



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 appeal concerning eligibility for Defence honours or awards. The establishment of the Tribunal has changed this. In particular:

- 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.
- 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 Alan Rose AO was appointed as the Chair of the Tribunal for a period of three years on 26 September 2011.

The members of Tribunal are:

- Mr Adam Bodzioch, former senior State public servant, SA
- Brigadier Gary Bornholt AM, CSC (Retd), former senior Army officer, ACT
- Vice Admiral Don Chalmers AO (Retd), former Chief of the Navy, NSW
- Dr Jane Harte, Psychologist, QLD
- Ms Christine Heazlewood, Lawyer, VIC
- Ms Sigrid Higgins, Barrister, NSW
- Professor David Horner AM, military historian, ACT
- Mr John Jones AM, former senior Industry executive, NSW
- Air Commodore Mark Lax OAM, CSM (Retd), former senior Air Force officer, ACT
- Mr Kevin Woods CSC, OAM, former Regimental Sergeant Major of the Army, ACT

Secretariat Support to the Tribunal

The Tribunal is supported administratively by Defence through its Secretariat located within the Defence Legal Division, Department of Defence. The four secretariat positions are full-time and comprise an executive officer, two research officers and an administrative 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 approval to wear 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 appeal to the Tribunal to create such an honour or award.

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.

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 formal 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 ex-serving 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
CP2-3-068
Locked Bag 7765
Canberra BC ACT 2610

Telephone: (02) 6266 3486

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

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

Other related fact sheets:

Preparing a Submission
Guidance for Witnesses
Preparing an Appeal
Guidance for Applicants