CHAPTER 45

GRANTING OF UNISSUED SERVICE AWARDS OF DECEASED MEMBERS

Introduction

45.1 This policy is provided to define the conditions for the granting of unissued service awards (awards) of deceased members. ‘Member’ refers to serving or former serving members of Defence or civilians deemed eligible to receive service awards under determinations for those awards. This process is sometimes referred to as the ‘posthumous issue’ or ‘posthumous medals policy’.

Service awards

45.2 For the purpose of this chapter the term ‘service awards’ refers only to Defence specific decorations and medals from within the Australian and Imperial honours systems that are administered by the Directorate of Honours and Awards (DH&A).

Unissued awards

45.3 Unissued awards are those that a member is entitled to receive but the member dies before the award can be issued. This can occur when a member dies in service before an award is processed or when a medal is introduced that has retrospective entitlement provisions. For example, the Australian Defence Medal was introduced in 2006 and could be awarded to those who rendered qualifying service after 02 September 1945.

Granting unissued service awards to other persons

45.4 Only the member who rendered the service for which medals are awarded has an entitlement to those awards.

45.5 While the entitlement to an award exists only for the original member, unissued awards may be granted (or gifted) to an approved claimant as a gesture of respect to the deceased member. Only one medal, or one set of multiple medals will be issued, irrespective of the number of potential eligible claimants. Action taken in the case of dispute is provided in paragraph 45.14 and 45.15 below.

45.6 Current serving members. The personal effects of a current serving member who dies in service are administered by the deceased member’s parent Service. This includes any unissued service awards. The usual procedure is that a member’s personal effects are given to the person listed as the primary next of kin on the member’s personnel record (PMKeyS). In this case there is no requirement for application or statutory declaration to be made. Where appropriate the provisions of the War Service Estates Act 1942 (http://www.comlaw.gov.au/Series/C1942A00057) may be applicable, although in the case where nominated next of kin are given this will not normally be necessary.

45.7 Former serving members. In the case of former serving members, the process is likely to be more complex given the passage of time and the possible changes in family arrangements. It is necessary therefore to define those persons who are eligible to be granted the unissued service awards of deceased former members.

45.8 Persons listed below in the immediate family of the deceased member are entitled to apply to be granted unissued awards. This list is in descending priority of entitlement.

- Spouse/de facto spouse (Relationship to the member at time of death)
- Child
- Grand child
- Parent
- Sibling
In exceptional cases, unissued medals may be granted to other relatives not listed above or institutions. These will be considered by the approving authority on a case by case basis.

Medal dealers or collectors who hold the original medals of deceased members are not entitled to be granted unissued medals under any circumstances.

**Conditions for granting unissued service awards**

**Immediate family.** Immediate family listed above may be granted unissued awards by establishing their relationship to the deceased member by means of a statutory declaration. This declaration includes a statement by the applicant that they believe there is no other person with a higher priority to claim unissued awards.

**Other cases.** Any person who is not listed as an immediate family member may apply to have special consideration for the granting of unissued awards. These applications will be considered by the approving delegate on a case by case basis. Applicants are required to provide a statement that fully details the justification for their claim. Examples of circumstances that could be given are that no member of the immediate family remains or that the applicant holds the deceased member’s original medals by gift or bequest. Similarly, an institution such as an approved museum, an orphanage or school that may have been bequeathed or gifted a member’s medals may also be considered.

Possession of a deceased member’s medals will not give a person a higher priority to claim other medals. If a person with a higher priority to claim is known, that person must apply for unissued medals.

**Action in case of dispute**

When issued, awards become the personal property of the recipient. Any dispute arising after awards are issued is to be resolved in the same way as any other property matter. Defence has no responsibility for awards that have been issued and will not become involved in any property dispute that may arise.

If DH&A becomes aware of any dispute that exists before approval is given to grant awards, normally no grant will be made until the dispute is resolved. However, if an applicant is able to present strong evidence that resolution is impossible and every effort has been made to achieve resolution, the approving authority may determine that awards be granted, notwithstanding lack of resolution.

**Procedure for requesting unissued service awards**

**Current serving members.** When a current serving Defence member dies, a Defence officer is normally appointed to administer the deceased’s personal affairs. In such cases this officer is to determine, if possible, to whom any unissued service awards should be granted. This will normally be the person listed as the primary next-of-kin on the member’s personnel record (PMKeyS).

On being advised of the death of a serving member, DH&A will determine any unissued awards and process them as a matter of priority.

**Former serving members.** Persons seeking to be granted any unissued service awards of a deceased former member are to apply using Form AD 809—Application for the Posthumous Issue of Medals and/or Clasps (http://intranet.defence.gov.au/webforms/form?AD809). The form is available from the DH&A website (http://www.defence.gov.au/medals) or the Defence Web Forms System.

**Approving authority**

The Director, Defence Honours and Awards is the approving authority. This responsibility involves giving approval that unissued awards be granted; approving the issue of awards for which appropriate delegations are held; or recommending to the Governor-General that awards for which the Governor-General is the approving authority be approved for issue.