Australian Government
Department of Defence

Fact sheet for review of separation due to discriminatory Defence policies under section 28 of the Defence Regulations 2026 (DR 2026)

Trigger warning and support services

You may find the content of this form or the application process distressing. We encourage you to seek support in a way that works for you, whether that be a trusted person, a colleague, a member of your chosen family or a professional support service. If you are in immediate danger, call 000. Support services are available should you need them.

Information about support services you can access can be found at: Crisis support | ADF Members & Families | Defence (https://www.defence.gov.au/adf-members-families/crisis-support).

Who can use this form?

This form can be used by former Defence members who are seeking a review of their separation from Defence, as they were separated as a result of previous Defence discriminatory policies. Section 28 of the Defence Regulations 2026 (DR 2026) provides recognition that a member's service ended due to, or related to, a prevailing discriminatory Defence policy.

Where the former Defence member is deceased or unable to complete the application themselves, an eligible representative can apply on their behalf.

What will this application cost?

There is no fee to submit an application for review of separation.

Proof of identity

To provide proof of your identity please attach certified copies of the evidence listed at Part F of this form. If you are applying on behalf of the former Defence member, please also include their proof of identity.

Further enquiries

For further information or any queries about applying for a review of a former Defence member's separation, please contact email: defence.retrospective-determinations@defence.gov.au

Privacy and your personal information

Personal information is protected by the *Privacy Act 1988* (Cth). Defence collects, stores, uses and discloses personal information in accordance with the requirements of Defence Privacy Policy. If you have questions or concerns about how your information will be handled, please contact defence.privacy@defence.gov.au.

The purpose of collecting the former Defence member's personal information during this application process, is to determine whether the former Defence member's service ended due to, or related to, a prevailing discriminatory Defence policy.

Any personal information provided to Defence regarding this application will be stored, used and disclosed by the Chief of the Defence Force (CDF) or their authorised delegate for the purpose of making a determination on this application. Personal information will be stored in accordance with the *Privacy Act 1988* (Cth) and managed in compliance with Defence's record keeping requirements. If the CDF or their authorised delegate considers that grounds exist to approve this application, Defence may provide the determination and the Defence member's personal information to other agencies, such as the Directorate of Honours and Awards and the Joint Transition Authority.

Supporting evidence

Please provide as much information as possible to support your application, while avoiding materials that might cause you distress. The more information you can share, the more it may support this application**. Please note applicants are not required to undertake extensive research of their Defence records or provide a detailed account of historical events. They also do not need to include information from their records that is already held by Defence.** If you are unsure about what to provide, please contact defence.retrospective-determinations@defence.gov.au and you will be contacted for further advice.

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What is the criteria for approving your application?

The following criteria is used when assessing applications related to previous discriminatory policies under DR 2026, section 28:

There should be evidence the former Defence member's service ended directly or indirectly due to a prevailing discriminatory Defence policy. This includes Defence's historical discriminatory policies regarding homosexuality, gender identity, marriage and pregnancy. Some examples of indirect causation include:

- Where following an interview with a commanding officer, the member voluntarily separates from service due to pressure from their chain of command.
- Where a member separates from service following an investigation.
- Where a member decides to voluntarily separate due to a downgrade in their security clearance.

If there is insufficent evidence to support an application, the applicant will be contacted to discuss options for providing additional evidence.

What happens if your application is supported?

If a former Defence member's application is supported, the original reason for their separation recorded on their service records is not physically removed or changed due to the requirements of the *Archives Act 1983*.

A new record in the form of a Determination Letter from the CDF (or their authorised delegate) will be sent to them and a copy will also be included on their service records. The Determination Letter sits alongside the original record to effectively explain the benefit of new knowledge over time.

This letter provides an acknowledgement from Defence that the former Defence member's service ended due to, or related to, a prevailing discriminatory Defence policy. This application enables affected former members to seek formal recognition that their service was impacted by conduct and policies that are no longer consistent with with contemporary Defence Behaviours and Values or community expectations.

Financial benefits

Approval of this application does not provide eligibility for any payments or benefits such as Defence, compensation or superannuation benefits. These benefits are administered under separate legislation and assessed according to specific criteria outlined in the applicable legislation. This includes legislation that is administered by the Department of Veterans' Affairs (DVA) and the Commonwealth Superannuation Corporation (CSC).
Further information about applying to DVA for assistance can be found at: https://www.dva.gov.au.
Further information about applying to CSC for retrospective invalidity can be found at: https://www.csc.gov.au/Defined-benefit-members/Manage/Sickness-and-injury/ADF-medical-transition/Member-guide#retrospective-invalidity.

Defence Honours and Awards

If an application is supported, it will be sent to Defence Honours and Awards to assess the former member's eligibility for the Australian Defence Medal (ADM) if not yet received. Further information on the Honours and Awards application process can be found at: https://www.defence.gov.au/adf-members-families/honours-awards/policy-information/fact-sheets-guides

How does the DR 2026, section 28 process work?

Once an application is received, a comprehensive review of the former Defence member's application, personnel and service records and any additional supporting evidence will be conducted to determine whether their service ended due to, or related to, a prevailing discriminatory Defence policy. Each application is examined in detail and in the full context of the former Defence member's circumstances at the time they ceased all forms of service with Defence, which can take time.

If there is insufficient evidence to support the application, or the member's records are incompete, the former member and/or their representative will be contacted and given the opportunity to provide additional evidence.

Once a determination has been completed by the CDF Delegate, a Determination Letter will be sent to the former member and/or their representative via their nominated email address or by mail if requested. A copy of the Determination Letter will also be included on the Defence member's service records.

If the application is supported it will also be sent to Defence Honours and Awards to assess the former Defence member's eligibility for the ADM if they have not received it already. They will also receive a Certificate of Appreciation.