apply for a review of a reviewable decision?

A serving or former Australian Defence Force member may apply to the Tribunal to review a decision for eligibility for Defence honours and awards awarded from the beginning of World War II (3 September 1939) onwards.

Other interested persons or organisations, which may include next of kin, an advocate or ex-service organisation or a person with an interest in Defence honours and awards, may apply to the Tribunal for a review of a decision refusing another person eligibility for a Defence honour or award.

How do I contact the Tribunal?

Mail address:

Defence Honours and Awards Appeals Tribunal
Floor 1, 105 Tennant Street Fyshwick
Locked Bag 7765
Canberra BC ACT 2610

Telephone: (02) 6266 1019

E-mail: DHA.Tribunal@defence.gov.au

Website: www.defence-honours-tribunal.gov.au

Other related fact sheets:

Preparing a Submission to an Inquiry
Guidance for Persons Appearing at a Hearing
Preparing an Application for Review
Guidance for Applicants