Guidance to applicants on preparing a submission for a review of honours and awards

Introduction
An individual is able to submit a request to have an Army decision reviewed regarding the eligibility of individuals for a Defence honour or award.

Army has strict rules governing what and how it will manage requests for reviews of honours and awards. This guidance is provided to assist submitters in determining if their request meets the Army guidelines for a reviewable decision and how to proceed with submitting a request for a review of that decision.

What will Army review?
Army will review a request where the applicant is able to provide relevant, authoritative and objective evidence that an honour or award was:

- not considered,
- not recommended,
- not awarded,
- downgraded,
- withheld, or
- forfeited.

as a result of a break down in due process, maladministration or new evidence is presented that was not available to the decision makers at the time.

What will Army not review?
Army will not review a request where there is no available or provided evidence that an individual was recommended, intended to be recommended or eligible for an honour or award. Submissions in which the evidence is anecdotal or based on unsubstantiated claims, will be returned to the applicant with a request to provide additional substantiating evidence.

In addition, Army will not review requests for Unit awards where the action or service occurred prior to 1991 when Unit Citations were introduced into the Australian Honours and Awards System. As Unit Citations did not exist prior to 1991 it is impossible for maladministration or a failure of due process to have occurred that would warrant a review. The Australian Honours and Awards System is not a means of correcting perceived shortcomings in the Imperial System.

What is Army’s assessment methodology?
In reviewing submissions requesting retrospective consideration of honours and awards, Army has adopted the guidelines used by the Defence Honours and Awards Appeals Tribunal (the Tribunal) for the Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour. Army
considers this to be the most fair and equitable approach to considering submissions while maintaining the integrity of the honours and awards systems.

**Process review.** Initially, Army will undertake a process review to determine whether due process had been followed throughout the consideration process, according to the extant rules and policy at the time, in order to reach a correct and preferable decision. However, if due process had been followed, if there was no maladministration, or if there is no new evidence, then the original decision will remain unchanged.

In determining what constitutes maladministration the, Tribunal has provided the following definition:

‘maladministration could occur not only if a commander failed to follow the required procedure, but also if a commander made a decision that could not be justified by the available evidence, if a commander did not show due diligence, or if a commander failed to make a decision when the evidence suggested that they should have made a decision’.

In circumstances where Army is satisfied that the submission has demonstrated a possible break down in due process, the occurrence of maladministration, or that new evidence has been presented that was not available to the decision-makers of the time, it will then proceed to undertake further investigation to verify and confirm the information to determine if a merit review is warranted.

The onus is on the applicant to make a case for further review by Army. Where Army is not satisfied that the submission has adequately made a case for maladministration, or provided new authoritative and compelling evidence, Army will not pursue further investigation of the submission.

**Merit review.** A merit review will only then be undertaken once Army is satisfied that a nomination was not appropriately considered as a result of a breakdown in due process, was the result of maladministration, or new evidence has been provided.

A merit review examines the evidence in the context of the nature of the conflict and the circumstances of the specific action or service under review, to determine whether the evidence warrants a new or revised award, judged against the extant criteria in order to reach a correct and preferable decision.

**Points for applicants to consider when deciding to make a submission**

**Evidence.** Evidence used to support the submission, should be:

- relevant (it must relate directly to the case);
- authoritative (it must be derived from official records and not be anecdotal in nature); and
- objective (free from prejudice or bias).

Evidence that does not meet these criteria may be considered insufficient and may affect the outcome of the submission.

**Precedent.** It is not realistic to rely on comparable actions, previous decisions or awarding of honours as a basis for justifying a review. Both the Imperial and Australian Honours and Awards Systems are not based on precedent, instead recognising that no two situations that lead to an honour or award being granted are exactly the same.

**The Quota Policy.** Army does not consider the application of the ‘quota’ policy used up to 2008, as a sole justification for reviewing a recommendation. The use of a quota was a policy put in place by the Sovereign and does not constitute maladministration.
Format for a submission.

Once you as an applicant are satisfied that you have sufficient evidence to support your claim for a review you can lodge your submission. Submissions are to contain the following:

1. **A Covering Letter** providing:
   a. Your personal details (name and contact details, including a telephone number, email address and postal address);
   b. The service details of the individual, or individuals, for whom that recognition is sought;
   c. A concise statement of your desired outcome.

2. **Present your case.**
   a. a concise summary of the issue;
   b. present your evidence, specifically addressing the requirements of where due process was not followed, where maladministration occurred, or presenting new compelling and authoritative evidence.

3. **Documentary evidence.** Your submission should include copies of any documentary evidence to support your claims. Evidence can include, but is not confined too:
   a. Eyewitness Statements, appropriately signed and dated by the witness.
   b. Policy and/or decision documents that support the claim.
   c. Copies of recommendations or citations for the individual/s relating to the cited action or service.
   d. Copies of research papers or book extracts, where the source research is identified.
   e. Documents held by the Australian War Memorial (AWM), National Archives of Australia (NAA) or private records.

Any documents are to show the source of the document. In the case of book extracts, the title of the book, its author/s and the publication date is to be provided. Records from the AWM or NAA are to contain the file reference.

Please send good quality, certified copies of the original documents. Please do not send any original documents.

**Note:** It is not Army’s responsibility to undertake research on behalf of an applicant. A person making a submission should provide Army with a copy of all documents relied upon to support their claims.

**Research assistance**

Records relating to operational service up to and including the Vietnam War can be accessed through the Australian War Memorial and National Archives of Australia. In researching your submission you are strongly encouraged to access or seek assistance from both of these agencies.

**Australian War Memorial**
Website: www.awm.gov.au
Telephone: (02) 6243 4315 (Research Centre)
E-mail: info@awm.gov.au
What happens after Army receives your submission?

Once your submission has been received, you will receive a letter from Army Headquarters acknowledging receipt of your submission and providing an estimated timeframe for assessment.

Contact Army Honours and Awards

Mail address:
Army Honours and Awards
R1-3-A106
PO Box 7901
CANBERRA BC ACT 2601

E-mail: army.ceremonial@defence.gov.au