



Australian Government

Defence Honours and Awards Appeals Tribunal

FACT SHEET 04 - Preparing an Application for Review

Introduction

The Defence Honours and Awards Appeals Tribunal (the Tribunal) is an independent statutory body that has been established under the *Defence Act 1903*.

An individual is able to submit an application for review directly to the Tribunal about their eligibility for a Defence honour or award but only after an application has been refused by Defence.

However, it must be understood that in undertaking its review, the Tribunal is bound by the eligibility criteria that governed the making of the reviewable decision.

The purpose of this fact sheet is to provide information on how to prepare an application for review to the Tribunal once an application for an honour or award has been refused by Defence.

Note: This fact sheet should be read in conjunction with fact sheet – Guidance for applicants.

What can the Tribunal review?

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

The Tribunal can review a decision for eligibility for a Defence honour or award in 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 by the Tribunal can only be lodged after you have made an application for an honour or award and it has been refused by Defence.

The Tribunal cannot review nominations for 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.

Format of an application

Once you are satisfied that you fit within the criteria for a review, you can lodge your application taking the following steps:

1. Complete the form – **Application for Review of Decision**. This will cover basic information the Tribunal needs to know about you including:
 - your personal details (name, etc);
 - your service details; and
 - your contact details (postal/email address and phone number).
2. Prepare your case. As a minimum it should contain the following:
 - a concise summary of the issue;
 - a statement of what action or outcome is desired from the submission;
 - a copy of the Defence decision to refuse you an honour or award.
 - provision of as much relevant information as possible to provide a clear understanding of your understanding of the issue; and
 - fully documented evidence in support of the application (please send photocopies of original documents not the originals).

Your application may be as short or as long as you like. If the application is longer than a few pages, include a summary at the front.

You need to accept that your application may be passed in full to Defence or other appropriate authorities or any person in relation to whom comments are made for them to provide a response. If the application reflects adversely on another person or organisation the Tribunal will send the comment to the other person or organisation so that they can reply. The content of any application may be included in the Tribunal's reasons for its decision.

A declaration to this effect is required and is made on the form – **Application for Review of Decision**, which you need to lodge with your application.

Note: It is not the Tribunal's role to undertake research on behalf of an applicant. A person making an application should provide the Tribunal with a copy of all documents relied upon to support their claims.

Presenting your Application

Please type or write the grounds for your application clearly in black ink on A4 paper. Photocopies of attachments are acceptable. Provide the completed, signed form and your application, together with any attachments by mail to the Tribunal.

Documents can be sent via email. Please do so in Microsoft Office Word or in PDF format. If all your documents together are larger than 1.5 megabytes, mail your submission to the Tribunal, as there are firewall limits and your submission may be rejected by the firewall.

Sensitive material and confidential information should be clearly marked. Such material should not be sent via email because it is not a secure medium.

Make sure you sign the form. Emailed documents must include your name, phone number and postal address so that you can be contacted during the review.

Information provided for any review may be used as the basis for further research and clarification.

The Tribunal reserves the right to reject an application that does not fit within the scope of the Tribunal's powers, is frivolous or vexatious, or which has previously been dealt with by the Tribunal.

What happens next?

See the Guidance for Applicants fact sheet, which includes information for those invited to appear before the Tribunal.

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:

Overview – Defence Honours and Awards Appeals Tribunal

Guidance for Persons Appearing at a Hearing

Guidance for Applicants