

1990

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented and read a first time, 18 September 1990)

(SENATOR BOSWELL)

A BILL

for

**An Act to establish an end of war list for Australian
service personnel**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *End of War List Act 1990*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

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Interpretation

3. In this Act, unless the contrary intention appears:

"military conflict" means a conflict of a military nature:

- (a) in which Australian service personnel participated; and
- (b) as a result of which those personnel would be eligible to be awarded military honours and decorations under normal procedures; 5

"Vietnam War" means the war in Vietnam commencing on 1 June 1962 and ending on 11 January 1973.

Object of Act

4. The object of this Act is to establish an End of War List in order to recognise, and give awards for, unrecognised acts of valour by Australian service personnel in respect of service in the Vietnam War and subsequent military conflicts. 10

Establishment of Tribunal

5. (1) The Minister is to establish a Tribunal by the name of the End of War List Tribunal. 15

(2) The Tribunal is to consist of 3 members who are to be appointed by the Minister.

(3) One member is to be from each of the Royal Australian Navy, the Australian Army and the Royal Australian Air Force.

(4) The Minister is to appoint one of the members to be the President of the Tribunal. 20

Functions of Tribunal

6. The functions of the Tribunal are to prepare a list of Australian service personnel:

- (a) who served in the Vietnam War; or
- (b) who served in a later military conflict; 25

being persons who did not receive awards for valour in respect of that military conflict but who should, in the opinion of the Tribunal, receive awards for acts of valour in respect of that military conflict.

Performance of functions

7. (1) In performing its functions in relation to a particular military conflict, the Tribunal is, after the end of that conflict, to: 30

- (a) recommend to the Minister a list of not more than 30 persons whose actions in that conflict, in the opinion of the Tribunal, are deserving of awards for acts of valour but who did not receive awards of that kind; and

(b) recommend to the Minister the awards that the Tribunal believes should be granted to the persons on the list.

(2) The Minister may, by notice in writing given to the President, determine that the Tribunal is to consider including in the list to be determined by the Tribunal in relation to a particular military conflict a number of persons greater than 30.

(3) The awards that the Tribunal recommends be granted are to be:

(a) in relation to service in the Vietnam War - awards under the British system of awards for acts of valour or under the system referred to in paragraph (b); or

(b) in relation to service in any other military conflict

- awards under the system of awards for acts of valour instituted in Australia in 1975.

Conduct of business of Tribunal

8. (1) The business of the Tribunal is to be conducted in such manner as the Tribunal decides.

(2) A quorum of the Tribunal at a meeting is 2 members and, if the votes of the members of the Tribunal are equal, the President or, in the absence of the President, the member elected to preside, has a casting vote.

Remuneration of members of Tribunal

9. The members of the Tribunal are not entitled to remuneration but are entitled to reimbursement of expenses reasonably incurred by them in the performance of their duties as members.



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