



Australian Government

Defence Honours and Awards Appeals Tribunal

Annual Report

Financial Year 2022-23

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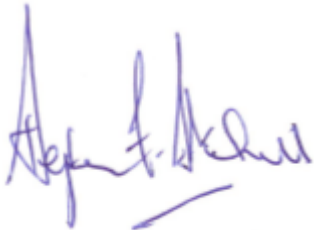
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The Hon Matt Keogh MP
Minister for Defence Personnel
Minister for Veterans' Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister

I am pleased to present an Annual Report for the Defence Honours and Awards Appeals Tribunal for the year 2022-23. While there is no legal requirement for such a report, I have considered it appropriate to account to you for the activities of the Tribunal as though there was such a requirement.

Yours sincerely



Stephen Skehill
Chair
Defence Honours and Awards Appeals Tribunal

16 October 2023

Summary

About the Tribunal

A Defence Honours and Awards Tribunal was first established as an administrative body in 2008, and the present Defence Honours and Awards Appeals Tribunal was later established as an independent statutory body on 5 January 2011, under Part VIIIC of the *Defence Act 1903* (the Act).

The Tribunal has two functions under the Act.

Under the Tribunal's **review** function (set out in section 110V of the Act), at the request of an applicant, the Tribunal can review certain decisions of Defence relating to eligibility for defence honours and awards, and foreign awards. Through this review function, the Tribunal allows Australian Defence Force members, veterans and their families to obtain timely, independent and thorough review of those decisions. The Tribunal considers all the relevant evidence and then arrives at what it believes to be, on the merits, the correct or preferable decision.

Under the Tribunal's **inquiry** function (set out in section 110W of the Act), at the direction of the Minister, the Tribunal can inquire into matters relating to defence honours and awards and provide a report and recommendations to Government.

The Tribunal is not a court and it seeks to conduct its proceedings with as little formality as possible. It is separate from the Australian Defence Force and the Department of Defence and is accountable to Government through the Minister for Veterans' Affairs and Defence Personnel.

This year

Reviews

During the 2022-23 financial year, the Tribunal completed 20 reviews under section 110V. In doing so, as required by the Act, the Tribunal reviewed the member or veteran's eligibility for recognition against extant eligibility criteria. In a number of cases the Tribunal made further recommendations to Government.

In 12 of these cases, the Tribunal affirmed the decision of Defence. In two of those 12 cases, the Tribunal recommended to the Minister that Defence be directed to undertake further action regarding matters raised in the course of the review. In the remaining eight cases, the Tribunal set aside Defence's decision and recommended that it be substituted with a new decision to recommend the member or veteran with a defence honour or award.

In an additional four cases, following lodgement of the application for review, Defence decided to revisit its original decision and make its own recommendation that the member or veteran be recognised for their service. In two further cases, the member or veteran chose to withdraw their

application for review during the review process. One application was dismissed under section 110VC of the Defence Act.

During the period, the Tribunal received 26 properly-made applications for review, and there were 18 reviews still in progress at the end of the financial year.

Inquiries

In October 2022, the Tribunal completed the *Inquiry into unit recognition for Australian Defence Force service in Somalia*, and in doing so made a number of recommendations concerning further recognition for veterans of the Somalia campaign. These recommendations were later accepted by Government, which was especially pleasing given they were made as Somalia veterans marked 30 years since their service which was, at many times, particularly difficult and dangerous.

As well as completing the Somalia inquiry, the Tribunal also made significant progress on the *Inquiry into medallic recognition for service with Rifle Company Butterworth during the period from 1970-1989*.

Other initiatives

During the year, the Tribunal's Procedural Rules, which outline the practice and procedure to be followed by or in relation to the Tribunal, were amended to, among other things, provide greater flexibility to the Tribunal and to the parties before it in the conduct of hearings. The Tribunal also worked collaboratively with Defence on some proposed amendments to its operating legislation, which it hopes may progress in the near future.

Mindful of the desire to assist applicants through what can sometimes be a challenging or difficult process, the Tribunal developed further written guidance to provide applicants with detailed information on how they might best navigate the review process. The Tribunal actively seeks feedback from applicants on the usefulness and comprehensibility of the text to ensure it is fit for purpose. The Tribunal is also exploring the possible production of an explanatory video to cater for those who might better absorb relevant information from such a format.

Consistent with the interim findings of the *Royal Commission into Defence and Veteran Suicide*, members and Secretariat staff received Trauma Informed Care training from Phoenix Australia, a research organisation specialising in post-traumatic health and which has considerable experience in the military field.

New and retiring members

During the year the Tribunal welcomed Brigadier Dianne Gallasch AM CSC (Retd), Commodore Vicki McConachie CSC RAN (Retd), and Major Gary Mychael OAM CSM (Retd) who were each appointed for three-year terms from January 2023. Over the coming financial year, the Tribunal will welcome a further two new members, Mrs Louise Hunt and Mr Jonathon Hyde.

The Tribunal thanks former members, Mr David Ashley AM and Major General Simone Wilkie AO (Retd), who retired from the Tribunal earlier in the year. Their contributions to the Tribunal and their diligence over their period of service have been very much appreciated.

Vale Rear Admiral James Goldrick AO CSC RAN (Retd)

Members and staff of the Tribunal were deeply saddened to learn of the passing of Rear Admiral James Goldrick AO CSC RAN (Retd) on 17 March 2023. Together with a lengthy and distinguished naval and academic career, James was a member of the Tribunal from 2015 to 2021. During that time, James was part of the constituted Tribunal for the *Inquiry into unresolved recognition for Far East Prisoners of War who were killed while escaping or following recapture*, and the *Inquiry into unit recognition for the Royal Australian Helicopter Flight Vietnam*. He also served as a panel member for 42 individual reviews, which included the resolution of a number of issues arising from the matter of recognition for the Battle of Long Tan. James' encyclopaedic knowledge of naval and military history, rapier wit and courteous demeanour are sadly missed by us all.

Acknowledgements

The Tribunal would also like to thank the Defence organisation, in particular the staff of the Directorate of Honours and Awards who assist the Tribunal with submissions and reports and provide assistance at the hearings the Tribunal holds for reviewable decisions and inquiries. Their efforts often under difficult circumstances are truly appreciated.

Finally, the Tribunal would like to thank the Secretariat staff, Mr Jay Kopplemann, Mrs Sara Miles, Mrs Marilyn Scheidel and Ms Tammy Hayes. In an environment of fiscal restraint and challenge, they continually show their dedication to the Tribunal and those it serves, and do so with great professionalism and dedication.

Overview of the Defence Honours and Awards Appeals Tribunal

The Evolution of the Tribunal

History

The Imperial system of honours and awards had exclusive application in Australia until 1975, when the Whitlam government introduced the Australian system. The two systems operated in parallel until October 1992, when the Keating Government announced that Australia would no longer make recommendations for Imperial awards, and that all Australian citizens would be recognised exclusively in the future by the Australian system. This policy approach had been agreed by the Commonwealth and the states, and was submitted to Her Majesty Queen Elizabeth II, who agreed.¹

There was no avenue of review of decisions relating to defence honours or awards under the Imperial system.

In 1993, the Government announced that it intended to establish a comprehensive public inquiry into the Australian honours and awards system, including Defence honours and awards. Among a number of recommendations, the Committee of Inquiry recommended that Defence examine its internal decision-making processes and guidelines leading to the award of service medals.²

In 1996, the Howard government set up an interdepartmental committee (IDC) to consider awards that were recommended at the highest level in Vietnam but were subsequently downgraded or struck out in Australia. The Official Secretary to the Governor-General sought advice from Buckingham Palace as to whether awards for service in Vietnam, as recommended by the IDC, could be made under the Imperial system. Following advice from Her Majesty's Private Secretary, the Governor-General in turn advised the Prime Minister, who decided that awards for the Vietnam end of war list would be made retrospectively from the Australian honours and awards system.³

In response to further representations from the ex-service community, the Government appointed an independent panel to carry out a review and report to Government on any further action that may be required in respect of the Vietnam end of war list.

Subsequent inquiries were carried out by ad-hoc panels including:

- a review of the actions of Flight Lieutenant Garry Cooper on 18 and 19 August 1968 to determine whether his actions were worthy of a recommendation for the award of the Victoria Cross for Australia;
- a review of service entitlement anomalies, including medals, for South-East Asian service between 1955 and 1975;
- a review to consider recognition for Royal Australian Air Force personnel stationed at the Air Force base at Ubon, Thailand, during the Vietnam War;

¹ Letter to Her Majesty Queen Elizabeth II by Prime Minister Paul Keating, 19 July 1992. The letter is initialled by Her Majesty as approved.

² *Report of the Committee of Inquiry into Defence and Defence Related Awards*, p.94.

³ Letter to the Prime Minister from the Governor-General, 24 September 1996.

- a review of post-armistice Korean service to consider the level of recognition of Australian service in Korea between 28 July 1953 and 26 August 1957; and
- a review of recognition for the Battle of Long Tan, which attempted to finalise the outstanding issue of gallantry awards for service in that battle.

Each of these reviews clearly demonstrated the complexities associated with medallic recognition. In particular, the *Report of the Post-Armistice Korean Service Review* stated that:

*‘Complexity’ and ‘anomaly’ are two of the words we have encountered most in the course of this Review. Given the high degree of interest that ADF members, both past and present, take in their medal entitlements, there is a case for reducing the complexity and increasing the transparency of the Australian Honours and Awards System, and increasing the effort devoted to prior consultation and explaining the System to its clients—many of whom are not able to cope easily with technical explanations.*⁴

Among other things, the Review recommended the establishment of an independent, part-time military honours tribunal. It stated that such a tribunal would:

- overcome veterans’ current sense of exclusion from the decision-making process;
- protect the important national institution of military honours from instability, undue political pressure and short-term decision-making;
- be able to recommend ways of making the process more transparent;
- provide a forum for independent advice to the Minister on any difficult remaining anomalies from past campaigns, on the institution of new medals, and on any major changes in the military honours system;
- avoid the need for further external reviews of specific medal issues; and
- require an adequately resourced and accommodated secretariat provided by the Department of Defence.⁵

Establishment of the Tribunal and its powers

During the 2007 election campaign, the Australian Labor Party unveiled its plan to form such a tribunal. The Defence Honours and Awards Tribunal was established on an administrative basis in July 2008 and, in February 2011, the present Defence Honours and Awards Appeals Tribunal was established, with bipartisan support, as an independent statutory body under Part VIIIIC of the *Defence Act 1903*.

The Tribunal has two discrete functions under the Act:

⁴ *Report of the post-Armistice Korean Service Review*, Commonwealth of Australia, December 2005, Chapter 8, p.3.

⁵ *Ibid*, Chapter 8, p.4.

- to **review** decisions of the Department of Defence concerning eligibility for defence honours, defence awards and foreign awards; and
- to **inquire** into honours and awards issues as directed by the Minister.

Where a Tribunal's **review** concerns a defence honour (such as a gallantry decoration), the Tribunal reviews the decision and makes recommendations to the responsible Minister. Where the Tribunal's review concerns a defence award (such as the Australian Defence Medal) or foreign award (such as the Republic of Vietnam Campaign Medal), the Tribunal's power is determinative and it may affirm the decision under review or set it aside and substitute a new decision.

A further power exists for the Tribunal to make recommendations to the Minister following review of eligibility for a defence honour, a defence award or foreign award. Such a recommendation might be, for example, for the Minister to reconsider an element of the eligibility criteria in light of an identified issue, or to recommend other corrective action concerning the administration of a particular defence award or foreign award.

The Act states that in undertaking a review, regardless of the honour or award concerned, the Tribunal must apply the eligibility criteria that governed the making of the reviewable decision.

The Act allows an application to be lodged at any time by any individual (not necessarily a veteran or a family member of a veteran) concerning service as far back in time as the commencement of the Second World War.

The **inquiry** function gives the Tribunal a broad power to investigate an issue relates to honours and awards for Australian Defence Force service referred to it by the Minister, and to make recommendations arising out of or relating to the inquiry. In preparing inquiry reports, unless stated otherwise in the inquiry terms of reference, the Tribunal consults widely with potentially affected parties, actively seeks submissions, and holds public hearings.

Work of the Tribunal to date

The Tribunal has completed 29 inquiries since its establishment in 2008, with 24 of these completed between 2008 and 2015. One other inquiry (into service with Rifle Company Butterworth) is currently underway. A list of completed inquiries is at [Appendix A](#).

Four hundred and fifty-four properly-made applications for review have been received since 2008. However not all of these have resulted in a decision. On being informed of an application for review or during the review process, Defence may reassess its position and decide to grant the honour or award being sought, which is consistent with Defence's obligation as a model litigant under the *Legal Services Directions 2017*. A comparatively smaller number of matters have been withdrawn by applicants during the review process.

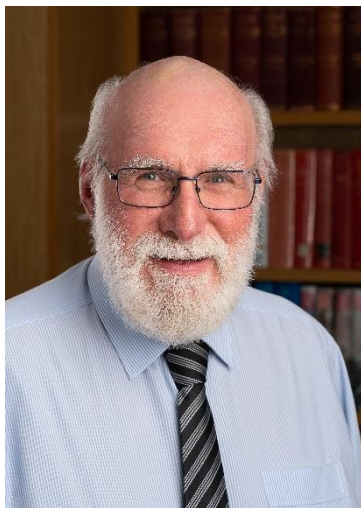
Structure

Members

Section 110Y of the Act provides that the Tribunal consists of the Chair of the Tribunal, and a minimum of six and a maximum of ten other Tribunal members.

The Chair and Members of the Tribunal are appointed by the Minister on a part-time basis, in accordance with the provisions of Sections 110YA and 110YB of the Act. Appointments to the Tribunal are for a maximum period of three years. A person may be reappointed to the Tribunal, provided their total period of service is not more than six consecutive years.

As at 30 June 2023, there were 11 members appointed to the Defence Honours and Awards Appeals Tribunal.



MR STEPHEN SKEHILL
CHAIR

Mr Skehill was appointed as the Chair of the Tribunal in 2020. His career spans 28 years in the Australian Public Service and 26 years in private legal practice and consultancy. His public service positions have included Principal Member of the Veterans' Review Board, the Australian Government Solicitor, and Secretary of the Attorney-General's Department. Mr Skehill has also conducted numerous inquiries into public service structures, procedures and performance. As Special Counsel with the major law firm now known as King & Wood Mallesons, he specialised in administrative law, air and space law, and telecommunications law.

Mr Skehill has held a wide variety of statutory positions under Commonwealth legislation and, since 2008, has been the Ethics and Integrity Advisor to the Members of the Legislative Assembly of the Australian Capital Territory.



REAR ADMIRAL ALLAN DU TOIT AM RAN (Retd)

Rear Admiral du Toit was appointed to the Tribunal in May 2021. He retired from the Royal Australian Navy in 2016 after 40 years naval service. He was born in South Africa and entered the South African Navy in 1975. He joined the Royal Australian Navy in 1987. He commanded at all ranks including HMAS *Tobruk* during peacekeeping operations in Bougainville, the Australian Amphibious Task Group, the maritime interception force enforcing UN sanctions against Iraq, Combined Task Force 158 in the Persian Gulf, and Border Protection Command. He also served in a wide range of single-service and joint appointments ashore including Deputy Chief

of Joint Operations and Head of Navy People. His final appointment was as Australia's Military Representative to NATO in Brussels.

Rear Admiral du Toit is currently chair of two defence industry companies. He is also a member of the Northern Territory Government's National Security Advisory Group. He has written and lectured on historical and contemporary defence and naval affairs both in Australia and abroad and has a doctorate from the UNSW Canberra where he is a Visiting Fellow and Adjunct Senior Lecturer. He served as President of the Australian Naval Institute from 2011 to 2013.



MS KAREN FRYAR AM

Ms Fryar was appointed to the Tribunal in July 2021. She recently retired after 26 years as a magistrate and coroner in the Australian Capital Territory. She had also previously been a presidential member of a number of ACT tribunals including the Mental Health Tribunal and the Guardianship and Management of Property Tribunal. Prior to her appointment to the bench of the ACT Magistrates Court, Ms Fryar's early legal career covered time in private practice, the Australian Government Solicitor and the ACT Legal Aid Office.

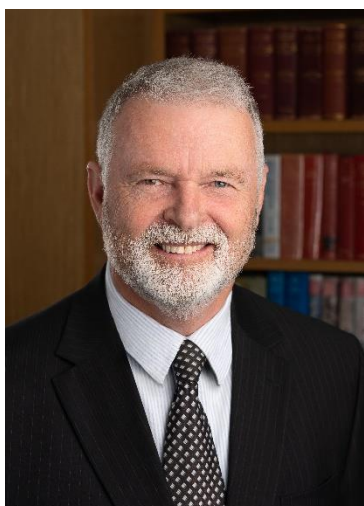
In January 2020, Ms Fryar was appointed as the President of the Legal Aid Commission (ACT), and she currently convenes mediations in civil litigation.



BRIGADIER DIANNE GALLASCH AM CSC (RETD)

Brigadier Gallasch was appointed to the Tribunal in January 2023. She retired from full time Australian Army service in 2016 after 33 years as a logistics officer. Brigadier Gallasch has commanded at all rank levels and has extensive joint and multi-national experience in personnel, training and logistics. Brigadier Gallasch's operational postings included Deputy Commander of the Force Logistics Support Group in East Timor from 1999 to 2000, the logistics plans officer with the Multi-National Force Iraq in 2008, and as the foundational Australian Director General Transition and Redeployment in the Middle East in 2012. Her last full-time position was as the Commandant of the Royal Military College of Australia.

Since transitioning from full time service, Brigadier Gallasch's primary role has been as an Inquiry Officer for the Australian Defence Force.



AIR COMMODORE ANTHONY GRADY AM (RETD)

Air Commodore Grady was appointed to the Tribunal in July 2021. He separated from the Royal Australian Air Force in 2015 after 35 years of service as a pilot, with experience in rotary wing and strike aircraft. He has extensive command experience, principally within Air Combat Group, and has filled a range of staff positions within Air Force, Air Command and the joint force as well as completing a number of operational tours in the Middle East.

Air Commodore Grady has worked in Defence Industry, and holds two Masters degrees.



MAJOR GENERAL MARK KELLY AO DSC (RETD)

Major General Kelly was appointed to the Tribunal in July 2021. He retired from the Australian Army in June 2010 after 36 years as an Infantry officer. He held a number of senior command appointments including Commanding Officer of the 1st Battalion, The Royal Australian Regiment, Commander of the 3rd Brigade, Commander of the 1st Division, Land Commander Australia, and Commander of the Joint Task Force 633.

His operational service included Zimbabwe/Rhodesia in 1979 and 1980, East Timor with INTERFET in 1999 and 2000, the Middle East Area of Operations including Iraq, the Horn of Africa and Afghanistan in 2003 and 2004 and 2009 and 2010. He also served as the Repatriation Commissioner at the Department of Veteran Affairs from 2010 to 2019.



MS JOSEPHINE LUMB

Ms Lumb was appointed to the Tribunal in 2017. She worked with the Department of Foreign Affairs and Trade from 1998 to 2011, including serving on diplomatic posting in Chile from 2001 to 2004. Ms Lumb also served on the Defence Abuse Response Taskforce in 2014 and 2015.

Ms Lumb is also a part-time member of the Veterans' Review Board. She has 20 years' experience in both legal and policy roles across a range of Commonwealth Government agencies.



COMMODORE VICKI McCONACHIE CSC RAN (RETD)

Commodore McConachie was appointed to the Tribunal in January 2023. She served in the permanent Navy from 1984 to 2012 undertaking senior roles in both legal and non-legal capacities, including operational service in Iraq, being Head of Navy People and Reputation, Director General Navy People, and Director General ADF Legal Services. From 2012 until 2020, Commodore McConachie was Chief General Counsel to a Commonwealth government entity and, while undertaking that role, she was a non-executive director for Defence Housing Australia from 2013 to 2019.

Commodore McConachie holds Bachelor degrees in Arts (History) and Law and a Masters degree in Law.



MAJOR GARY MYCHAELOAM CSM (RETD)

Major Mychael was appointed to the Tribunal in January 2023. Major Mychael enlisted in the Australian Regular Army in April 1979. After several Senior Leadership Group Regimental Sergeant Major appointments, he commissioned to the rank of Major in January 2016 before transferring to the Active Reserve in September 2020. Major Mychael has served in the 3rd Battalion of The Royal Australian Regiment, the Parachute Training School, the Soldier Career Management Agency, the Headquarters of the 5th Brigade and the 2nd Division, Headquarters Forces Command, Headquarters Career Management Army, and the Australian Defence Force Parachuting School.

His operational and representational deployments include Malaysia, New Zealand, United Kingdom, the United States of America, Jordan, Afghanistan, and the Middle East Area of Operations as Regimental Sergeant Major Joint Task Force 633, and on operations Slipper, Accordion and Manitou.



AIR VICE-MARSHAL TRACY SMART AO (RETD)

Air Vice-Marshal Smart was appointed to the Tribunal in 2021. She is a medical doctor, health leader, aerospace medicine specialist and retired Royal Australian Air Force senior officer. Her 35-year Air Force career included many overseas deployments and culminated in the role of Surgeon General of the Australian Defence Force.

Air Vice-Marshal Smart is currently Professor, Military and Aerospace Medicine at the Australian National University, a Mission Specialist in Space Medicine at the University's Institute for Space and was the University's COVID-19 Public Health Lead from August 2020 to March 2022.

In addition, she is the immediate past President of the Australasian College of Aerospace Medicine, Honorary Professorial Fellow at the University of Melbourne. She is also a member of various advisory and steering groups including the ANU National Security College Advisory Board Australian Space Agency's Technical Advisory Group on Space Medicine and Life Sciences, the Australian Football League's Mental Health Steering Group, the Divisional Advisory Panel of Health Security Systems Australia, the Australian War Memorial Development Project Veterans' Advisory Group, and the Australian Institute of Health and Welfare Veteran's Advisory Group.

Air Vice-Marshal Smart holds a Bachelor of Medicine and Bachelor of Surgery, a Masters of Public Health, a Master of Arts (Strategic Studies), and a Diploma of Aviation Medicine. She is a Fellow of the Royal Australian College of Medical Administrators, the Australasian College of Aerospace Medicine, the Aerospace Medicine Association (US), and the Centre for Defence and Strategic Studies; and an Honorary Fellow of the Australasian College of Health Service Management.

MS ANNE TRENGOVE



Ms Trengove was appointed to the Tribunal in 2017. She has served for nearly six years and has presided over numerous awards and honours applications, as well as the *Inquiry into Unit Recognition for the Australian Defence Force service in Somalia*. She is a lawyer and holds statutory appointments as a Senior Member of the Veterans' Review Board since 2014, and a Sessional Member of the South Australian Civil and Appeals Tribunal since 2020.

Ms Trengove is a serving Reserve Legal Officer in the Royal Australian Air Force. She has served for over 25 years and holds the rank of Group Captain. She performs work on behalf of the Inspector General Australian Defence Force and for the Director of Administrative Inquiries - Air Force.

Terms of appointment

Name	First Appointment	Second Appointment	Appointment Expires	State
Chair				
Mr Stephen Skehill	23/11/2020	N/A	22/11/2023	QLD
Members				
Rear Admiral Allan du Toit AM RAN (Retd)	20/05/2021	N/A	19/05/2024	TAS
Ms Karen Fryar AM	08/07/2021	N/A	07/07/2024	ACT
Air Commodore Anthony Grady AM (Retd)	08/07/2021	N/A	07/07/2024	NSW
Brigadier Dianne Gallasch AM CSC (Retd)	10/01/2023	N/A	09/01/2026	ACT

Major General Mark Kelly AO DSC (Retd)	08/07/2021	N/A	07/07/2024	ACT
Ms Josephine Lumb	29/08/2017	29/8/2020	28/08/2023	ACT
Commodore Vicki McConachie CSC RAN (Retd)	10/01/2023	N/A	09/01/2026	ACT
Major Gary Mychael OAM CSM (Retd)	10/01/2023	N/A	09/01/2026	NSW
Air Vice-Marshal Tracy Smart AO (Retd)	24/11/2021	N/A	24/11/2024	ACT
Ms Anne Trengove	29/08/2017	29/08/2020	28/08/2023	SA

Secretariat staff

The Tribunal is supported by a small Secretariat unit that is co-located with the Registry of the Australian Military Court at its premises in Fyshwick in the Australian Capital Territory. The Tribunal Secretariat performs a number of important functions to support the Tribunal, including:

- liaison with applicants to the Tribunal, submitters to inquiries, witnesses called by the Tribunal to appear at hearings, and other interested parties;
- scheduling and arranging hearings and meetings;
- administrative support, including facilitating pay and travel;
- conducting research into matters that are the subject of inquiries and reviews before the Tribunal, including preparing initial draft decision reports (prior to hearing and substantive consideration by the constituted Tribunal)
- editing and publication of Tribunal reports;
- managing content of the Tribunal's website; and
- acting as a conduit between the Tribunal and the Minister's office, including preparing briefs for the Minister, draft responses to Ministerial correspondence, and other materials as directed by the Minister's office.

The Tribunal Secretariat staff are Australian Public Service employees employed by the Department of Defence under the terms of the *Defence Enterprise Agreement 2017-2020*. The Secretariat consists of four full-time employees.

Our services

The Tribunal's functions and powers in detail

As set out above, the Tribunal has two discrete functions under the Act:

- to **review** decisions of the Department of Defence concerning eligibility for defence honours, defence awards and foreign awards; and
- to **inquire** into honours and awards issues as directed by the Minister.

Our Review Process

The Tribunal can review a decision of Defence to refuse to recommend a person, or a group of persons, for a defence honour (such as a gallantry or conspicuous service award), a defence award (such as a campaign or long service award) or a foreign award.

The service that is the subject of the reviewable decision needs to have been with or, at the direction of, the Australian Defence Force and rendered after 3 September 1939 (the beginning of the Second World War).

It is important to note that the Tribunal can only review Defence decisions. This means that an initial application for an honour or award needs to be made to Defence, and refused, before seeking review in the Tribunal. A person seeking review in the Tribunal must be either:

- the person who made the original application to Defence; or
- one of a group of people who made that application to Defence.

The Tribunal cannot review:

- applications to amend the eligibility criteria for defence honours, defence awards, or foreign awards;
- applications for Australian awards that are not defined as defence awards or foreign awards under the Defence Regulation 2016 (such as unit citations or badges); or
- decisions concerning eligibility for repatriation benefits.

Where the applicant seeks review of a decision relating to a defence award, the Tribunal has the power to affirm Defence's decision, or to set it aside and replace it with a new decision. If the Tribunal's decision is to recommend issue of the award sought by the applicant, Defence is then responsible for implementing that decision.

Where the applicant seeks a defence honour, the Tribunal will make a recommendation to the Minister for Defence or the Minister for Defence Personnel regarding the review. This could be to affirm Defence's decision, or to set it aside and replace it with a new decision, which might include recommending issue of a defence honour. It is then up to the Minister to decide whether to accept the Tribunal's decision.

On receipt of a correctly made application for review, the Chair of the Tribunal will appoint a panel of members to constitute the Tribunal for that review. The constituted Tribunal will generally comprise between two and four members. Prior to substantive consideration of any matter, members of the constituted Tribunal are required to consider whether they have any real or reasonably perceived conflict of interest in consideration of it, and to notify the Chair of any such real or reasonably perceived conflict.

Once the constituted Tribunal is satisfied that it has jurisdiction to consider the matter, the Tribunal provides a copy of the application to Defence and seeks a report from Defence addressing the reasons for its decision. Where the application concerns a defence award, Defence will have 30 business days to provide its report. Where the application concerns a Defence honour, it will have 60 business days to provide the report.

Once the Defence report is received, the applicant is provided with a copy and invited to provide any comments. Prior to being given the Defence Report, the applicant will receive further written information on the review process, guidance about how the Tribunal will continue to deal with the application, and some broad general suggestions about what more they might do to give their application the best chance of success.

During and after the exchange of information between the applicant and Defence, the Tribunal may conduct its own research into the application. The nature of this research will be dependent on the circumstances of each application and the honour or award sought. It may include a review of the applicant's service record, a search of any relevant material in the Defence archives or the National Archives of Australia, or a search of the collections of the Australian War Memorial for any relevant information.

The Tribunal will then consider all of this material before setting down a date for the hearing. Prior to the hearing, the applicant and Defence are provided with a comprehensive package of all of the documentation that the Tribunal intends to rely upon during the course of the review.

The hearing is an important part of the review process, where the applicant is given an opportunity to discuss their application with the Tribunal, and the Tribunal is able to ask the applicant and Defence any questions it may have after having examined the application and any other documents. The Tribunal's hearing environment is not an adversarial one, where each party 'argues' against the claims of the other. Rather, the Tribunal is an inquisitorial body that uses the hearing as an opportunity to gather as much information as it can from each of the parties, and any witnesses, to assist in coming to an informed and correct decision. Hearings are generally held in public, and may be conducted in person, via telephone, or via audio-visual link.

The Act requires that decisions of the Tribunal must be given in writing. This means the Tribunal will not communicate its decision to the applicant or to Defence on the day of the hearing. Once it has taken into account all of the relevant evidence and submissions, the Tribunal will provide the applicant, Defence, and if applicable, the Minister, with a full and comprehensive report setting out its decision and the reasons for its decision.

The Tribunal's report is published on its website 20 business days after it is provided to the parties to the review and, if applicable, the Minister.

Our Inquiry Process

From time to time, the Minister refers issues relating to Defence honours and awards to the Tribunal for inquiry and recommendation. When this occurs, the terms of reference will be established by the Minister and released to the public.

Inquiries commence with a nationwide call for submissions to address the terms of reference. On receipt of submissions, the Tribunal will generally conduct further research of its own before setting down dates for public hearings. The location of the hearings will depend on a variety of factors including the nature of the subject matter and the location of particular submitters or witnesses. Public hearings may also be held in person or via audio-visual link, and may be livestreamed to allow as many affected veterans, family members, or interested members of the public to view the proceedings.

Public hearings are an important opportunity to engage with submitters and anyone else called by the Tribunal to provide oral evidence or submissions. While the hearings are held in public, not everyone in attendance, nor everyone who lodges a written submission, will be invited to provide an oral submission. However, those attending the hearing or who observe the hearings remotely may choose to lodge a further written submission in response to the evidence and submissions provided.

Once the hearings are complete, the Tribunal may choose to undertake further research and deliberation before preparing its report and recommendations to Government. The Tribunal's report is published on its website 20 business days after it is provided to the relevant Minister.

Our workload and performance

Statistics on reviews and inquiries

Since establishment as an administrative body in 2008, and continuing since establishment as a statutory body, 457 properly-made applications for review have been received in the Tribunal up to 30 June 2023, and 439 have been finalised.

In 277 (63 per cent) of these finalised applications the decision under review has been affirmed.

In 61 cases (14 per cent), the Tribunal has set aside the decision, or recommended the decision be set aside and replaced with a new decision.

In 61 cases (14 per cent) Defence has revisited its position in light of the application to the Tribunal and has made a decision to recommend the person for an honour or award.

In 36 cases (8 per cent), the applicant has chosen to withdraw their application for review.

In four cases (less than one per cent), the Chair of the Tribunal has exercised the power under Section 110VC(1) of the Act to dismiss the application under review. On each occasion this has been because, in the Chair's opinion, the subject of the application for review has already been adequately reviewed (by the Tribunal or otherwise).

Since 2008, 29 inquiries have been completed and, at 30 June 2023, one matter remained before the Tribunal for inquiry and recommendation.

Reviews

Over the course of the financial year, the Tribunal received 26 properly-made applications for review of reviewable decisions and completed 20 reviews.

Of those completed reviews, in 12 cases the Tribunal affirmed the Defence decision, or recommended the Defence decision be affirmed. In two of those cases, the Tribunal decided to make a recommendation to the Minister under Section 110VB(3) of the Act that Defence undertake

further consideration of the matter or that the member be recognised in a manner other than that proposed by the applicant.

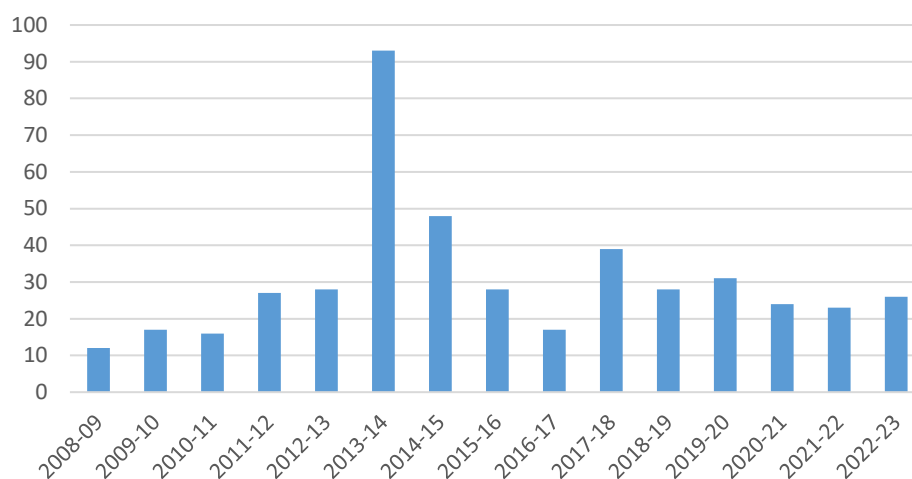
In the remaining eight finalised decisions, the Tribunal decided to set aside the decision of Defence and recommend that the decision be substituted with a new decision that the member or veteran be recognised for their service.

During the period, a further four applications for Tribunal review were withdrawn by the applicant after Defence had decided to further recognise the member or veteran for their service. Two further applications for review were withdrawn by the applicant prior to completion of the review, and one further application for review was dismissed by the Chair under Section 110VC of the Act on the grounds that the matter had already been adequately reviewed by the Tribunal in earlier consideration.

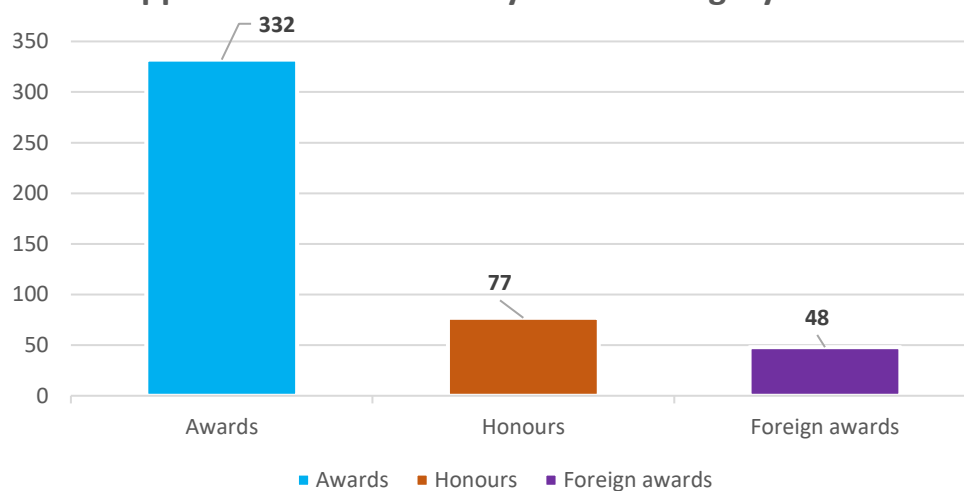
Number of applications (lodged, finalised and on hand) in the FY

	Since 2008	FY 2021-22		FY 2022 - 23	
	No.	No.	Percentage of total	No.	Percentage of total
Applications Lodged	457	23	-	26	-
Applications Finalised	439	18	4	27	6
<i>Decision affirmed by Tribunal</i>	277	14	77.7	12	44
<i>Decision set aside by Tribunal</i>	61	2	11.1	8	30
<i>Withdrawn following Defence action</i>	61	1	5.5	4	15
<i>Withdrawn by applicant</i>	36	1	5.5	2	7
<i>Dismissed by operation of law</i>	4	0	0	1	4
<i>Recommendation under S110VB(3)</i>	15	6	33	2	7
On hand at end of reporting period		24		18	

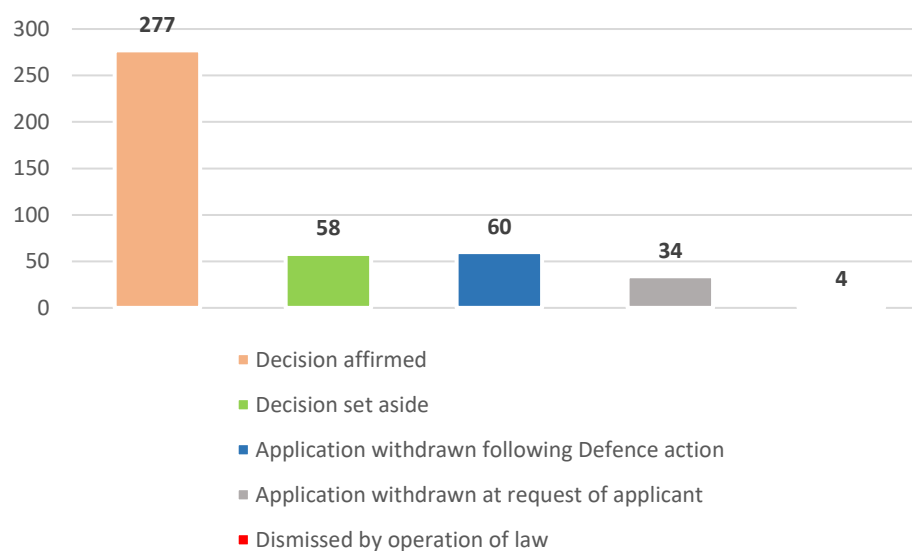
Applications for review by year



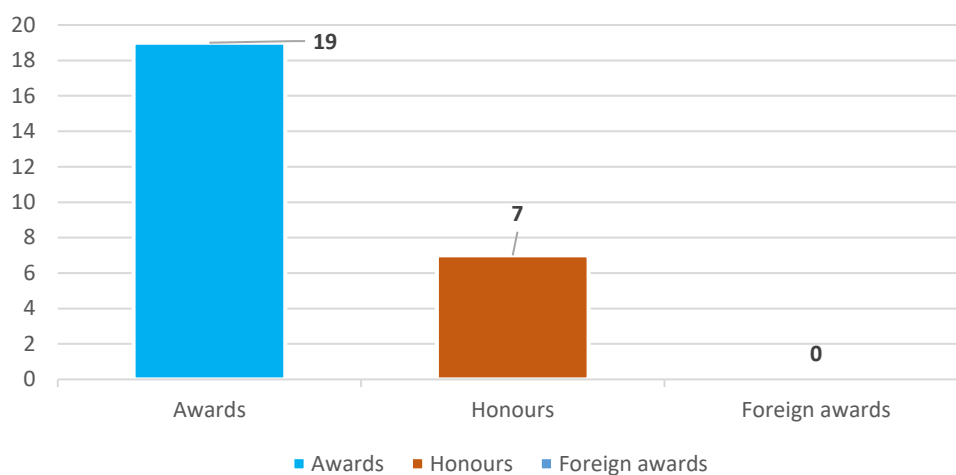
Applications for review by review category 2008 -



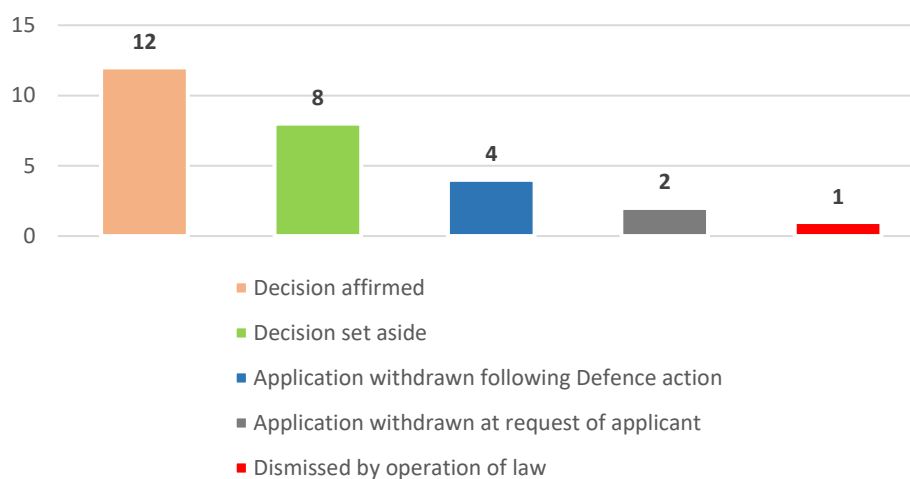
Tribunal review outcomes 2008 -



Applications for review by review category 2022-3

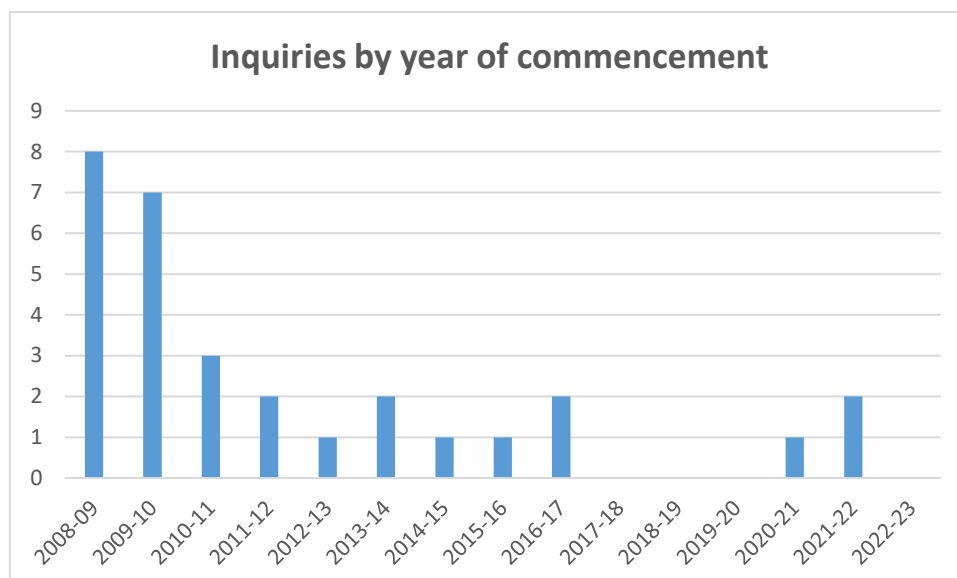


Tribunal review outcomes 2022-3



Inquiries

No inquiries were initiated in this reporting period, however one inquiry was completed and another was close to finalisation.



Significant reviews completed over the reporting period

Silver and the Department of Defence re: Murray [2022] DHAAT 14 (25 October 2022)

The Applicant, Mrs Lynette Ramsay Silver AM, sought review of a Defence decision that the late Private Richard Murray should not be recognised with a posthumous Australian Gallantry Decoration for his service as a Far East Prisoner of War in 1945.

Mrs Silver, a military historian with particular expertise in the service of the 8th Australian Division in the Second World War submitted that on 15 May 1945, while a prisoner of war in Borneo, Private Murray and three fellow prisoners stole food from a Japanese store to sustain an escape attempt. On discovery of the theft some days later, the Japanese guards threatened to execute the remaining 30 prisoners unless those responsible confessed. Fully aware that it would cost him his life, Private Murray stepped forward and took the entire blame, an action which duly resulted in him being severely beaten, tied to a tree and later executed.

Following significant research and a hearing on the matter, the Tribunal agreed to recommend to the Minister that the Defence decision not to recommend Private Murray for a posthumous gallantry award be rejected, and the Minister should instead recommend to the Governor-General that Private Murray should be posthumously awarded the Commendation for Gallantry.

In reaching its decision, the panel noted the difficulties of dealing with an application for recognition arising from the Second World War, with patchy documentary evidence and in the absence of any living witnesses. As noted in the Tribunal's decision, these challenges underline the desirability of

legislative change, as also set out by the Tribunal in its the 2017 *Inquiry into recognition for Far East Prisoners of War who were killed while escaping or following recapture*.

The Tribunal also commented on Defence's constructive approach to the review and its concession on particular issues germane to the merits review, including in relation to Defence's previous dismissal of evidence by a witness who was alleged to have given false evidence to a war crimes tribunal.

Hulse and the Department of Defence re: Parr DHAAT 9 (15 July 2022)

The Applicant, Lieutenant Colonel George Hulse OAM (Retd) sought review of a Defence decision that Mr (then Private) Alan 'Jack' Parr OAM should not be recognised with the Medal for Gallantry for service at the Battles of Fire Support Bases Coral and Balmoral in Vietnam in 1968.

Lieutenant Colonel Hulse had written to the Chief of Army in 2017 seeking decorations for nine Army personnel who in his view contributed service to the Army in a manner that was beyond that expected of soldiers in combat. Private Parr was one of the nine personnel nominated by Lieutenant Colonel Hulse.

In his application, Lieutenant Colonel Hulse cited Private Parr for his actions on the first night of the Battle for Fire Support Base Coral when the mortar line of the 1st Battalion, The Royal Australian Regiment was overrun by the enemy. During the battle, Private Parr was a radio operator in the Mortar Platoon. Lieutenant Colonel Hulse's proposed citation stated that despite the immediate presence of personal danger, Private Parr maintained communication with other units, and by his coolness under fire and dedication to his work, was instrumental in bringing down Australian mortar and artillery fire on top of his position and into the swarming ranks of the enemy.

Later that morning, his superior officer, Lieutenant Anthony Jensen, gave Private Parr the opportunity to return to the relative safety of their home base at Nui Dat. Private Parr refused to go, and instead, elected to stay by his officer's side as the Lieutenant's radio operator. Private Parr was working again with his radio on 16 May 1968 when the enemy launched a bigger and more determined series of attacks against the units of Fire Support Patrol Base Coral. Private Parr demonstrated his coolness under fire and his dedication to duty by assisting in the delivery of over 3,000 rounds of mortar ammunition into the attacking ranks of the enemy.

At the hearing, the Defence representative, having taken into consideration evidence submitted by witnesses, conceded that Private Parr had performed acts of gallantry in action. Following the hearing, the Tribunal recommended that Defence's decision to refuse to recommend Mr Parr for the Medal for Gallantry should be set aside, and the Minister should instead recommend to the Governor-General that Mr Parr be awarded the Medal for Gallantry.

The Minister accepted the recommendations of the Tribunal and Mr Parr was awarded the Medal for Gallantry by the Governor-General in April 2023.

Hulse and the Department of Defence re: Norden DHAAT 11 (20 July 2022)

Following Lieutenant Colonel Hulse's application to the Chief of Army in 2017, he again wrote to Defence in 2018 concerning recognition for the nine individuals, along with a further nomination for Private Richard Norden DCM to receive the Victoria Cross for Australia.

In his application to the Tribunal, Lieutenant Colonel Hulse sought review of a decision that Private Norden should not be recognised with the Victoria Cross for Australia for service during the Battle of Fire Support Base Coral in Vietnam on 14 May 1968. Private Norden's actions are discussed in the official history, *On the Offensive – the Australian Army in the Vietnam War 1967-1968*, where it states that following an ambush of his platoon by an enemy squad, Private Norden dashed forward alone under heavy enemy fire to save the life of his section commander and recover the deceased body of the forward scout. In doing so, he also killed three of the enemy and reversed their advantage. Although also wounded in the battle, Private Norden showed complete disregard for his own personal safety and showed courage and devotion to duty.

Lieutenant Colonel Hulse requested that the Tribunal review the decision using a process that allowed an opportunity for witnesses to describe Private Norden's actions.

At the hearing, the Tribunal heard evidence from three witnesses who all confirmed the information in the contemporaneous recommendation form with the one clarification that the references to "Viet Cong" should have been references to soldiers of the North Vietnamese Army. That difference was not without significance, as the latter were generally better trained, better disciplined and better armed than the former, and thereby a more formidable enemy.

Following the hearing, the Tribunal decided to recommend to the Minister that the decision to refuse to recommend Private Norden for the Victoria Cross for Australia should be set aside and that the Minister should instead recommend to the Governor-General that Private Norden be awarded the Victoria Cross for Australia.

This recommendation to Government was only the second Tribunal recommendation for a Victoria Cross for Australia, the other being for Ordinary Seaman Edward 'Teddy' Sheean VC.

Lockrey and the Department of Defence [2022] DHAAT 10 (18 July 2022)

The Applicant, Mr Arnold John Lockrey, sought review of the decision by the Department of Defence that he was not eligible for the award of the Republic of Vietnam Campaign Medal (the RVCN).

Mr Lockrey served in Vietnam as a Private in the infantry with 12 Platoon, D Company, 5th Battalion, The Royal Australian Regiment, arriving in Vietnam on 8 February 1969. After around four months' operational service, on 12 July 1969 Mr Lockrey returned home to Australia on leave for an anticipated period of seven days. However, whilst on leave, Mr Lockrey experienced significant mental trauma, such that he could not return to Vietnam to complete his tour.

Defence determined that Mr Lockrey was not eligible because, in its view, he did not meet the eligibility criteria by serving a minimum of 181 days in Vietnam and his circumstances did not fall within any of three stated exceptions set out in an Australian Army instruction.

During the course of the research and hearing conducted for this review, it became apparent to the Tribunal that the Australian interpretation of the eligibility criteria for the award of the RVCN was not consistent with the eligibility criteria as set out by the Government of the Republic of Vietnam.

After receiving advice from the Australian Government Solicitor, Defence accepted that the criteria as set out in the Vietnamese Directives were to be applied.

Following the hearing, the Tribunal recommended to the Minister that he set aside the decision of the Department of Defence that Mr Arnold Lockrey was not eligible for the award of the Republic of Vietnam Campaign Medal and substitute its decision that he be recommended for the Republic of Vietnam Campaign Medal. This decision has since been accepted and Mr Lockrey has received the Medal.

Further, pursuant to section 110VB(3) of the *Defence Act*, and consistent with the rationale of the decision, the Tribunal also recommended to the Minister that the Department of Defence be directed to consider whether there are any other Vietnam Veterans that should similarly be recommended for the Republic of Vietnam Campaign Medal, based on adherence to the Vietnamese criteria.

Walsh and the Department of Defence [2023] DHAAT 5 (14 March 2023)

The Applicant, Lieutenant Colonel Conrad Walsh, sought review of a decision that he should not be recognised with the Commendation for Distinguished Service (CDS) for his role as a Military Public Affairs and Information Operations Advisor to the Kabul Garrison, General Command on Operation HIGHROAD in Afghanistan from 11 October 2016 to 15 June 2017. Lieutenant Colonel Walsh had served at the rank of Major in his role on Operation HIGHROAD and was awarded the Chief of Joint Operations Gold Level Commendation for his service.

Throughout the review process, the Defence submission and subsequent position relied heavily on the fact that a succession of experienced and senior officers within Lieutenant Colonel Walsh's chain of command considered the matter on the merits, and determined that his performance did not warrant the awarding of a CDS. Despite the Tribunal's general confidence in Defence honours and awards processes, the Tribunal was not as confident as Defence that a merits assessment had been conducted.

Based on the evidence before the Tribunal, it was difficult to conclude that the Chief of Joint Operations Board could have met the declared end state of '*transparent, robust, merit-based decisions that can withstand rigorous external review and scrutiny.*' This was principally based on the notes from the Honours and Awards Board which called into question whether all its members, in practice, conducted a merits-based assessment and/or whether they had applied 'requirements' that were more onerous than Defence's mandated specifications when considering applicant's nominations.

In seeking to exercise its statutory duty to form a view as to whether Lieutenant Colonel Walsh's deployed performance was distinguished, and in keeping with the requirement to consider all relevant material before it, the Tribunal considered that the End of Tour Report, the awarding of the Afghanistan National Defence and Security Forces Medal of Honor and the CJPOTF Certificate of Appreciation were all relevant. The Tribunal agreed that these aspects spoke either directly or indirectly to the member's performance throughout his tour.

The Tribunal agreed that Lieutenant Colonel Walsh's performance, as documented in the relevant End of Tour Report and supported in-principle by the award of the Afghan Medal of Honor, was

clearly superior to others and well beyond the expectations of his rank and appointment. This view was based upon the consistent use of superlatives that consistently spoke to the unprecedented actions/attributes beyond the prescribed; this included comments such as his '*unparalleled diligence and commitment*', voluntarily taking on '*an enormous workload far beyond that expected of his rank or position*', and demonstrating a capacity for work that the senior assessor had '*rarely witnessed*'. In the Tribunal's view, this clearly positioned Lieutenant Colonel Walsh in the upper echelons of superior performance, and characterised his deployed performance as distinguished.

Following the hearing, the Tribunal recommended to the Minister that the reviewable decision be set aside and the Minister should instead recommend to the Governor-General that Lieutenant Colonel Walsh be awarded the Commendation for Distinguished Service.

Hulse and the Department of Defence re: Dunn DHAAT 10 (9 June 2023)

In 2017, Lieutenant Colonel George Hulse OAM (Retd) wrote to the Chief of Army seeking decorations for nine Army personnel that he had served with in Vietnam, who in his view contributed service to the Army in a manner that was beyond that expected of soldiers in combat.

Sapper Michael Earl Dunn was one of the nine personnel nominated by Lieutenant Colonel Hulse, whom he had sought to have recognised with a Conspicuous Service Medal for his performance fighting a fire at the 1st Australian Task Force Ammunition Point at Nui Dat Hill on 19 February 1969 during the Vietnam War. Following the fire, Lieutenant Colonel Hulse prepared identical citations for Sapper Dunn and the other member of the crew, whom he said had both performed identical duties; however, while the other member received a Mention in Despatches, Sapper Dunn was not recognised.

At the hearing in June 2023, the Tribunal heard evidence from Lieutenant Colonel Hulse and Major General Blake who were present at the fire in 1969 and concluded that, on the merits and having regard to all relevant evidence, Sapper Dunn met the eligibility criteria for the Conspicuous Service Medal.

Shortly after providing its decision to all parties, the Tribunal received the following note of thanks from Lieutenant Colonel Hulse:

I am absolutely delighted that the Tribunal considered Sapper Dunn's actions at the 1ATF Ammunition Point fire on 19 February 1969 worthy of being awarded the Conspicuous Service Medal. This recommendation ends some fifty-four years of personal frustration for me. It is a pity that Michael will not be around to receive his well-deserved award. However, his son..., has indicated to me that he would be pleased to accept the award on behalf of his natural father.

I would also like to take the opportunity to express my gratitude and appreciation for the fact that we are able, in Australia, to exercise the right to challenge even the highest offices in the land in respect to the recognition of members of the ADF who have delivered exceptional service to the Nation but for whom no recognition was expressed. I am certain that without the existence of the DHAAT, numerous actions of personal courage would have never seen the light of day. Sapper Dunn is one of them. In my opinion, this makes the DHAAT a beacon of proof of the democratic nature of our Nation.

Inquiries

Over the past financial year, the Tribunal completed one inquiry and, at 30 June 2023, was finalising a second.

Inquiry into Unit Recognition for Australian Defence Force Service in Somalia

On 31 October 2022, the Tribunal completed its *Inquiry into Unit Recognition for Australian Defence Force Service in Somalia*. The report has been published on the Tribunal's website.

The inquiry was conducted in accordance with the Terms of Reference as approved by Government on 25 June 2021, and included consideration of whether Australian units that served in Somalia between 1992 and 1995 should be awarded a Meritorious Unit Citation, or another form of further recognition for service. Over the course of the 18 months during which the Tribunal conducted the inquiry, it received 42 written submissions from a total of 33 individuals and groups. It held five days of hearings in February and March 2022.

The Government accepted the recommendations from the Report that the four UNOSOM Australian Service Contingents, the 1st Battalion, The Royal Australian Regiment Group, and HMAS *Tobruk* be awarded a Meritorious Unit Citation for their respective service in Somalia.

Inquiry into medallic recognition for service by members of the Australian Defence Force with Rifle Company Butterworth during the period from 1970 to 1989

In April 2022, the Government directed the Tribunal to inquire into and report on *medallic recognition for service by members of the Australian Defence Force with Rifle Company Butterworth during the period from 1970 to 1989*. Over the course of the inquiry to date, the Tribunal received 270 submissions from a total of 151 individuals and groups, and completed two sets of public hearings, in November 2022 and April 2023.

Where the submitter has provided consent, the Tribunal published each submission on its website, including the Defence submission, to allow full consideration of the issues at hand and arguments presented by submitters, and to allow transparent and open consideration of those matters.

In a first for this Tribunal, each hearing was livestreamed to allow the thousands of RCB veterans and interested individuals to view the proceedings and make further submissions if they were so inclined.

Ongoing development

As noted above, consistent with the interim findings of the *Royal Commission into Defence and Veteran Suicide*, members and Secretariat staff received Trauma Informed Care training from Phoenix Australia, a research organisation specialising in post-traumatic health and which has considerable experience in the military field.

Maintaining ethical standards

Members of the Tribunal acknowledge that, in accepting appointment to the Tribunal, they bear a responsibility to undertake their duties to the highest standards of propriety to ensure justice to all parties to reviews conducted by the Tribunal, and to provide the best possible advice to the Minister in respect of reviews and inquiries undertaken by the Tribunal. To those ends, the Tribunal has

established a Members' Code of Conduct that embodies this undertaking. A copy of the Code can be found on the Tribunal's website.

External scrutiny

If one of the parties to the review is not satisfied with the decision of the Tribunal, they may make application to the Federal Court of Australia to have the Tribunal's decision set aside. The Federal Court cannot decide on the merits of the case, and has no power to recommend or award a medal. If the Federal Court were to find that the Tribunal had made an error of law in reaching its decision, it could remit the matter back to the Tribunal for fresh consideration.

On only two occasions has the Federal Court undertaken substantive consideration relating to a Tribunal matter - *McLeod-Dryden v Defence Honours and Awards Appeals Tribunal* [2016] FCA 1138, and *McAuley v Defence Honours and Awards Appeals Tribunal* [2016] FCA 719.

Financial information

Defence Honours and Awards Appeals Tribunal Expenditure

	FY 2022-23
Salaries (includes superannuation)	
Members	\$580,131
Staff	\$524,284
TOTAL	

Travel (includes fares, accommodation and allowances)	\$48,820
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Supplies and Services	
ICT costs	\$40,985
Hearing costs e.g. venue hire, transcription	\$18,172
Consultancy	\$17,263
Legal advice	\$11,037
External training	\$6,455
Printing, postage, stationery and other general office expenses	\$3,902
TOTAL	\$97,814
GRAND TOTAL	\$1,202,229

Remuneration and conditions of employment

The Chair and members' remuneration and conditions of employment are set by the Commonwealth Remuneration Tribunal. There are two relevant determinations, being the:

- *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2023*; and
- *Remuneration Tribunal (Official Travel) Determination 2022*.

Appendix A – List of inquiries completed to date

- **Inquiry into recognition for service for Australian military personnel who served with 4th Battalion, Royal Australian Regiment in Malaysia in 1966 to 1967** (completed 5 February 2009)
- **Inquiry into eligibility criteria for the Australian Defence Medal** (completed 11 February 2009)
- **Inquiry into recognition for service with the United States Army Small Ships Section** (completed 26 August 2009)
- **Inquiry into unresolved recognition Issues for the Battle of Long Tan** (completed 2 September 2009)
- **Inquiry into the eligibility of Royal Australian Air Force Personnel, serving in Vietnam between 29 March and 29 April 1975, for the Vietnam Medal** (completed 11 November 2009)
- **Inquiry into recognition for Special Air Service Regiment duties** (completed 22 December 2009)
- **Inquiry into recognition of unattached Australian entertainers in the Vietnam war** (completed 11 March 2010)
- **Inquiry into recognition for Far East Prisoners of War who were killed while escaping** (completed 9 April 2010)
- **Inquiry into recognition of Australian Defence Force Service in Somalia between 1992 and 1995** (completed 5 July 2010)
- **Inquiry into recognition for members of the Australian Defence Force for service in Papua New Guinea after 1975** (completed 14 July 2010)
- **Inquiry into recognition for Defence Force personnel who served as peacekeepers from 1947 onwards** (completed 1 November 2010)
- **Inquiry into recognition of service with the Commonwealth Monitoring Force – Rhodesia 1979-80** (completed 8 November 2010)
- **Inquiry into unresolved recognition Issues for Royal Australian Air Force personnel who served at Ubon between 1965 and 1968** (completed 18 February 2011)
- **Inquiry into recognition for members of Rifle Company Butterworth for service in Malaysia between 1970 and 1989** (completed 19 February 2011)
- **Inquiry into the recognition of contributions made by officers and instructors in the Australian Cadet Forces** (completed 15 June 2011)
- **Inquiry into recognition of service with Task Group Medical Support Element One in 1990-91** (completed 19 June 2012)
- **Inquiry into recognition of service with Operation LAGOON 1994** (completed 9 November 2012)
- **Inquiry into recognition of service with Operation GATEWAY** (completed 1 February 2013)
- **Inquiry into unresolved recognition for past acts of naval and military gallantry and valour** (completed 21 March 2013)

- **Inquiry into eligibility for the Republic of Vietnam Campaign Medal** (completed 24 March 2014)
- **Inquiry into unresolved recognition for service with the United States Army Small Ships Section** (completed 24 March 2014)
- **Inquiry into recognition for service with 547 Signal Troop in Vietnam from 1966 To 1971** (completed 7 May 2015)
- **Inquiry into the feasibility of amending the eligibility criteria for the Republic of Vietnam Campaign Medal** (completed 25 June 2015)
- **Inquiry into the refusal to issue entitlements to, withholding and forfeiture of Defence honours and awards** (completed 7 September 2015)
- **Inquiry into recognition for Far East Prisoners of War who were killed while escaping or following recapture** (completed 17 August 2017)
- **Inquiry into unit recognition for service at the Battles of Fire Support Bases Coral and Balmoral** (completed 3 April 2018)
- **Inquiry into unit recognition for the Royal Australian Navy Helicopter Flight Vietnam** (completed 3 April 2018)
- **Inquiry into recognition for members and families of members of the Australian Defence Force who are injured, wounded or killed in or as a result of service** (completed 17 December 2021, recommendation remains before Government for consideration)
- **Inquiry into unit recognition for Australian Defence Force service in Somalia** (completed 31 October 2022)

Appendix B

Summary of 2022-2023 review outcomes and Tribunal recommendations

Matter title	Award sought	Completed on	Tribunal decision	Subsequent action
<i>Lockrey and the Department of Defence [2022] DHAAT 10</i>	Republic of Vietnam Campaign Medal	15 July 2022	Set aside the decision in respect of Mr Lockrey's eligibility for the RVCM and substitute with a new decision that he be recommended for the RVCM. Recommended to the Minister for Defence Personnel that Defence be directed to consider whether there are any other Vietnam Veterans that should be similarly recommended.	Mr Lockrey was awarded the RVCM in February 2023. The Tribunal's other recommendation remains before Government
<i>Hulse and the Department of Defence re: Norden [2022] DHAAT 11</i>	Victoria Cross for Australia	20 July 2022	Recommended to the Deputy Prime Minister that the decision to refuse to recommend the late Private Norden for the Victoria Cross for Australia should be rejected, and that the Deputy Prime Minister should instead recommend to the Governor-General that Private Norden be awarded the Victoria Cross for Australia.	Recommendation remains before Government
<i>Shingles and Manders and the Department of Defence [2022] DHAAT 12</i>	Conspicuous Service Cross	22 July 2022	Recommended to the Minister for Defence Personnel that the decision to refuse Lieutenant Commander Manders and Mr Shingles for the Conspicuous Service Cross be affirmed.	Recommendation accepted on 4 October 2022
<i>Hawkins and the Department of Defence re: Townsend [2022] DHAAT 13</i>	Commendation for Gallantry	17 August 2022	Recommended to the Deputy Prime Minister that the decision to refuse to recommend Mr Townsend for the Commendation for Gallantry be affirmed, but that the Deputy Prime Minister direct that Defence give consideration to recognising that service with the award of the Commendation for Distinguished Service.	Recommendation remains before Government
<i>Silver and the Department of Defence re: Murray [2022] DHAAT 14</i>	Australian Gallantry Decoration	25 October 2022	Recommended to the Deputy Prime Minister that the decision to not recommend the Private Murray for a gallantry award be rejected, and that the Minister should instead recommend to the Governor-General that Private Murray be recommended for the Commendation for Gallantry.	Recommendation remains before Government



<i>Moloney and the Department of Defence [2022] DHAAT 15</i>	Australian Defence Medal	4 November 2022	Affirmed the decision that Mr Moloney not be recommended for the Australian Defence Medal.	Not required
<i>Gilbert and the Department of Defence [2022] DHAAT 16</i>	Distinguished Service Cross	14 November 2022	Recommended to the Minister for Defence Personnel that the decision to refuse to recommend Lieutenant Colonel Gilbert for the Distinguished Service Cross be affirmed.	Recommendation accepted on 19 December 2022
<i>Kjeldsen and the Department of Defence [2023] DHAAT 1</i>	Australian Defence Medal	23 January 2023	Affirmed the decision that Mr Kjeldsen not be recommended for the Australian Defence Medal.	Not required
<i>Walker and the Department of Defence [2023] DHAAT 2</i>	Australian Gallantry Decoration	22 February 2023	Recommended to the Minister for Defence that the decision to refuse to recommend Mr Walker for a gallantry award be rejected and that the Minister should instead recommend to the Governor-General that Mr Walker be awarded the Medal for Gallantry.	Recommendation remains before Government
<i>Evans and the Department of Defence [2023] DHAAT 3</i>	Conspicuous Service Medal	9 March 2023	Recommended to affirm the decision that Mr Evans not be recommended for the Conspicuous Service Medal but also to recommend to the Minister that Defence be asked to consider awarding a Joint Operations Commendation to Mr Evans.	Recommendation remains before Government
<i>Hall and the Department of Defence [2023] DHAAT 4</i>	Australian Defence Medal	14 March 2023	Affirmed the decision that Mr Hall not be recommended for the Australian Defence Medal.	Not required
<i>Walsh and the Department of Defence [2023] DHAAT 5</i>	Commendation for Distinguished Service	14 March 2023	Recommended to the Minister for Defence Personnel that the decision to refuse Lieutenant Colonel Walsh for the Commendation for Distinguished Service be rejected and that the Minister should instead recommend to the Governor-General that Lieutenant Colonel Walsh be award the Commendation for Distinguished Service.	Recommendation remains before Government
<i>A and the Department of Defence [2023] DHAAT 6</i>	Australian Operational Service Medal	18 April 2023	Affirmed the decision that the applicant not be recommended for the Australian Operational Service Medal (Greater Middle East Operation)	Not required
<i>Murray and the Department of Defence [2023] DHAAT 7</i>	Australian Active Service Medal	4 May 2023	Affirmed the decision that Brigadier Murray not be recommended for the Australian Active Service Medal with Clasp 'MIDDLE EAST' and to not recommend that the eligibility criteria for the award be amended to cover Brigadier Murray's service.	Not required

**DEFENCE HONOURS & AWARDS
APPEALS TRIBUNAL**



<i>Ball and the Department of Defence [2023] DHAAT 8</i>	Australian Operational Service Medal	23 May 2023	Set aside the decision that Chief Petty Officer Ball not be recommended for the Australian Operational Service Medal – Border Protection and to substitute it with a new decision that he be recommended for the Australian Operational Service Medal – Border Protection.	Chief Petty Officer Ball awarded the AOSM-BP on 21 June 2023
<i>Muhling and the Department of Defence [2023] DHAAT 9</i>	Australian Defence Medal	8 June 2023	Affirmed the decision that Mr Muhling not be recommended for the Australian Defence Medal.	Not required
<i>Hulse and the Department of Defence re: Dunn [2023] DHAAT 10</i>	Conspicuous Service Medal	9 June 2023	Recommended to the Minister for Defence Personnel that he set aside the decision that Sapper Dunn not be recommended for the Conspicuous Service Medal and for that decision to be substituted with a decision that Sapper Dunn be recommended for the Conspicuous Service Medal.	Recommendation remains before Government
<i>Ryan and the Department of Defence re: Ryan [2023] DHAAT 11</i>	1939-45 Star	26 June 2023	Affirmed the decision that Mr Ryan not be recommended for the 1939-45 Star.	Not required
<i>Greatrex and the Department of Defence [2023] DHAAT 12</i>	Australian Operational Service Medal	26 June 2023	Affirmed the decision that Lieutenant Commander Greatrex not be recommended for the Australian Operational Service Medal – Border Protection	Not required

Along with those listed above, as at 30 June 2023, recommendations arising from five other earlier Tribunal reviews remained before Government for consideration.



Publication information

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