



## Australian Government

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### Defence Honours and Awards Appeals Tribunal

# FACT SHEET 05 - Guidance for Applicants

## 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 appeal 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 what happens after you have lodged an appeal with the Tribunal.

Note: This fact sheet should be read in conjunction with fact sheet – Preparing an Appeal.

## What is the appeal process?

The standard procedure for considering applications for review of a decision for an award (under the *Defence Regulations 2016*) is as follows:

- the applicant is to provide a copy of the decision of Defence (made by the Directorate of Honours and Awards) which the applicant wants the Tribunal to review together with any material relevant to the application. If the application is for the review of an award as distinct from an honour, the name of the applicant or information that might identify him or her is kept private, other than for a purpose relevant to the Tribunal's determination of the application;
- on receipt of an application for review, a copy of the application will be forwarded by the Tribunal to Defence. Defence is given 30 working days to respond to the application;
- a copy of the Defence response is forwarded to the applicant, who can, if he or she chooses to do so, provide the Tribunal with a written response;
- it is the usual practice of the Tribunal to then have a hearing with the applicant. The purpose of this hearing is to give the applicant an

opportunity to explain personally why they believe the decision of Defence is wrong and why they should be given the medal or award for which they had applied. Applicants can appear at the hearing in person or by telephone. The Tribunal will direct the manner of appearance. It is our experience that applicants usually prefer to appear by telephone;

- the Tribunal then considers all the material placed before it and the law (especially the Medal Regulations) relevant to the award the applicant had applied for, and makes a determination as to whether the decision of Defence was the correct or preferred decision. If the Tribunal finds that it is not the correct or preferred decision, it can set the decision aside and substitute another decision; and
- in making its determination, the Tribunal writes a decision and reasons for decision. A copy of the decision and reasons for decision are provided to the applicant and Defence. The decision is then published on the Tribunal's website.

For a review of a decision for an honour, the procedure for considering applications differs to that described above, in that the Tribunal does not have the power to make a decision, it can only make a recommendation to the Minister.

### **What if I don't like the decision of the Tribunal?**

The Tribunal has no legal authority to review or re-open a case once it has made a decision. An applicant is able to seek review by the Federal Court on questions of law, but not on the merits, if he or she is dissatisfied with the Tribunal's decision. Before taking such action the applicant may wish to seek legal advice

The Tribunal has been advised by the Defence Force Ombudsman that the Ombudsman has no jurisdiction to investigate complaints about the actions and decisions of 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](mailto:DHA.Tribunal@defence.gov.au)

Website: [www.defence-honours-tribunal.gov.au](http://www.defence-honours-tribunal.gov.au)

### **Other related fact sheets:**

Overview – Defence Honours and Awards Appeals Tribunal  
Preparing an Application for Review