



Australian Government

Defence Honours and Awards Appeals Tribunal

INQUIRY INTO THE REFUSAL TO ISSUE ENTITLEMENTS TO, WITHHOLDING AND FORFEITURE OF DEFENCE HONOURS AND AWARDS

Terms of Reference

The Defence Honours and Awards Appeals Tribunal (the Tribunal) is directed to inquire into and report on the refusal to issue entitlements to, withholding and forfeiture of defence honours and awards for service with the Australian defence forces since 1939.

Specifically, the Tribunal is to:

- identify the legal provisions applicable to the refusal to issue entitlements to, withholding and forfeiture of such defence honours and awards;
- investigate the approaches adopted over time by the Royal Australian Navy, the Australian Army, the Royal Australian Air Force and the Department of Defence in respect of the refusal to issue entitlements to, withholding and forfeiture of such defence honours and awards;
- determine whether those approaches were consistent with the legal provisions; and
- present to Government any recommendations that the Tribunal considers appropriate to correct any injustices arising from any improper refusal to issue an entitlement to, withholding and forfeiture of such defence honours and awards.

The Tribunal is to receive submissions from individuals or representatives of individuals who may have been affected by policies related to the refusal to issue entitlements to, withholding or forfeiture of defence honours and awards; however the Tribunal is not directed through this inquiry to review and report on individual cases. These will be a matter for the Department of Defence and potentially for the Tribunal to consider after the Tribunal's inquiry is complete.

The Tribunal is to determine its own procedures, in accordance with the general principles of procedural fairness, when conducting its inquiry as set out in these Terms of Reference.

In making its findings and formulating its recommendations the Tribunal is required to maintain the integrity of the Australian honours and awards system and identify any consequential impact that any finding or recommendation may have on that system.

Submissions to the Inquiry close on 28 February 2014.