



Guide to Inquiries

Introduction

The Defence Honours and Awards Appeals Tribunal (the Tribunal) is an independent statutory body established under the *Defence Act 1903* to consider Defence honours and awards matters.

The establishment of the Tribunal has created avenues for:

- individuals to seek **review** of their eligibility for a defence honour, a defence award, or a foreign award, after an application has been refused by Defence; and
- the Government to refer general eligibility issues relating to Defence honours and awards for **inquiry** and recommendation.

This information contained in this document focuses on the Tribunal's **inquiry** function and covers the below topics:

- When does the Tribunal conduct an inquiry?
- How is an inquiry conducted?
- How long does an inquiry take?
- How can I make a submission to an inquiry?
- Format of a submission
- Public hearings
- Appearing at a hearing
- Inquiry reports
- How can I contact the Tribunal?

When does the Tribunal conduct an inquiry?

From time to time, the Government refers general eligibility issues relating to Defence honours and awards to the Tribunal for inquiry and recommendation.

When this occurs the Terms of Reference for the inquiry will be established by Government.

How is an inquiry conducted?

The inquiry will commence with a nationwide call for submissions to address the inquiry's Terms of Reference. The Tribunal will then consider the submissions received. Following on from this, public hearings will be held and some submitters may be invited to provide oral evidence.

Once the hearings are complete, the Tribunal will make its deliberations and provide a written report to Government for consideration.

How long does an inquiry take?

Given the complexities of issues, no reporting date is set for inquiries. Many aspects effect the time taken to conduct an inquiry, including the breadth of the Terms of Reference.

An inquiry can, at times, take a minimum of twelve months to finalise.

How can I make a submission to an inquiry?

If you are considering making a submission it is important that you first obtain a copy of the inquiry's Terms of Reference. The Terms of Reference are published on the ***inquiries*** page of the Tribunal's website. Once you have reviewed the Terms of Reference and wish to make a submission to an inquiry you may do so.

Format of a submission

A submission to an inquiry can be made online at <https://defence-honours-tribunal.gov.au/submission-to-inquiry/>. Alternatively, submissions can be sent by e-mail to dha.tribunal@defence.gov.au, or in hard copy through the mail.

Handwritten submissions should be neatly written on A4 paper. For electronic submissions, please provide any electronic attachments in Microsoft Office Word; PDF, or JPEG formats when possible. If the total size of the documents exceed 10 megabytes your submission may be rejected by the firewall. It can be a good idea to confirm receipt of large submissions with the Tribunal's Secretariat.

The Terms of Reference for the inquiry is a good guide to structuring your submission, which can be as short or as long as you like.

At the minimum, your submission should contain:

- The '**Submission to inquiry**' form, including a summary of your submission and desired outcome;
- As much relevant information as possible to provide a clear understanding of the submitter's understanding of the issue; and
- All supporting documentation. Please ensure any attachments are of good quality and are legible.

A submission may contain facts, opinions, arguments or recommendations. It may cover some or all of the points in the terms of reference, depending on what your interest is. If the submission is longer than a few pages, include a covering summary.

If you are making your submission on behalf of an organisation, you will need to provide details of your position in the organisation and the name and position of the person(s) who authorised the submission.

Sensitive material and confidential information should be clearly marked.

All submissions are required to be submitted by the due date provided in the Terms of Reference. Supplementary submissions or amendments to submissions should be provided in time for the Tribunal's consideration prior to hearing.

The Tribunal will not accept a submission that does not meet the Terms of Reference of the inquiry and/or is not relevant to the inquiry being conducted.

Public hearings

Hearings for the inquiry are held in public unless the Chair of the Tribunal determines otherwise.

Notification of upcoming hearings will be advertised on the Tribunal's website prior to the event. Any member of the public and submitters to the inquiry can attend the public hearings to observe the proceedings. All attendance at a hearing is to be registered with the Tribunal's Secretariat prior to the hearing.

The Tribunal may invite a submitter, individual and/or representatives from a group or organisation to provide further evidence at hearing. Representatives should have appropriate knowledge of the issues before the Tribunal. The Tribunal may request specific office holders or individuals. Reasonable travel costs may be covered for those requested to appear.

Hearings are recorded and retained as part of the Tribunal's record. Transcripts of the recordings will not be made, however persons appearing before the Tribunal may request an audio copy of their testimony.



Appearing at a hearing

On arrival at the hearing venue, all persons appearing before the Tribunal should introduce themselves to Tribunal Secretariat staff.

When the time comes, the person providing the evidence will be invited to the witness table. When requested by the presiding member, the person(s) appearing will be required to state their full name and the capacity in which they are appearing before the Tribunal. Evidence provided will be under oath or affirmation.

It should be assumed that any written submission has been read by the Tribunal. A short opening statement can be used to clarify, amend or expand on points made in a written submission. Information and evidence provided at a hearing may be used as the basis for further research or clarification. Tribunal reserves the right to provide any evidence from the hearing, which may adversely reflect another person or organisation, to the other person or organisation for reply.

The Tribunal will then direct questions to the person(s) appearing before the inquiry. If the information or an answer to a question is not able to be provided, the person providing evidence may seek permission to provide a written answer.

The Tribunal may request additional information from a submitter after a hearing. Further unsolicited submissions or documents submitted will usually not be considered by the Tribunal.

Inquiry reports

Once the Tribunal completes its deliberations, it will submit a written report, with recommendations, to Government. This report is published on the Tribunal's website 20 working days after it is submitted to Government.

How do I contact the Tribunal?

Post:

Defence Honours and Awards Appeals Tribunal
Floor 1, 5 Tennant Street Fyshwick
Locked Bag 7765
Canberra BC ACT 2610

Phone: (02) 6266 1019

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

Need further information or assistance?

Along with assisting the Tribunal, the Tribunal Secretariat is established to assist applicants, advocates and other interested persons with any questions they may have on the Tribunal's jurisdiction and processes. Please feel free to contact the Secretariat using the above details.

If you experience difficulties with your mental health and wellbeing associated with your application, or your service in general, we encourage you to call Open Arms on 1800 011 046 for confidential counselling and access to other programs. This service is free to current and ex-serving ADF personnel and their families.