



## THE HON. DR MIKE KELLY MP Parliamentary Secretary for Defence Support

Friday, 29 August 2008

033/2008

### TRIBUNAL TO INQUIRE INTO AUSTRALIAN DEFENCE MEDAL ELIGIBILITY

Parliamentary Secretary for Defence Support, Dr Mike Kelly AM MP, announced today the first inquiry to be undertaken by the recently established Defence Honours and Awards Tribunal.

“Establishment of the independent Defence Honours and Awards Tribunal fulfils an election commitment. Consistent with that commitment, I have directed the Tribunal to inquire into, and report on, eligibility for the Australian Defence Medal,” Dr Kelly said.

Dr Kelly said a call for submissions would be released shortly in the national press. The Tribunal will also contact organisations and individuals known to have an interest in the issue.

The Tribunal was established by the Government to allow Defence Honours and Awards issues to be considered independently. It will examine a range of long-standing medals issues including claims of the Merchant Navy for recognition of those who served with the United States Army Small Ships Fleet.

Dr Kelly said the Tribunal’s establishment would ensure that Defence Honours and Awards issues were considered independently of both Defence and Government.

Emeritus Professor, Dennis Pearce AO, has been appointed Chair of the Tribunal.

“Many people have written to me concerning eligibility issues associated with the Australian Defence Medal and I would encourage them to now take advantage of this opportunity to make a submission,” Dr Kelly said.

The Tribunal can be contacted at:

Defence Honours and Awards Tribunal  
Locked Bag 7765  
CANBERRA BUSINESS CENTRE ACT 2610

Or via email to [DHA.Tribunal@defence.gov.au](mailto:DHA.Tribunal@defence.gov.au)

The Terms of Reference of the inquiry can be obtained at  
[www.defence-honours-tribunal.gov.au](http://www.defence-honours-tribunal.gov.au)

**Media contacts:**

Mark Sjolander (Dr Mike Kelly): 02 6277 4840 or 0407 102 220

Defence Media Liaison: 02 6265 3343 or 0408 498 664

## Terms of Reference

### Inquiry into Eligibility Criteria for the Australian Defence Medal

The Defence Honours and Awards Tribunal shall inquire into and report on the eligibility criteria for the Australian Defence Medal.

The Australian Defence Medal, instituted by Letters Patent, dated 8 September 2005 and as amended on 20 March 2006 by the *Australian Defence Medal Regulations 2006*, recognises efficient Australian Defence Force (ADF) service since 3 September 1945.

Having regard to the purposes for which the Australian Defence Medal was instituted and the terms of the *Australian Defence Medal Regulation 2006* ('the Regulation'), the Tribunal is to:

- (a) conduct an inquiry into decisions of the Chief of the Defence Force, or his delegate, concerning the eligibility of ADF personnel, as specified in these terms of reference ('the specified ADF personnel'), to be or not to be eligible to be awarded an Australian Defence Medal and make findings and recommendations in regard to that review;
- (b) examine any other circumstance, arising since 3 September 1945, where the services of ADF personnel have been, or could be, involuntarily terminated and the eligibility of such personnel to be awarded an Australian Defence Medal;
- (c) examine the powers of the Chief of the Defence Force, to determine whether an ADF person 'has given qualifying service that is efficient service' and is therefore eligible to be awarded an Australian Defence Medal;
- (d) report to the Parliamentary Secretary for Defence on its findings in regard to the above and any recommendations that arise from the inquiry.

The Specified ADF personnel for the purposes of (a) above are:

- (a) Defence Force personnel, who meet the minimum period of service as prescribed under the Regulation, but the period of service commenced prior to 3 September 1945;
- (b) Mobilised wartime naval reservists, who, in or about 1947, accepted a two year engagement in the Royal Australian Navy and exercised their right to opt for a free discharge after the first 12 months of service;
- (c) Defence Force personnel who were women and who were discharged:
  - i. prior to 1969 on grounds of marital status;
  - ii. prior to 1974 on grounds of pregnancy;
- (d) National Servicemen, who do not meet the minimum period of service as prescribed under the Regulation and who elected to be discharged under the provisions of the *National Service Termination Act 1973*;
- (e) Defence Force personnel who were discharged:

- i. with a non-compensable illness or injury;
  - ii. as a result of the application of a discriminatory policy;
  - iii. on compassionate grounds;
- (e) Defence Force personnel who were discharged from the Citizen Military Forces ('CMF') or Reserve unit:
  - i. voluntarily, due to a civilian posting where no reasonable alternative means to continue that service existed (e.g. residence in a remote rural or regional area);
  - ii. due to a CMF or Reserve unit having been disbanded and no reasonable alternative means to continue that service existed;
- (f) Defence Force personnel who have performed active service and who were discharged voluntarily before they had four years of service (e.g. Vietnam veterans);
- (g) Members of the British services on exchange duties with Australian Defence services;
- (h) Cadet Officers and instructors; and
- (i) Other categories of persons identified by the Tribunal during the course of this inquiry.

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 system and identify any consequential impact any finding or recommendation may have on that system.