



The Order of Australia

Review 2011

[Selected Sections]

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PART 1 – EXCERPT FROM THE SUMMARY

The Order of Australia is the centrepiece of the Australian honours system. That system, which began in 1975, has now cast off nearly all its immediately preceding imperial forebears. It now has a rich and diverse range of military and civilian awards for gallantry, bravery, awards for meritorious and for long service and various commemorative medals.

The Order is the product of a very long history of different ways in which people have been recognised over the centuries for various reasons, originally and continuously for military service, frequently for military and political support associated with dominant political and social structures, later for the broader recognition of merit, sometimes reflecting social status deriving from official positions held, certainly reflecting elements of national identity and latterly increasingly focussed on recognition of achievement in every field of endeavour with a growing emphasis on the inclusion of the great amount of selfless service that leads and binds communities together at the local level. Most other countries have similar systems with common antecedents, but which nonetheless have significant differences reflecting their own histories, systems of government and other national characteristics.

Administration of the Order is formally the responsibility of the Governor-General as its Chancellor. A nineteen member Council, independent of government, considers nominations received from the public and makes recommendations to the Governor-General. About 1,000 people are added to the Order each year, the lists being announced on Australia Day and the Queen's Birthday. The Council is supported by the Order's Secretary, (traditionally the Governor-General's Official Secretary) and Secretariat staff employed by the Official Secretary located at Yarralumla who research nominations, gather references and prepare papers for the Council.

From an uncertain beginning when the Order ran in parallel with continuing use of imperial honours during periods of non-Labor Commonwealth and State Governments the Order has come to be broadly accepted as the principal means by which the nation officially recognises the merit of its citizens. Outreach activity carried out since a review conducted in the mid-1990s has led to some greater awareness of the Order in the wider community and an increase in nominations for service in local communities. While particular awards, or questions of over or under representation of groups in the community, can generate controversy, generally the twice yearly honours lists are regarded positively as part and parcel of the celebration of the nation. It is, in my opinion, a good system, well suited to our democratic and egalitarian values. Like all such institutions it also faces challenges which need addressing if it is to continue to be able best to serve its purpose.

The central question addressed in this review is whether the Council's decision-making process should be supplemented by avenues of appeal which would be available to nominators upon being informed that their nominee had not been recommended for an honour by the Council. Such appeal rights are a common feature of decision-making within government, particularly within the Commonwealth Government following significant developments in Commonwealth administrative law since the 1970s. As well as full merits review, which would involve the creation of a review body stepping into the Council's

shoes, substituting its decisions for those of the Council, and standing between the Council and the Governor-General, there are related questions about possible avenues for reconsideration by third parties which report their views to the Council and about reconsideration by Council itself.

I have recommended against the establishment of any such appeal processes. My main reason is that the nature of the interest that a nominator has in the outcome of a nomination is not of a kind that warrants administrative review. My starting point is the lack of right or entitlement any nominee has to receive an honour. This absence of entitlement, and 'standing' for the purposes of administrative review, is even more marked in the case of the nominator. Additional reasons relate to the nature of the decision-making involved, which is largely intuitive rather than analytical, and in a broad sense entails the weighing of each nomination against all others being considered, and in some cases against a limited quota of awards available at a particular time and level. I have also taken into account practical considerations such as the likelihood of a very high take-up of any generally available appeal process and the consequent resource implications.

So far as internal review reporting back to the Council is concerned, there may be occasions when the Council wishes to decide to use such an approach, but I do not favour it for general application. Ultimately the composition and deliberative processes of the Council are well suited to exercising the judgment required. There is no reason to believe a differently constituted body would produce better decisions.

Reconsideration by the Council itself of nominations it has previously partially or fully considered already occurs for various reasons. Policies on when, and in what circumstances, re-nominations should be considered vary in comparable jurisdictions. The Council's present rule of generally not looking at re-nominations within three years of its previous consideration seems reasonable, though discretion may appropriately be exercised on occasion. There is no reason why re-nomination, or the consideration of re-nominations within the three years, should be invited or encouraged by the Secretariat whose approach in proceedings at this stage should be limited to the polite provision of factual information on the Council's policies in response to requests.

Various considerations relating to the interaction of the Council and governments flow from the fact that some processes have not been much modified since 1975. Approaches which were a necessary part of State systems when the Order ran in parallel with imperial honours have not been re-appraised following the cessation in October 1992 of all recommendations by Australian governments for those honours. The time is ripe for such a re-appraisal.

Technological changes will continue to provide ways of improving the handling of information required by the Council. Secure online nomination, and touch screen readers or secure online distribution of material to Council members should be introduced as resources permit and subject to confidence that the high level of security required can be guaranteed. As new technologies are adopted corresponding modification of business processes will be required.

There are increasing expectations of transparency and accountability affecting everyone operating in the public arena: universities and schools; sporting clubs; companies; and especially public services. So far as the Council is concerned, like Cabinets, its processes cannot work without complete confidentiality. There are, however, measures which can be taken to provide the public with more information than is presently available on the Council's work. Its inputs in the form of

statistical information about nominations can be compared with its outputs in the form of statistical information about recommended awards. There is merit in the practice recently adopted in the United Kingdom of a more detailed statistical analysis and report on the Order of Australia and other elements of the honours system than can be included in the Official Secretary's annual reports being prepared on a five yearly basis.

PART 2 – BACKGROUND AND TERMS OF REFERENCE

I was asked towards the end of 2010 by Mr Stephen Brady, Official Secretary to the Governor-General and Secretary of the Order of Australia, to undertake a review of the decision-making processes associated with the making of appointments and awards in the Order.

The background to this request was parliamentary interest earlier in the year in the decision-making process, specifically questions relating to the absence of avenues of review available to nominators dissatisfied following advice to them that the person they had nominated had not been recommended by the Council for the Order of Australia for appointment or award in the Order.

Also relevant to the request was a background of reaction from discontented nominators over recent years, reaction which, in some particular cases, had escalated to exploration of the various elements of the administrative law machinery available at the Commonwealth level for the review, both judicial and on the merits, of administrative decisions of executive government adversely affecting the individuals concerned.

The terms of reference for this review are at Attachment 1.

I have undertaken the review over the months of February and March 2011 working from an office in the Australian Honours Secretariat at Government House. During that time I have read and consulted widely. I have had ready access to the staff of the Secretariat who have been unfailingly helpful.

I was fortunate to be able to attend part of a meeting of the Council for the Order on 16 February when nominations were being assessed for the honours list to be published on the Queen's Birthday in June. Following that meeting I have spoken at length to all the Council members who were present.

I have had ongoing discussion with the Assistant Secretary and other staff of the Awards and Culture Branch, Department of the Prime Minister and Cabinet who have responsibility for policy concerning honours matters generally and related matters.

The terms of reference required me to look at comparable international practice. I have done that through reading material published in book form (such as the authoritative *World Orders of Knighthood and Merit*¹ and Christopher McCreery's *The Order of Canada – It's Origins, History and Development*²) and on various official and unofficial websites of the countries concerned. I have been assisted by inquiries made of our embassy staff in France, Germany, the Netherlands and the United States. In the case of the most directly comparable systems, New Zealand, Canada and the United Kingdom, countries which all have Orders with The Queen as their Sovereign, I have been greatly assisted by correspondence and/or conversations with senior officials responsible for their administration. Also of assistance were the published proceedings of a conference held in Regina, Saskatchewan, Canada in April 2006 entitled *Honouring Commonwealth Citizens*.³

The terms of reference also required me to look at the review processes established in relation to Defence honours and awards, particularly the Defence Honours and Awards Appeals Tribunal recently established under Part VIIIIC of the *Defence Act 1903*. As well as close examination of that legislation, I benefitted from discussions with Professor Dennis Pearce, former Commonwealth Ombudsman, in his capacity as the Chair of that Tribunal and with senior staff of Defence Honours and Awards.

The issues on which I am reporting are ones which could be regarded as falling close to, if not within, the functions of the Administrative Review Council, a statutory advisory body established in 1975 under Part V of the *Administrative Appeals Tribunal Act 1975* with a broad remit including the provision of advice to the Attorney-General on decision-making

¹ World Orders of Knighthood, Guy Sainty and Rafal Heydel-Mankoo, editors, Burke's Peerage & Gentry, 2006

² Christopher McCreery, *The Order of Canada*, University of Toronto Press, 2005

³ Published by the Honours and Awards Secretariat, Ontario Ministry of Citizenship and Immigration, Toronto, 2007

by Commonwealth ministers, officials and authorities and related avenues of review. It would not have been appropriate for me to have sought any formal view from the Administrative Review Council on the questions I am addressing, but I have benefitted from consultation with the Council's Executive Director and the Assistant Secretary responsible for administrative law policy in the Attorney-General's Department and from a study of relevant reports and other publications available on their website: <http://www.ag.gov.au/arc> in particular the Council's guidelines *What decisions should be subject to merit review*. Informal consultation with Professor John McMillan, former Commonwealth Ombudsman, now the Australian Information Commissioner, and co-editor with Robin Creyke of the authoritative textbook *Control of Government Action*, was also very helpful.

It will become evident that I have adopted a broad approach to the terms of reference; indeed, that I have taken the liberty of going considerably beyond them.

PART 3 – HISTORICAL AND INTERNATIONAL CONTEXT

“‘Order’ An institution, partly imitated from the mediaeval and crusading orders of military monks, but generally founded by a sovereign...for the purpose of conferring a dignity.’ OED

This Part places the Order of Australia in its broader historical context and makes some comparisons with similar Orders in other countries.

To get some idea of the scale world-wide of such Orders, the two volume, 2086 page *World Orders of Knighthood and Merit* has: about 200 pages on ‘Confraternal Orders of Religious-Military Origin’; about 200 pages on ‘Single Class Collar Orders’ which sound obscure but which include the Order of the Garter, of which former Governor-General Sir Ninian Stephen is a member and the Order of the Thistle of which former Prime Minister Menzies was a member; about 145 pages on ‘Extant Orders of Chivalry’ including the Orders of the Bath, of Saint Michael and George, and of the British Empire to which many Australians were appointed up until the early 1990s; about 250 pages on ‘Dynastic, House and Royal Service Orders’ including the Royal Victorian Order, within the Queen’s personal gift and still used for service to the Crown in Australia; and about 900 pages on ‘State Merit Orders’ which detail a vast number of different orders or similar forms of recognition, used by some 170 countries, including the Order of Australia.

In brief compass, elements of modern honours systems go back at least to the ninth century with the word ‘knight’ coming from the German word for military attendant. Recognition as a knight and the allocation of land brought with it the obligation to provide military services. *Who’s Who (WW)* records that the ‘degree’ of Knight Bachelor (ie a knighthood not included in an Order and the most direct descendant from the earliest times) was used extensively in Australia from 1837 to 1989 – albeit without land or the requirement to provide military services.

The Middle Ages saw two significant developments.

First, the formation of Military Orders as Orders of the Roman Catholic Church with the purpose of defending the pilgrim routes to Jerusalem. Headquartered on the Temple esplanade, the ‘Templars’ combined their military function with elements of the more traditional religious orders, including the vows of poverty, celibacy and obedience. Their role also extended to the care of sick pilgrims and the establishment of hospitals. The full title of the original Order of Saint John ‘The Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes and of Malta’ shows the combination of military and charitable purposes. (Elements of the Order of Saint John, and similar orders, flourished and fragmented over the centuries. In England, the Order was dissolved in 1540 during the Reformation and was eventually re-established in the mid-19th century initially as a private Order (because its protestant membership prevented a re-integration) and then in 1888 as an Order of the British Crown (but not State) with the Queen as Sovereign from whence it spread to the British Colonies and Dominions giving us the St John health services we know so well today including St John Ambulance.)

Secondly, the Middle Ages saw the emergence of literature such as *Sir Gawain and the Green Knight*, and Malory’s *The Morte d’Arthur* and Chaucer’s *Canterbury Tales* which served to record and create a romanticised ideal of all the chivalrous virtues associated with knighthood, including the observance of a virtuous personal code of conduct. This legacy was drawn upon by later generations, including the imaginative and idealistic Victorians in 19th century Britain responsible for a flourish of imperial honours, and has contributed to a significant and continuing element of the culture surrounding modern honours systems, the idea of selfless service, the contribution made by the individual to broader community interests. It is a culture reflected in the great modesty with which very many Australians react when first hearing they are being recommended for an honour. It is inherent in the word ‘honour’ itself. It is quite the opposite of any perception of an honour being the object of entitlement.

The 14th and 15th centuries saw a greater alignment of knighthood and nobility and some separation of knighthood from religion and military service. It also saw the establishment of non-religious Orders based on the sovereignty of increasingly important monarchies with the Order of the Garter, established in 1350 by English King Edward III with the Arthurian legend specifically in mind and the Order of the Star, established by Jehan, Duke of Normandy, future King Jehan II of France in 1351 being early examples followed elsewhere, some such as the Thistle (1687/1714) and the Danish Dannebrog (1671) and Elephant (1679) still being used. Most such Orders had small membership and a single class of membership.

The Enlightenment brought reason to bear on many traditional institutions and social structures. It was Louis XIV who in 1693 first introduced an Order based on the intention to reward merit. The Order of Saint Louis had some superficial resemblance to the earlier religious-military orders, in particular the introduction of three different classes of knighthood to enable differential recognition of merit. Many similar Orders were established across Europe in the 18th century including the British Order of the Bath, established in 1725, extended to civilians in 1847 (and to women in 1973!), primarily used for the military and the British Civil Service, but also at the most senior levels of Australian State public services through to the 1980s.

Although the Age of Revolution could have been expected to bring an end to many Orders, they were in substance more durable. Napoleon's Legion of Honour while using the vocabulary of ancient Rome rather than anything associated with medieval religious military Orders, was essentially an expanded version of that established by Louis XIV. The 18th and 19th centuries also saw the transition to constitutional monarchies, republics and representative democracy. Britain's naval expansion and the rapid colonisation of much of the world by European powers provided impetus to the creation of further Orders and their use within those colonies and subsequently within the newly formed independent nations that followed. The Order of Saint Michael and Saint George, originally established in 1818 for the citizens of Malta and the Ionian islands when they came under British control, evolved to cover the rest of that empire in 1868 and overseas service generally in 1877. It was used extensively at the highest level (GCMG) in Australia for the highest officeholders: all Governors-General until Mr Hayden; all except one of the Chief Justices of the High Court until Sir Anthony Mason; and Prime Ministers Barton, Reid, Cook, Page, Fadden, McEwan, Gorton and McMahon. It was last used in 1989 (at the KCMG level) on the appointment of Rear Admiral Sir David Martin as Governor of New South Wales.

The Order of the Star of India (1861) and the Order of the Indian Empire (1877) continued the imperial theme which culminated in June 1917 with the establishment of the five-class (G,K,C,O and M) Order of the British Empire, initially intended to recognise civilian service in the Great War but subsequently expanded to be by far the largest of the British imperial Orders used widely for many years in a large number of Commonwealth countries including Australia. It remains what is described as the 'workhorse' of the UK honours system.

The 19th and 20th centuries also saw universal expansion in the expected role of government and the expansion of bureaucracy to the administration of public companies, charities and, of course, public services. Merit, unsurprisingly, became subordinate to, or equated with, status leading to a very long tradition of particular honours being associated with the performance of particular jobs, an issue which continues to vex many modern honours systems.

The dwindling of European empires in the 20th century brought its own set of issues, some countries quickly establishing their own systems, along with new flags and anthems as a means to emphasise the clean break they wanted independence to provide; others, taking their time, seeking to balance respect and fondness for traditions with gradually emerging pride in their own identity and institutions.

Finally, recent decades have seen widespread cultural changes associated with increased wealth and education, modern travel and communication, progress towards equality for

women and egalitarianism more generally, the erosion of class distinction, an emphasis on individual and minority group rights and powerful reluctance to accept authority increasingly manifest in disrespect for political leadership. In response, honours systems have increasingly drawn on public nomination and have placed far greater emphasis on recognition of people according to the contribution they have actually made rather than the status of the position they hold. In the Order of Australia, we can see the effect of these trends in the increased proportion of awards made of the OAM compared with the AC, AO, and AM and the increased proportion of awards for community service. They also underlie the ongoing anxiety when considering awards for State Governors and High Court judges where it is invidious, even improper, to distinguish among them and where there is some hesitation in regarding appointment, even at that level, as sufficient evidence of merit warranting recognition.

In the remainder of this Part, I briefly survey the systems of a number of other countries. The original purpose was to establish whether any had moved to provided dissatisfied nominators with avenues for the review of the decision not to recommend their nominees. I have not identified any. Indeed, only a few communicate with nominators beyond an initial acknowledgement and advice that if successful their nominee's name will be included in an honours list at some time in the future. It is however instructive to look at some of the systems to see how similar issues are handled in different ways. It is also instructive to appreciate how even the closely related systems such as those of Canada, New Zealand and the United Kingdom are remarkably different from each other for a variety of reasons.

The United Kingdom

The UK honours system is administered by the Honours and Appointments Secretariat of the Cabinet Office. Nomination by the public has been encouraged since 1993 following changes introduced by Prime Minister John Major but the system still draws substantially on names put forward by line departments.

Leaving aside separate lists relating to the armed forces and the UK's overseas interests, the total recommended in the year 2010 was around 2,000. The Prime Minister's List for the Queen's Birthday, just short of 1,000 names, included: 16 knighthoods (Knight Bachelor); one Knight and one Dame Commander and seven Companions in the Order of the Bath (senior civil servants); and 10 Dame Commanders, 103 Commanders, 240 Officers and 600 Members in the Order of the British Empire. Women made up 45 % of the New Year List and 47 percent of the Queen's Birthday List. More than half of the MBEs on the lists were nominated by members of the public. More than 7% of awards went to people from ethnic communities.

In 2004, the House of Commons Public Accounts Select Committee recommended abolition of the Order of the Bath (mostly used for the armed forces and Civil Service) and the Order of Saint Michael and Saint George (mostly used for the Foreign Service) the replacement of the Order of the British Empire by an Order of British Excellence comprising Companions, Officers and Members; the abolition of titles and the greater use of the Order of the Companions of Honour (CH), a single class Order without titles currently limited to 65 members. It also recommended the establishment of a statutory Honours Commission to take over from the Prime Minister and other ministers the task of making recommendation to the Queen and to take over administration of the system from the Cabinet Office.

In the same year, Sir Hayden Phillips, the senior official previously responsible for the honours system completed a report for the Cabinet Secretary focussing not on the different Orders but on measures to improve the selection processes with greater transparency and accountability including that the Prime Minister should publish a report on the honours system every three to five years. The Government responded to the two reports in 2005

largely preferring the Phillips recommendations to those of the PASC. The first of the recommended three to five year reports was published by the Cabinet Office in 2008⁴.

Nominations received are researched by the Secretariat with comments being sought from Lords Lieutenant (local representatives of the Crown) and a range of outside bodies. Some are referred off to line departments and brought together with names being recommended from within government. A long citation summarising the person's contributions is prepared as the basis for consideration by the relevant committee. Departments exercise judgement on the citations they put forward. The 2008 report notes that 'departments submit only the strongest citations for consideration'.

The UK has long used specialist committees for the assessment of candidates, but they each now have a majority of, and are chaired by, people appointed from outside the Civil Service following advertisement and interview. The committees are: Arts and Media; Sport; Health; Education; Science and Technology; Economy; Community, Voluntary and Local Services; and State. The committees work to pre-allocated quotas specified in relation to each level. The allocations are determined having regard to broad government priorities, for example increasing the number available for the Community, Voluntary and Local Services Committee consistent with an initiative of the Prime Minister in 2007 that more honours should go to "local heroes" or "good neighbours".

The specialist committee recommendations are then forwarded to a Main Committee chaired by the Cabinet Secretary, which includes the specialist committee chairs, the Chief of Defence Staff, and the permanent secretaries of the Home Office and the Foreign Office. The Main Committee has a small quota of higher level awards that it can use to give recognition to people whose contribution straddles two (or more) specialist committees' fields, but not making the grade in either.

As to communications with nominators, they receive an acknowledgment and quite often a request for further information, but nothing further. Consideration has been given to sending out six-monthly bulletins to keep nominators informed of progress but the idea was rejected for resource reasons. Nominators are informed they can telephone for advice on the progress of their candidates. When it is clear that a nomination has not been successful, a relative few dissatisfied nominators follow up either with the Secretariat, the line departments and sometimes Lords Lieutenant and MPs. Only general reasons relating to candidates are provided; for example because they came up against candidates who were stronger.

The Secretariat has a flexible policy on the reconsideration of candidates, in part no doubt because line departments have discretion as to when cases will be brought forward.

Canada

The Order of Canada was established by Letters Patent with effect from 1 July 1967, Canada's Centenary, initially with a single class of Companion (CC), expanded in 1972 to include Officers (OC) and Members (CM).

Establishing the Order followed long periods without honours stemming from acrimonious parliamentary debates towards the end of the First World War and the establishment in 1943 of a Canada Medal which was never used. Canada thus started with a clean slate and never experienced the issues which arose in Australia from the co-existence of a new Order and imperial honours.

The most significant innovation was the creation of an Advisory Council originally consisting of: the Chief Justice (chair); the Clerk of the Privy Council; the Under Secretary of State; the Chairman of the Canada Council; the President of the Royal Society of Canada; and the President of the Association of Universities and Colleges of Canada to make recommendations to the Governor-General. In 1972, provision was made for up to two members of the Order to be appointed as Advisory Committee members on the

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http://webarchive.nationalarchives.gov.uk/20090118230434/http://www.cabinetoffice.gov.uk/media/190634/3yrs_reformed.pdf

nomination of the ex-officio members, expanded to five in 2001 and with terms extended from two to three years. The Committee does not have Province nominated members, but on the current list five members are described as representing Ontario, the Atlantic, the Prairies, the West and Quebec.

The Order of Canada numbers are quite small; 1 July 2010 saw 74 appointments (3 CCs; 18 OCs and 53 CMs) and 1 January 2011, 54 appointments (12 OCs and 42 CMs). There are two explanations for this. First, there is no equivalent of our OAM. Although there are avenues available for recognition of more locally focussed community service, notably the civil divisions of a Meritorious Service Cross and a Meritorious Service Medal established in 1991 and a Governor-General's Carers Award (a framed certificate), very little use has been made of them. Secondly, following the establishment of the Order of Canada, starting with Alberta in 1979 and concluding with Nova Scotia in 2001, all the Provinces have legislated to establish their own Orders, single class in all cases (except Quebec where there are three) with none having the Queen as Sovereign. For many years they were not recognised by the federal government but since 1991 they have been included in the Canadian order of precedence. But it would be mistaken to think that the provincial orders operate to fill the gap represented by our OAM as many of the provincial orders have small quotas or those responsible choose to be abstemious. Writing in 2005, Christopher McCreery notes: *'The provincial orders have an interesting relationship with the Order of Canada: on average, 30% of those who receive a provincial honour are already recipients of one of the levels of the Order of Canada.'*⁵

The Order is administered by the Chancellery of Honours based at Rideau Hall, the Governor-General's residence. Nomination forms are readily completed on a downloaded form but have to be posted. They seek details for three referees but actively discourage letter writing campaigns. The form emphasises the need for confidentiality. Receipt is acknowledged but any further communication is limited to providing advice on progress. They have no appeal processes and have long had a policy of not reconsidering unsuccessful nominations for three years and have recently extended this to five. Promotions (and many of their Companions are promotees) are also only considered after five years. They apply these periods strictly and while there may on occasion be an exception, it is rare.

New Zealand

New Zealand's experience has been very different. They have not had the complications arising from being a federation, nor Canada's long ambivalence about any honours, nor Australia and Canada's dislike of titles, nor the strength of Australia's republican leanings. Their system is described as *'the New Zealand Royal Honours System'* and despite some mutterings they have recently re-introduced dame and knighthoods to the top two of the five levels of the New Zealand Order of Merit as shown below with a large take up of the capacity to be redesignated from the Principal and Distinguished Companion levels to the corresponding titled levels.

1996 to 1999 and from 2009	2000 to 2008
Dames and Knights Grand Companions (GNZM) Dames and Knights Companions (D/K NZM) Companions (CNZM) Officers (ONZM) Members (MNZM)	Principal Companions Distinguished Companions Companions Officers Members

1. Their transition from the imperial system to a totally New Zealand system has been gradual starting in 1975 with a distinctively New Zealand Queen's Service Order (QSO) and

⁵ McCreery *Canadian Honours System*, Dundurn 2005

associated Medal (QSM), continuing with the Order of New Zealand (ONZ) in 1987 (a single class Order limited to 20 living members and thus quite different from the Canadian and Australian Orders) and finally with the institution in May 1996 of a five class New Zealand Order of Merit (which is comparable to the Canadian and Australian Orders) and the discontinuance of recommendations for any imperial honours in 1997.

The system is administered by an Honours Secretariat located in the Cabinet Office. Unlike Canada and Australia, and increasingly the United Kingdom, it has not been considered necessary or desirable to remove politicians from the assessment process which is undertaken by the Appointments and Honours committee of Cabinet. The Secretariat prepares 120-200 word citations for consideration by the Cabinet Committee which meets four times before each list, twice to draw up a shortlist and to suggest further names to improve diversity and regional balance, a further meeting to look at the short list together with what has been gathered on the additionally suggested names and a fourth meeting chaired by the Prime Minister to settle the final list.

Their numbers are fewer than Australia's (unsurprisingly) but more than Canada's (surprisingly). The Queen's Birthday 2010 and New Year 2011 honours lists comprised:

	ONZ	GNZM	K/DNZM	CNZM	ONZM	MNZM	QSO	QSM	Total
QB10			7	9	18	43	11	72	160
NY11	1	1	6	13	26	50	8	58	162

Nomination forms are available in PDF or Word online but are required to be signed and posted. They are structured to elicit information on the nominee's service, the sphere of influence, what makes the service 'above and beyond' and how their service has been regarded by their colleagues. Two or more letters of support are requested. Nomination guidelines inform nominators they will receive an acknowledgement but that '*The Honours Secretariat will not enter into any further correspondence on your nomination*'.

New Zealand does not have any equivalent of our three year rule. After making it clear that the number of nominations is strictly limited, the nomination guidelines say:

RE-NOMINATING UNSUCCESSFUL NOMINATIONS

Your nominee may be considered for two honours lists; if they are not successful in either list, you may assume that the nomination has lapsed. In order for your nominee to be reconsidered, you will need to either write to or email the Honours Secretariat (honours@dpmc.govt.nz) and request the nominee be reconsidered.

All previously sent information and nomination forms are kept on file at the Honours Secretariat. You do not need to re-submit any nomination forms, information or support letters previously sent.

If your nominee has completed more service worthy of recognition since the time you first nominated them, please inform the Honours Secretariat so we can update their file.

The Netherlands

The Netherlands has two Orders established in 1815, the Military William Order originally for servicemen but opened up for civilian bravery decorations in 1940 and the Order of the Netherlands Lion a senior three grade Order used sparingly for very exceptional achievement. Of far wider application is the junior civilian six-class Order of Orange-Nassau established in 1892. It has a strong democratic and egalitarian ethos drawing almost entirely on public nomination and with a dominant emphasis on contribution at the local community level.

Anyone can nominate anyone else. Nominations are submitted in the first instance to local mayors who also have a role in identifying possible nominees. As well as the usual

supporting information, if the nominee is employed a statement from the employer is required showing they have no objection to the nominee being honoured.

Mayors undertake a preliminary assessment using their local knowledge. Court and police records are checked. They are obliged to forward the file with a recommendation, and providing advice on suitable level and any particular occasion that would be especially appropriate for conferral, to the Queen's Commissioner (a regional representative of the Crown) who also forms a view on the merits of the award and whether any suggested special occasion for conferral is suitable. Any changes to the Mayor's recommendations are discussed with the Mayor.

The file then proceeds to a Civil Honours Advisory Commission which has a particular interest in procedural rules such as the length of time that should pass between any offences and receipt of an honour (for example speeding or drink-driving require a delay of one or five years respectively) and satisfies itself that there is sufficient supporting information. Nearly always there is and the nomination then proceeds to the relevant Minister, that is the Minister whose responsibilities best match the contribution of the nominee.

Ministers are expected to have good reason not to endorse the Commission's recommendations. Reconsideration by the Commission can be requested and there may be consultation between the Minister and the Commission chair. In any really contentious case the Minister can take the nomination to Cabinet for a final decision. Ministers then make formal recommendations to the Queen along with formal documentation. They are also responsible for notification of the decision to the Queen's Commissioner and the Mayor and the latter then informs the nominator which may include the delicate task of conveying a negative decision but protecting the nominee's criminal record for privacy reasons. There are no avenues of appeal and little occasion for nominators to be dissatisfied.

Some 80% of awards are for community service usually by volunteers. There is also time-based automatic recognition of various appointed/elected office holders: Mayors and provincial deputies become Members after 10-12 years; Members of Parliament become Knights after 10 years; Ministers and Secretaries of State after one year become Commanders and Knights respectively.

In all, some 6,000 awards are made annually mostly conferred by the local mayors. About 2,500 conferrals are made on the special occasions suggested in the nomination, for example the opening of a building. The remainder are conferred mostly by the Mayors in local ceremonies on the eve of Queen's Day at the end of April on an occasion known as "lintjesregen" which translates as a "shower of honours" or "rain of titles". A spreadsheet⁶ indicates that in the 2010 lintjesregen there were some 3760 recipients: two Commanders, 36 Officers, 438 Knights and 3274 Members in the Order of Orange-Nassau and eight Knights in the Order of the Netherlands Lion. For a population of 16.5 million it's a case of the more the merrier.

Germany

The Order of Merit of the Federal Republic of Germany, established in 1951, is Germany's principal means of recognising meritorious achievement. With a complex seven class structure and a medal, the most commonly used in descending order are a Commander's Cross, an Officer's Cross, a Knight's Cross and the Medal. Although some 210,000 awards have been made since 1951, recent years have seen a steady decline in the annual rate from about 4,000 to under 2,500 in each of the last three years for which figures are available (2006-2008) reflecting concern that prevalence should not devalue the awards. In recent years no employees of federal ministries have been eligible for awards related to their duties.

⁶ www.uniekbo.nl/include/downloadFile.asp?id=454

Additionally, 10 of the 16 States have their own Orders, many of them, as in Canada, single class with low quotas. In some areas, notably the City States of Bremen and Hamburg, by long tradition citizens refuse any awards within an Order.

Final decisions on the national Order of Merit nominees are taken by the President, exercising more personal discretion than would be customary in a constitutional monarchy. Nominations can only come to the President from the heads of State governments, the Foreign Minister in relation to Germans resident overseas and other Ministers in relation to federal government employees.

Nominations are made in the first instance to Senate Chancelleries in each of the States and the initial assessment of the nominee's merits, including checking of court and police records, is undertaken within State governments. This assessment will involve contact with relevant institutions and obtaining referee comment. Many nominations do not proceed beyond this point and the President's Office never has knowledge of them. Those that are recommended to the President are considered further by staff in the Office of the President who double check the assessments made by the State authorities and in the case of the higher awards seek the views of federal ministers, or the Chancellor for the highest levels. The President generally arrives at decisions in consensus with the recommending authorities.

To the very limited extent that the President receives correspondence from dissatisfied nominators, the President's Office generally responds with polite but firm advice that explains that the State authorities decided against making a recommendation as the necessary prerequisites were not met, and that because of the strict requirements of confidentiality it is not possible to give further details. As necessary they make it clear that there is no claim or entitlement to an award. The President's Office has advised me that as a general rule requests for reconsideration after rejection are not made. If new evidence of distinctive merit emerges after some years (but no fixed period specified) a further nomination can be considered.

Awards are generally conferred by State or federal Ministers, regional commissioners or city mayors. Only a few are conferred by the President on days of national significance such as 3rd October, the anniversary of reunification.

France

The two main French Orders⁷ are the Legion of Honour established in 1802 by Bonaparte and the National Order of Merit established in 1963 by De Gaulle. Both comprise three classes in ascending order of Knight, Officer and Commander and two 'dignitaries' of Grand Officer and Grand Cross. The President of the Republic is the Grand Master of both Orders and is the ultimate authority for awards. The administration of both Orders is the responsibility of the Grand Chancellor of the Legion of Honour; both have Councils drawn from senior membership of the respective Orders. Both are administered from the Palais de la Légion d'Honneur (or Hôtel de Salm) adjacent to the Musée d'Orsay, which has been the home for the Grand Chancellery since 1804, giving substantial physical expression and prestige to the Orders.

In both Orders there is an emphasis on sustained contribution over long periods: over 20 years of leading performance for the Legion of Honour and 10 years of distinguished performance for the Order of Merit. There is a general presumption of appointment at the lowest class of Knight and advancement after further lengthy periods to Officer and Commander.

Both Orders have faced issues of prolific use. By 1962 there were more than 300,000 members of the Legion of Honour. Concerned to protect the prestige of the institution De Gaulle established a new code for the Legion and set quotas so the number would reduce to 125,000 by 2000. It has now further reduced to about 93,000 but still has an annual intake of just under 3,500 civilian and a bit over 1,500 military appointees. The President as Grand Master sets the annual quotas for admission and advancement within

⁷ Strictly, the Legion is an "Institution" rather than an Order, but it is convenient to refer to both as Orders.

the Legion every three years. The National Order of Merit grew to some 130,000 members within 15 years of establishment. In the early 1980s intakes were gradually reduced and growth has tapered so that membership in April 2008 was 188,000.

Until recently there was no question of public nomination and it remains the case that the Ministries still have the main responsibility for identifying candidates. President Sarkozy has made significant changes aimed at increasing the representation of women and *'persons from modest backgrounds, from minority groups, volunteers in the world of associations, [and] lastly actors in the private sector'* He has directed that there be strict parity for women (excepting for Ministries such as defence and veterans) in each announcement and he has increased the allocations for workers and volunteers.

Radically, in the July 2008 the President introduced the *'citizen's initiative...[to] allow every citizen to propose a person [s/he] regards as meritorious for a first nomination in the Legion of Honour or in the National Order of Merit.'*⁸ An unusual feature is that any such nominations require co-signature by 49 other residents of the same locality. But assuming the support is forthcoming, it is then compulsory for the nomination to be considered by the prefect of the department. The simple form available online elicits basic information, provides space for the 49 supporting signatures and ends with a decision box for the Prefect with the choice of recommending a decoration and transmission to the relevant Ministry or *"To be filed with no follow-up"*. It is too early to assess the impact of these changes and ascertain whether the citizenry expects more than a Gallic shrug when their nominations are unsuccessful. But the idea of any right of review would be *'incroyable'*.

Another unusual feature of the French system is the process of conferral. After inclusion in an announcement people receive a congratulatory letter from the Grand Chancellor which gives them advice on what happens next. They then pay a Chancellery fee (€20.28 for a Knight) and inform the Grand Chancellor who they wish to invest them with the medal. (The President only confers a very small number of the highest awards.) Generally it can be anyone at the same or senior level in the Orders. The recipients then purchase the decoration from specialist shops such as the Paris Mint (Knight: €168.50; Officer: €196; and Commander: €400 and Grand Cross: €717 – an unlikely challenge for 'persons from modest background'). The ceremony is simple involving a short form of words on behalf of the President followed by an embrace following which the recipient will receive a formal certificate of appointment from the Grand Chancellery and be entitled to wear the decoration. Indeed, anyone can legally purchase the decorations (less VAT if purchased online from Australia) but it is an offence to wear them if not entitled and no conferral has occurred.

⁸ See President Sarkozy's letter to his Prime Minister at:
http://www.legiond'honneur.fr/shared/en/en_initiative/en_finitiative.html

PART 4 – THE AUSTRALIAN HONOURS SYSTEM

February 14th 1975, when the Order of Australia was established, is generally seen as the beginning of Australia's own honours system with the Order as its centrepiece. The Order is certainly widely regarded as the pre-eminent element in the Australian honours system. It is, however, only one element and needs to be seen in its broader context.

Also on 14th February 1975 the Queen signed Letters Patent instituting a suite of *'Australian decorations for the purpose of according recognition to Australian citizens and other persons who perform acts of bravery'* specifically the Cross of Valour (CV), the Star of Courage (SC), the Bravery Medal (BM) and the Commendation for Brave Conduct. Like the Order of Australia, nominations for bravery awards can be made by the general public and are considered by an independent Australian Bravery Decorations Council, which meets twice a year, supported by the Australian Honours and Awards Secretariat at Government House.

The National Medal was also established on the same day initially with the purpose of recognising 15 years of diligent service by members of the Australian Defence Force (ADF), Australian police forces and fire and ambulance services.

Prior to 1975 two awards were created in the British system with distinctive application to Australia. The first of these was the Australia Service Medal 1939-1945 established by King George VI in November 1949 for service by Australians during World War II. Similarly the Vietnam Medal was established in June 1968 for the recognition of members of the ADF (and accredited philanthropic organisations) serving in South Vietnam between May 1964 and January 1973. Although pre-dating February 1975 these medals are properly regarded as part of the Australian honours system.

Since 1975 the Australian system has grown considerably to become the rich and broad canvas we have today, the most recent addition being the National Police Service Medal established on 9 November 2010 to recognise the special status that sworn police officers have because of their role protecting the community and represent a police officer's past and future commitment to give ethical and diligent service⁹.

Some additions have been the establishment of Australian decorations as close as possible to their British counterparts, the best example being the Victoria Cross for Australia (VC) established in January 1991 without any change to the Medal which will continue to be cast in bronze from cannons captured in the Crimean War. It is the one Australian award which continues to require the Queen's approval. The Order of Wearing lists 'VICTORIA CROSS' at the top of the list with no differentiation, but has a footnote indicating that the reference includes both the Imperial Victoria Cross and the Victoria Cross for Australia. It has been a seamless transition.

In other cases, for example the suite of gallantry awards (the Star of Gallantry (SG), the Medal for Gallantry (MG) and the Commendation for Gallantry), established by separate Letters Patent at the same time as the Victoria Cross for Australia, the opportunity has been taken to provide a simpler and more rational structure than the corresponding imperial awards and to make the design of the medals distinctively Australian with the use of the Federation star.

Another example of an obvious transition was the replacement in 1987 of the imperial Polar Medal awarded to 289 Australians between 1901 and 1982 by the Australian Antarctic Medal (AAM) with its own distinctive design.

Many of the changes have involved Defence awards including: the Conspicuous Service Cross (CSC) and Medal (CSM) decorations established in October 1989 for outstanding meritorious achievement in non-warlike situations; ongoing awards for service in

⁹ See most recent announcement at:

http://www.ministerhomeaffairs.gov.au/www/ministers/oconnor.nsf/Page/MediaReleases_2011_FirstQuarter_2March2011-Thehighestrecognitionforourdedicatedpoliceofficers

prescribed peacekeeping and non-warlike operations (the 1988 Australian Service Medal) and in prescribed warlike operations (the 1988 Australian Active Service Medal; recognition of defence long service (the 1982 Defence Force Service Awards and the 1998 Defence Long Service Medal); and particular campaign medals such as the 2000 addition of the International Force East Timor Medal and the 2004 Afghanistan and Iraq Medals.

Also featured is a number of commemorative medals, the first being the 80th Anniversary Remembrance Medal presented to all 71 surviving Great War veterans for Anzac Day 1999, followed by the 1999 Australian Sports Medal (18,000 issued); the 2001 Centenary Medal (15,841); and the 2001 Anniversary of National Service 1951-1972 Medal (125,425).

Of most interest in relation to the Order of Australia are the various civilian meritorious awards established since 1975. In addition to the 1987 Australian Antarctic Medal (AAM) already mentioned, these comprise:

- the Public Service Medal (PSM) established on 18 October 1989 to recognise public service employees, including those of the Australian Government and state, territory and local governments who have given outstanding public service;
- the Australian Police Medal (APM) established on 3 March 1986 to recognise distinguished service by a member of an Australian police force;
- the Australian Fire Service Medal (AFSM) established on 12 April 1988 to recognise distinguished service by a member of an Australian fire service, awarded to paid and volunteer members;
- the Ambulance Service Medal (ASM) established on 7 July 1999 to recognise distinguished service as a member of an Australian ambulance service; and
- the Emergency Services Medal (ESM) established on 7 July 1999 to recognises distinguished service as a member of an Australian emergency service and people who are involved in emergency management, training or education.

All these awards are made by the Governor-General on the recommendation of relevant ministers. They are usually announced along with the Order of Australia list on Australia Day and the Queen's Birthday with the exception of the Australian Antarctic Medal usually announced on Mid-Winter's Day.

As meritorious awards, boundary issues sometimes arise between them and possible recognition within the Order of Australia. This is well travelled ground so far as the Public Service Medal is concerned. Assessments of nominations for the PSM are considered by committees in the various jurisdictions. At the Commonwealth level, the annual quota of 30 is assessed by the Public Service Medals Committee, chaired by the Australian Public Service Commissioner and serviced by the Awards and Culture Branch of PM&C. An informal committee chaired by the PM&C Secretary, with membership overlapping that of the Public Service Medals Committee, provides input on Order of Australia nominations relating to Commonwealth officials to the Council for the Order of Australia. But uncertainty does arise from time to time as to whether officers of the other services should be recognised within the Order or with the relevant meritorious Medal.

A full appreciation of the scale of the system can only really be gained by going to www.itsanhonour.gov.au which provides an excellent catalogue of all the imperial awards previously available to Australians and of all the awards in the Australian system. http://www.itsanhonour.gov.au/honours/our_honours/history.cfm#Timeline provides a timeline of significant developments in the system and <http://www.itsanhonour.gov.au/honours/awards/statistics.cfm> provides the statistical details of the 1,113,939 medals issued under the system.¹⁰

¹⁰ Not including the Australian Service Medal 1939-1945 and the Vietnam Medal established before 1975 for which figures are not available.

PART 5 – THE ORDER OF AUSTRALIA

On 14th February 1975, the Queen, in her capacity as the Queen of Australia, on the advice of her Australian Prime Minister, signed Letters Patent. By those Letters, the Queen established ‘a society of honour to be known as the “Order of Australia”’. The preceding clause noted that it was desirable that there be established an Australian society of honour “for the purpose of according recognition to Australian citizens and other persons for achievement or meritorious service”. The Letters also provided for the Constitution of the Order as set out in a Schedule.

The Constitution, as amended on 11 occasions most recently in 2003, now includes the following key provisions:

- for the Order to consist of a General and a Military Division;
- for appointment to the Order to be as Companion, Officer or Member;
- for a Medal of the Order of Australia;
- for every Australian citizen appointed to the Order or awarded the Medal of the Order to be a member of the Order and for any others so appointed or awarded to be honorary members;
- for the Governor-General to be the Chancellor of the Order, charged with its administration;
- for a Council for the Order whose functions are to consider nominations of Australian citizens for appointment to the Order and for the award of the Medal; to make recommendations to the Governor-General on those nominations and to advise the Governor-General on such other matters as the Governor-General may refer to it;
- for the Council to comprise 19 people as follows:
 - three *ex officio* members (the Vice-President of the Executive Council currently the Attorney-General, the Chief of the Defence Force and a senior official prescribed by the Minister responsible for the administration of the Australian honours system, currently an Associate Secretary in the Department of the Prime Minister and Cabinet) (“*ex officio* members”);
 - 8 persons appointed for renewable two year terms by the Governor-General on the nomination of the Prime Minister, one of whom the Governor-General, on the recommendation of the Prime Minister, appoints to chair the Council (“Community members”);
 - 8 persons appointed for renewable two year terms by the Governor-General on the nomination of each of the States and the NT and ACT (“State/Territory members”);
- for the Governor-General to appoint a Secretary of the Order (to date this has always been the Governor-General’s Official Secretary) and such other officials for the Order as the Governor-General considers necessary;
- for the following annual quotas and criteria:
 - Companion: 30 “for eminent achievement and merit of the highest degree in service to Australia or to humanity at large”;
 - Officer: 125 “for distinguished service of a high degree to Australia or to humanity”;
 - Member: 300 “for service in a particular locality or field of activity or to a particular group”;
 - Medal: no limit “for service worthy of particular recognition”;

- for “any person or organisation” to submit to the Secretary for consideration by the Council a nomination of an Australian citizen for appointment or award in the General Division;
- for honorary appointments and awards, not subject to the quotas or criteria, to be made by the Governor-General on the recommendation of the Prime Minister;
- for appointments and awards in the Military Division, subject to different quotas and criteria to be made by the Governor-General on the recommendation of the Minister for Defence;
- for the Governor-General to make subordinate ordinances relating to such matters as the government and insignia of the Order, the termination of appointments and cancellation of awards, and the designation of its members (it is under such an ordinance that members of the Order are entitled to use the well known ‘post-nominals’ AC for Companions, AO for Officers, AM for Members and OAM for Medallists).

The most significant changes to the Constitution since 1975 have been as follows:

- in May 1976 to add provision for the appointment of Knights (AK) and Dames (AD) and for the award of the Medal of the Order;
- in May 1986 to remove provision for further appointment of Knights and Dames;
- in February 1993 to deem Medallists to be members of the Order;
- in August 1996 to remove the provision for the Chief Justice of the High Court of Australia to be an *ex officio* member of the Council;¹¹
- In April 2003 to increase the annual quotas for appointment as Companions from 25 to 30, as Officers from 100 to 125 and as Members from 225 to 300.

The Council held its first meeting on 9-10 May 1975 at Government House. Secretariat records indicate the Council considered some 236 names in a list comprising potential Companions and Officers and 454 in a list comprising potential Members and ‘150 nominations by Ministers and Permanent Heads’. It made 83 tentative recommendations for appointments in the 1975 Queen’s Birthday list, comprising seven Companions, 14 Officers and 62 Members. Following some subsequent adjustments and some declinations, the first list published on 14 June 1975 comprised six Companions, eight Officers and 53 Members. 22% of awards were made to women; 38.7% were made in respect of ‘community service’ in a broad sense; 13.3% for ‘the arts’; 13.2% for ‘education/academic’; 19% for ‘government’; 11.7% for ‘commerce and industry’; and 2.9% for ‘sport’.

The Order was established in a context of marked political difference of opinion. Generally, opinion from the right, reflected at both Commonwealth and State level, favoured continuation of the use of British Imperial awards while opinion from the left favoured either no awards (especially any which involved a title) or a wholly Australian system. From its inception, the Order was in competition with continuing use of the imperial system by the States, whose recommendations to the Queen went via the Commonwealth Relations Office and the recommendation of a British minister.

While no imperial awards were recommended at the Commonwealth level by Prime Minister Whitlam (save in relation to PNG), they were re-introduced by Prime Minister Fraser in 1976 and continued until the change of government in 1983. Imperial awards were included in the New Year’s lists; Order of Australia awards were included in the Australia Day lists and both were combined, with their levels interleaved according to the

¹¹ Chief Justices Barwick, Gibbs and Mason chaired the Council during their tenure as Chief Justice. The amendment followed Chief Justice Brennan’s writing to the Governor-General to express the view that he did not consider it appropriate for constitutional separation of judicial power reasons for the Chief or any other Justice of the High Court to serve on the Council. Since then the Council has been chaired by former Governor of New South Wales Rear Admiral Peter Sinclair and former Judge of the Supreme Court of Victoria and Governor of Victoria Sir James Gobbo and since 2009 by former Vice-Chancellor and President of the University of Queensland John Hay.

order of precedence, in the Queen's Birthday lists. It must have been a possibility in 1976 that the Order of Australia would have been brought to an untimely end, or just allowed to wither. However the affection for the imperial system in conservative opinion was clearly tempered by the increasing 1970s focus on national identity and so the two systems proceeded in parallel. Indeed, perhaps so that the Order of Australia could be seen as more comparable to imperial awards, the level of knight and dame with associated titles, and provision of a Medal were added.

Following the change of government in March 1983, there were no more Order of Australia knights or dames appointed (save for one already recommended and included in the 1983 Queen's Birthday list) and in 1986 the Constitution of the Order was amended to remove the possibility of further such appointments.

Meanwhile the State governments continuing to make recommendations for imperial awards had dwindled to Queensland and Tasmania. Finally in 1990 when no State government recommendations had been made for the New Year's list, the Queen's Private Secretary wrote to the Governor-General relaying Her Majesty's view that it might be opportune to consider whether the time had arrived for Australia, like Canada, to honour its citizens wholly within its own system (save for honours in her own personal gift). Agreement was subsequently reached between the Commonwealth and State governments and access to imperial awards formally ceased in 1992.

The Council has now met 74 times. The annual reports of the Official Secretary since 1997 have included a table listing the cumulative total of nominations considered, and awards made at each level, disaggregated by gender and subject category. A stacked bar chart showing awards made to men and women each year since 1975 is at Attachment 2.

The 1975 to 2010 cumulative totals by gender and level of award are:

	All Noms	All Awards	Awards/ Noms %	AC (+AK/AD)	AC/ Award %s	AO	AO/ Awards %	AM	AM/ Awards %	OAM	OAM/ Awards %
M&F	49102	25562	52.06	386	1.51	1930	7.55	6725	26.31	16521	64.63
M	35581	17917	50.36	330	1.84	1604	8.95	5242	29.26	10741	59.95
M%	72.46	70.09		85.49		83.11		77.95		65.01	
F	13521	7645	56.54	56	0.73	326	4.26	1483	19.40	5780	75.60
F%	27.54	29.91		14.51		16.89		22.05		34.99	

The annual averages (rounded) over the 36 years are:

	All Noms	All Awards	Awards/ Noms %	AC + AK,AD	AC/ Awards %	AO	AO/ Awards %	AM	AM/ Awards %	OAM	OAM/ Awards %
M&F	1364	710	52.06	11	1.51	54	7.55	187	26.31	459	64.63
M	988	498	50.36	9	1.84	45	8.95	146	29.26	298	59.95
M%	72.46	70.09		85.49		83.11		77.95		65.01	
F	376	212	56.54	2	0.73	9	4.26	41	19.40	161	75.60
F%	27.54	29.91		14.51		16.89		22.05		34.99	

Any one year's figures can be affected by extraneous factors. More useful are five-year averages. The annual averages for the five years 1986-1990 are:

	All Noms	All Awards	Award/ Noms %	AC	AC/ Awards %	AO	AO/ Awards %	AM	AM/ Awards %	OAM	OAM/ Awards %
M&F	1316	690	52.45	16	2.29	73	10.55	219	31.73	383	55.43
M	996	507	50.90	15	2.92	62	12.15	177	34.94	254	50.00
M%	75.73	73.49		93.67		84.62		80.91		66.28	
F	319	183	57.29	1	0.55	11	6.12	42	22.84	129	70.49
F%	24.27	26.51		6.33		15.38		19.09		33.72	

The annual averages for the five years 2006-2010 are:

	All Noms	All Awards	Award/ Noms %	AC	AC/ Awards %	AO	AO/ Awards %	AM	AM/ Awards %	OAM	OAM/ awards %
M&F	1856	1076	57.97	11	1.02	55	5.13	267	24.86	742	68.98
M	1321	743	56.21	8	1.10	43	5.82	199	26.84	492	66.24
M%	71.21	69.06		74.55		78.26		74.57		66.31	
F	534	333	62.30	3	0.84	12	3.61	68	20.43	250	75.12
F%	28.79	30.94		25.45		21.74		25.43		33.69	

Comparing the 1986 to 1990 average to the 2006 to 2010 average, the main points of interest are:

- the increase in nominations from 1316 to 1856;
- the increase in awards from 690 to 1076;
- the increase in the total success rate from 52.45% to 57.97%
- the increase in the male success rate from 50.9% to 56.21%
- the increase in the female success rate from 57.29% to 62.30%

- the increase in the proportion of awards that are OAMs from 55.43% to 68.98%
- the corresponding decrease in the proportion of AM+s from 44.57% to 31.02%
- the small increase in the female percentage of nominations from 24.27% to 28.79%
- the very similar increase in the female percentage of total awards from 26.51% to 30.94%
- the significant increase in the female percentage of higher awards (AC: 6.33% to 25.45%; AO: 15.38% to 21.74%; and AM: 19.09% to 25.43% and
- the corresponding decrease in the male percentage of higher awards (AC: 93.67% to 74.55%; AO: 84.62% to 78.26% and AM: 80.91% to 74.57%)

The total success rate has fluctuated over the years from 1975 to 2010 and is shown in the chart at Attachment 3. Leaving aside the anomalies of the very low figures in 1975 and 1976, the rate has varied between a high of 74.3% in 1980 and a low of 38.1% in 1984. Since 1986 the variation has been between 45.8% and 60.5%. The long term averages are 52.06% for men and women; 56.54% for women and 50.36% for men.

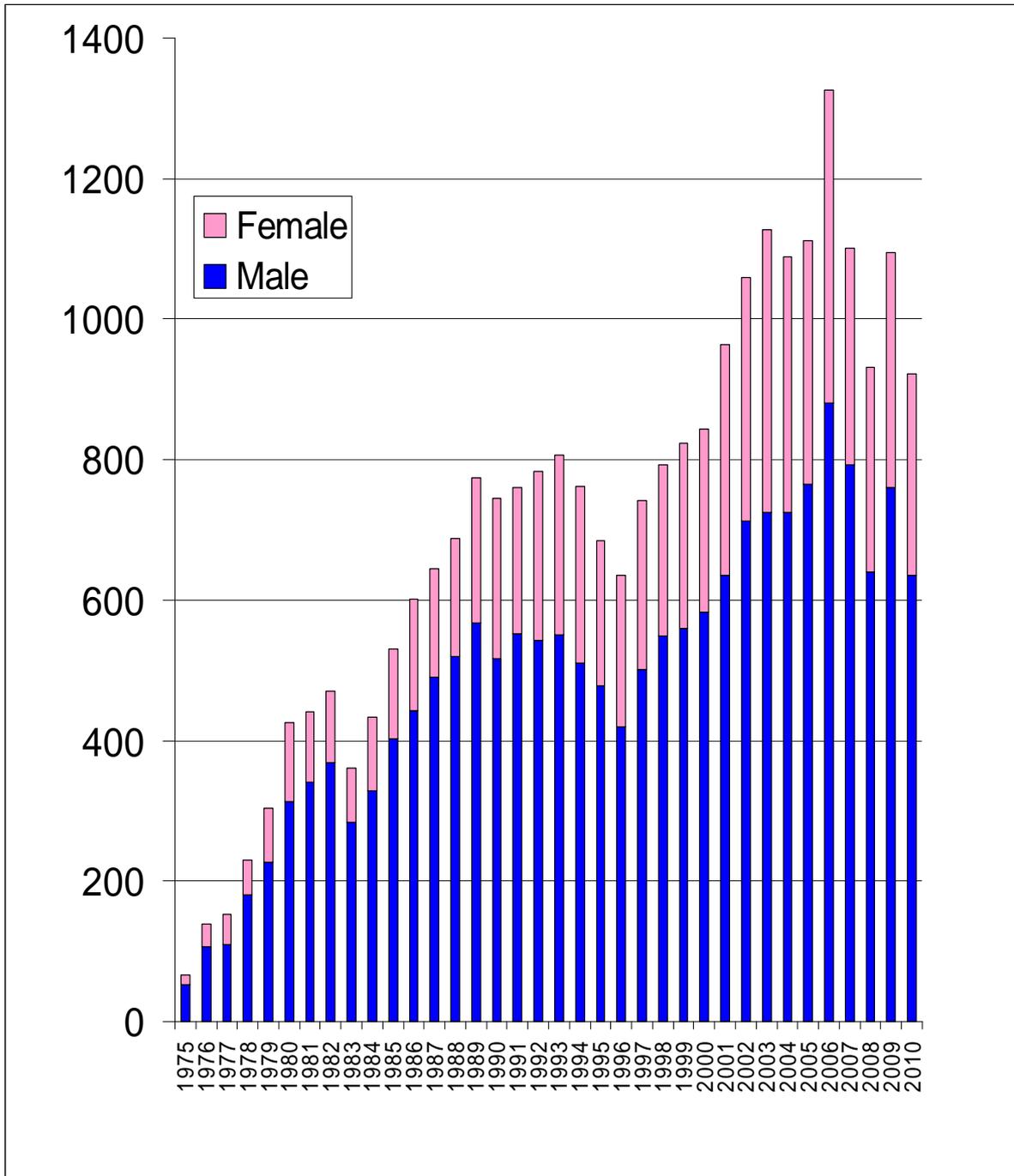
ATTACHMENT 1

TERMS OF REFERENCE

1. With regard to the Order of Australia, a project manager will explore the possibility of developing and implementing a review process available to nominators who are dissatisfied with a decision not to recommend an award as a result of their Order of Australia nomination and in particular will:
 - 1.1. Describe and review the current process associated with:
 - 1.1.1. Decisions made by the Council;
 - 1.1.2. Advice to the nominators advising them of the outcome of their nomination;
 - 1.1.3. Approaches by the nominator seeking a review;
 - 1.1.4. The three year rule; and
 - 1.1.5. Re-nomination within the three year period.
 - 1.2. Analyse whether the current renomination process is fair and equitable and whether the integrity of the Australian Honours System would be served by the introduction of an independent review mechanism;
 - 1.3. Explore the viability and practicality of review options available to nominators with regard to their nomination (ie whether it applies to unsuccessful nominations, the level of award and/or the process undertaken);
 - 1.4. Compare how bodies administering honours systems in other countries address requests for review particularly in like jurisdictions (the United Kingdom, Canada and New Zealand) as well as other countries, for example the United States of America, France, Germany, The Netherlands, Denmark and Norway;
 - 1.5. Examine other review processes within the Australian Honours System (for example the Defence Review Tribunal);
 - 1.6. Identify possible structures for an independent review mechanism;
 - 1.7. Identify the current stakeholders and the likely implications for them;
 - 1.8. Identify the advantages and disadvantages and possible implications of establishing an independent review mechanism;
 - 1.9. Identify the implications for the Constitution of the Order of Australia; and
 - 1.10. Indicate where the potential changes are likely to have resource implications for the Australian Honours and Awards Secretariat and, where possible, quantify those resource impacts.
2. In undertaking this, the project manager will:
 - 2.1. Speak to those with knowledge of current processes (including the Director and the Assistant Directors of the Australian Honours and Awards Branch, the Awards and Culture Branch of the Department of Prime Minister and Cabinet, the Secretary and Chair of the Council for the Order of Australia);
 - 2.2. Have access to all relevant information from the Australian Honours Secretariat;
 - 2.3. Liaise with the bodies administering honours systems, locally and internationally;
 - 2.4. Where appropriate, seek legal advice from the Australian Government Solicitor;
 - 2.5. Produce a report that addresses the issues set out in paragraphs set out above within 3 months of commencement; and
 - 2.6. Report to the Steering Committee, through the Reporting Officer.
3. The Steering Committee will comprise:
 - 3.1. Official Secretary to the Governor-General (Chair)
 - 3.2. Director, Honours and Awards Branch (Reporting Officer)
 - 3.3. Director, Corporate Services

ATTACHMENT 2

AWARDS RECEIVED BY MEN AND WOMEN 1975-2010



ATTACHMENT 3

AWARD PERCENTAGE OF NOMINATIONS 1975-2010

