

This objective of this submission is to ensure there is a mechanism within legislation that affords POWs from **warlike** operations the honour of being recognised for what they endure. POW recognition is only legislation for **war**, and not enabled for **warlike** operations. All post Korea-War combat operations, from Vietnam through to Afghanistan, are classified as **warlike**.

On the 17 April 2024 submission **POW Amendment to Legislation 17 Apr 2024** was made to the Veterans' Legislation Review (VLR). On the 03 July, this legislation was presented to Parliament, with no recognition of POWs from warlike operations. On the 03 July, an email was sent to the Secretary DVA concerning whether POWs will be recognised under the proposed legislation.

On the 22 Jul DVA responded and advised '*your concern that POWs may not be considered to have warlike service*' and presented that Cambodia Veterans who were **interned** by **enemy forces** during **warlike** operations '*have been examined in the Administrative Appeals Tribunal, which found that these veterans were not Prisoners of War*'. This is despite the inclusion of damning evidence from the recently declassified **Commanders' Diaries for Cambodia (Diaries)** for UNTAC 1992-93 having been provided in the submission.

DVA confirmed '**War** or conflict where Australia is or was a combatant party and there was a possibility of ADF personnel being captured by hostile forces, this service was and is, by definition, classified as **warlike**'. The current legislated standard of proof for POW is that during a **war** they operated within the conflict borders and were:

- **Intern:** confined in a camp, building, prison, cave, or other place (including a vehicle); or restricted to residing within specified limits. by
- **Enemy force:** are defined for each operation, and are formal armies involved in combat operation with Australian Defence Force personnel.

DVA stated '*no Australian service personnel have been captured by hostile forces since the 1950 – 1953 Korean War*'. DVA also advised one claim for POW, ironically for Cambodia, was declined by the '*Administrative Appeals Tribunal, which found that these [Cambodia] veterans were not Prisoners of War*'.

DVA confirmed **War** is the "historic" term for **warlike**. If these Veterans "were not POW" when they have become "under the control" and "have been captured by hostile forces" what legislative mechanism is required to afford these Veterans the due honour of being recognised for what they endure.

During the third VLR webinar DVA advised in words to effect that "no" there will never be POWs again. Once there is a mechanism in legislation it is suggested that Government, Defence and DVA must identify and recognise Veterans who have been **interned** by **enemy forces** during **warlike** operations. Best practice should not require Veterans to make a claim for POW, just as they do not for campaign honours and awards. Defence should notify DVA immediately a POW has been confirmed. Where historic records may demonstrate POWs, they should be examined.

As presented in the VLR submission, one entry in the Diaries clearly states the extent Veterans were interned, quote "DETENTION" NOW A "MATTER-OF-FACT""ROUTINE" unquote.

The status of proof is evident in the Diaries, which clearly identifies some who were interned. This includes all Veterans of Pailin / Sisophon Sig Troop (Sector 1) during 1992, operating in Pailin and throughout the surrounding Khmer Rouge territories, and those specifically named as detained throughout other regions of Cambodia. Examples with names redacted were included in the VLR submission.