For Information:
DNRC
DNPS
DGPO-A
DGPS-AF

VETERANS’ ENTITLEMENTS ACT 1986 - ALLOTMENT FOR DUTY - VIETNAM

Reference:

A. DMB5/19167; DGSC 473/86 of 14 August 1986

1. Time does not permit a full investigation of the matters raised in paragraph 11 of the reference.

2. Examples of Reserve personnel (RANVR, RANR, RAN (Emergency)) who served on CFTS are in the attached extract from 'Royal Australian Navy in Vietnam' by Denis Fairfax. The list is neither comprehensive nor entirely accurate.

3. Of the 53 Reserve sailors who were allotted under the provisions of the Repatriation (SOS) Act, 42 were RAFR, 8 were RANER, 2 were RANVR and one was RANR. At least 6 officers were allotted for Vietnam service alone.

4. With regard to the Reserve personnel who are likely to be deemed to be allotted, total numbers are unknown and each case will need to be examined to determine whether the member was on CFTS or not. Several members of the RANR have been identified as undertaking 33 days continuous training in HMAS SYDNEY, which now would be considered as CFTS. No service of less than 28 days has yet been identified.

5. No members have yet been identified as requiring inclusion under Part III of the Schedule of the Instrument. Navy Records Offices are aware of the certification provisions.
6. Paragraph 16 of the Reference states that no action is required to clarify effective dates of eligibility under the Instrument. Clarification has been sought verbally on several occasions and conflicting advice has been received. It is not clear if the units are to be deemed allotted only whilst in the operational area, 'port-to-port', or from date of entering the area until date of arrival in another area outside Australia (S 6(5)(b)(i) of the VEA)/first port of call in Australia (S 6(5)(b)(ii) of the VEA). Such definitive advice is requested to clarify the full and exact personnel lists of those who may be deemed to have been allotted.

J.D.A. COSTA
A/CDR2, RN
DGNPS
3 September 1986

Enclosure:

1. Pages 223-225 of 'Royal Australian Navy in Vietnam' by Denis Fairfax
2nd voyage (February 22–28, 1967)

Captain P. Grimanes

HMAS Boonaroo

V Decommission March 1, 1967–March 8, 1967

Commanding Officer
March 1, 1967–May 8, 1967
Commander P. Burnett RAN

Sea Transport Officers

September 6, 1966–March 6, 1967
Lieutenant Commander R. F. Williams
RANVR

February 17, 1967–October 12, 1967
Commander T. Morehead RANVR

February 17, 1967–October 12, 1967
Lieutenant Commander P. M. Horniblow RANVR

November 1968, December 1968,
January 1969, and May 1969
Lieutenant Commander M. R. Hawes
RANVR

May 1968–February 1972 (inter-
continuous)
Lieutenant Commander N. A. Macmillan RANR

Naval Staff Officers

HQ Australian Force Vietnam

Naval Staff Officers

October 2, 1967–October 1, 1968
Lieutenant Commander D. C. Bennett
RAN

September 23, 1968–October 1, 1969
Commander M. de V. Salmon RAN

September 24, 1969–August 12, 1971
Commander I. W. Hall RAN

Chief Petty Officer
and Petty Officer Writers

October 3, 1967–March 11, 1968
R4976 CPOWTR K. Gardiner

February 12, 1968–February 21, 1969
R53481 POWTR P. J. Armstrong

R52243 CPOWTR G. R. Tilley

March 3, 1970–March 11, 1971
R37139 CPOWTR G. A. Gough

March 3, 1971–August 18, 1971
R3068 POPOWTR C. A. Sugden

Detached Medical Officers

October 21, 1968–January 8, 1969
Surgeon Commander R. J. Gray RAN

July 18, 1969–August 10, 1969
Surgeon Lieutenant R. Bain RAN

Surgeon Lieutenant Commander D. H. Owen RAN

May 5, 1970–August 24, 1970
Surgeon Lieutenant B. J. Hockley
RAN

July 2, 1970–November 2, 1970
Surgeon Lieutenant D. I. F. Laing
RAN

September 2, 1970–December 7, 1970
Surgeon Captain S. S. Sewell VRD
RANVR

September 2, 1970–December 10, 1970
Surgeon Commander R. G. Cole
VRD RANVR

April 1971
Surgeon Lieutenant F. W. Beach RAN

Chaplains

July–August 1968
Rev. A. W. Roque Chaplin RAN

October and December 1968, January 1969
Rev. F. Lyons Chaplin RAN

November–December 1968, January –1969
Rev. R. C. Lovin Chaplin RAN

November 1969–January 1970
Rev. A. K. Best Chaplin RAN

December 1969, January and April 1970
Rev. L. J. Strain Chaplin RAN

June and December 1970
Rev. P. B. Ball Chaplin RAN

December 1970
Rev. J. M. Sayers Chaplin RAN

February–March 1971
Rev. W. T. Wilkinson Chaplin RAN

224
Lieutenant Commander A. M. Christie
RANVR

Lieutenant Commander J. T. Ferguson
RANR—1st Contingent RANHVF
July 1968 and 3rd Contingent
RANHVF April 1970

Lieutenant Commander W. I. T.
Mulhallan RAN

Lieutenant Commander H. J. Donohue
RAN

Instructor Lieutenant D. P. Fairfax
RAN

Lieutenant R. K. Smith RAN—
exchange duty with USN May 17,
1972 to July 29, 1972

Midshipman M. G. Gee RAN,
Midshipman D. S. Pelt RAN

Midshipman G. W. Sproule RAN

NOTE
The following section of Appendix IV lists all RAN personnel who served
in Vietnam and were eligible for special service in a special area under
the provisions of the Repatriation Act 1966–67: HMAS Hobart (three
deployments); HMAS Perth (three deployments); HMAS Eber dt triple
deployment); HMAS Vendee Clearance Diving Team 3; RAN
Helicopter Flights Vietnam: RAN Detachments 9 Squadron RAAF;
Naval Staff Office, HQ Australian Force, Vietnam; and Detached
Medical Officers. The list of Chaplains and Miscellaneous Personnel
includes both 'allowed' and 'non-allowed' personnel, the latter marked
with an asterisk. The criterion adopted for the inclusion of the 'non-
allowed' personnel is that non-combat status was served in Vietnam to qualify
for the award of the Vietnam Campaign Medal (i.e. 30 days on land, or
28 days at sea). In all, seven the number, rank and names given are as
recorded in the relevant allocation book held in the Department of
Defence (Navy Office), Canberra.
DEPARTMENT OF DEFENCE

MINUTE PAPER

Subject: VETERANS ENTITLEMENTS

DOCS: I agree with the line dated 2 DOCS

DSTR

1. Write down the matter with the docket fp. 400. They know what they have to do and why but

what they have done and why it is. The argument is

over the interpretation? 3

Special area (as defined by the Regulations (Veterans' Pension Scheme) Act) The meaning of

6-month duration with continuance or

aggregated, in Vietnam, with retrospective

effect from 31 July 1984.

We interpret: as Special area of 6-month

with Vietnam as a geographic indicator only.

DOCS interpret: as Special area 6-month in Vietnam

We interpret: as Vietnam 18 months in Vietnam

2. Make a DSTR comment

recommend an official response to

interpretation and state what has been

done and why and see DSTR note up the

memorandum. Thank response opposite.

FS 4/14/90
VETERANS ENTITLEMENTS

DGSPP

References:

A. DGSPP minute XM66/229380 of 27 AUG 66
B. Defence Memorandum dated 16SEP 66
C. Repatriation (Special Overseas Service) Act 1962
D. Navy Order 362/1966 (Repatriation Act proclamation)
E. Navy Order 506/1967 (Vietnamese Campaign Medal)

1. You have sought advice on two matters relevant to veterans' entitlements associated with the Vietnam conflict, namely:
   a. Navy's interpretation of the conditions governing the award of the Vietnamese Campaign Medal, and
   b. the status of the HMAS SYDNEY Helicopter Flight with regard to the Vietnam Medals.

2. Defence memorandum dated 16SEP66 stated the conditions for the award of the Vietnamese Campaign Medal in the following words "'Special Service' (as defined by the Repatriation (Special Overseas Service) Act) of a minimum of six months duration, either continuous or aggregated in Vietnam with retrospective effect to 31 July 1962". The 'Special Service' of a minimum of six months duration requirement was not by all RAN ships so allotted.

3. Therefore, I reject the view that Reference B was misinterpreted by Navy. The application of paragraph 5a of Reference B, when read in conjunction with 3(1) and 3(1A) of Reference C, shows that the relevant advice in the Australian Navy Orders at References D and E was correct and that Vietnamese Campaign Medals were properly awarded to the personnel concerned.

4. The following are the periods accredited to each of the ships for the award of the Vietnamese Campaign Medal:

- **HMAS HOBART**
  - 07MAR67 to 27SEP67
  - 28MAR68 to 11OCT68
  - 16MAR70 to 08DEC70

- **HMAS PERTH**
  - 02SEP67 to 10APR68
  - 16SEP68 to 12APR69
  - 14SEP70 to 08APR71
5. With regard to the HMAS SYDNEY Helicopter Flight, while HMAS HMAS HELIX was in extended refit it was decided that helicopters would be embarked in HMAS SYDNEY to provide anti-submarine entry and departure search at Vung Tau harbour. Four Super Skyhawk helicopters, initially from 725 and then 817 Squadron were embarked and since squadron records show that the aircraft were not tasked other than in the anti-submarine warfare role, the crew attracted no greater entitlements than the crew of HMAS SYDNEY and the escort ships.

KADM A R HORSON AM, RAF

A R HORSON
RMN RN
CPO
0720706

Enclosures:
1. Copy of HQD 362/1966
2. Copy of HQD 500/1967
Section 2
PERSONNEL

UNCLASSIFIED

362.—(a) Repatriation and War Service Homes Benefits and Taxation
Exemption.—Service in the North Borneo and Malay Peninsula Areas

This order explains the manner in which benefits arise under Repatriation,
War Service Homes and Tax Legislation for special service.

2. Special Service is performed if a member is allotted individually or as a
member of a unit for special duty in a special area. It may also include the time
of travel to and from the special duty.

3. Special Duty is duty relating directly to wartime operations or a state of
disturbance. It does not include temporary duty in special areas, such as staff
visits or other occurrences of a short-term nature, or service in ships engaged
on conveying or escorting personnel to or from special areas.

4. Special Areas are defined by regulations. Areas presently defined are—
Vietnam (Southern Zone)... 31st July, 1962
Northernmost area of Malaya... 23rd May, 1963
North Borneo States and an area seaward (50
miles) as defined in Appendix A... 8th December, 1963
The Malay Peninsula and the territory of Singa-
pore and an area seaward (50 miles) as defined
in Appendix A... 7th July, 1965

5. The allotment of RAN ships for special service is made on the following
basis—

(a) Minersweeper. Minersweepers assigned to the British Commonwealth
Strategic Reserve since mid-1964 are allotted for special service in
the North Borneo Area for the complete period of absence
from Australia, i.e., from date of leaving the last port of call in
Australia to the date of first port of call on return to Australia.

(b) Other Ships Assigned to FESR. These ships are allotted from the date
of leaving port for special duty or from the date of ceasing the
previous duty, as appropriate, to date of return to port or to the
next duty, as appropriate.

6. Appendix B to this order lists the ships which have been allotted for special
service to date and the periods of allotment. This allotment will confer eligibility
on permanently posted crew members for the following benefits—

(a) Service in the Malay Peninsula Area—

(i) Repatriation entitlements for occurrences during the periods
of allotment;
(ii) War Service Homes Benefits; and
(iii) RAN badge.
(b) Service in the North Borneo Area—

(i) The benefits mentioned in the preceding sub-paragraph; and

(ii) Complete tax exemption for allotted periods of service since 1st July, 1965, and for leave accrued during allotted service.

7. A member permanently posted from Australia to a ship which is allotted for special service will himself be allotted from date of his departure from the last point in Australia.

8. Allotment for special service will continue during movements between allotted ships and, for purposes of tax exemption, whilst a member is in hospital because of illness or injury sustained during allotted service.

9. The position of a member who is temporarily on board a ship allotted for special service but who is not permanently posted to the ship, e.g., a Midshipman under training, will be considered in relation to whether his particular service satisfies the requirements of special service (see Paragraphs 2, 3 and 4). If so, he will be allotted individually for the period involved.

10. Service with the Royal Malaysian Navy will also be considered on an individual basis and allotment will be made if special service is considered to have been performed.

11. Should a member while serving overseas suffer death or incapacity from hostile action when he is not allotted for special duty, repatriation benefits may be paid to the same extent as if he were so allotted. This provision in the Repatriation Act is effective from 18th December, 1965. Any such occurrence should be specially recorded and reported to Navy Office.

12. Members who become eligible for Repatriation or War Service Homes benefit and who desire to avail themselves of such benefits should apply direct to the Deputy Commissioner, Repatriation Department, or the Deputy Director, War Service Homes, Department of Housing, in the capital city of their state of residence, as appropriate (see RI 4861 (77)).

13. Advice of the allotment of RAN ships for special service subsequent to the dates shown in Appendix B of this order, will be promulgated from time to time.

14. Pay Accounting Action as described in Paragraph 14 to 18 of this order is to be taken in relation to taxation exemption for allotted service in the Borneo Area.

15. Periods of allotment for Borneo service will be notified as far as possible by signal in advance.

16. Where the period of allotment is expected to continue for more than four full pay fortnights, a variation sheet is to be raised showing tax deductions and showing the total of all pay and allowance credits in the “Total Non-Taxable” box.

17. Where the period of allotment is expected to be for four full pay fortnights or less, the income tax deducted during the period may be re-credited on Form A5 9A (Miscellaneous Credit Voucher) instead of raising a Variation Sheet. When this method is used the fortnightly payment to members is to be increased by the amount of tax deducted.
18. As all earnings during a period of allotment are exempt from tax, separate adjustment vouchers are to be raised for miscellaneous earnings during such a period and are to be marked in coloured pencil "Exempt Earnings".

19. All re-credits of tax in respect of the relevant periods in Appendix B will be made from Navy Office as soon as possible.

20. To ensure that all members received the full benefit of the income tax provisions it may be necessary to withhold some group certificates from the general issue.

21. This order will be reprinted for posting on notice boards.

APPENDIX A
DEFINITIONS OF SPECIAL AREAS

(a) North Borneo States

All that area of land and waters (other than islands and waters forming part of the territory of the Republic of the Philippines) bounded by a line commencing at the intersection of the northern shore of Borneo at high-water mark with the boundary between Kalimantan and Sarawak; thence proceeding generally south-easterly, easterly and north-easterly along that boundary to its juncture with the boundary between Kalimantan and Sabah; thence proceeding generally easterly along that boundary to its intersection with the eastern shore of Borneo at high-water mark; thence proceeding in a straight line easterly to the intersection of the eastern shore of the island of Sabah at high-water mark with the boundary between that part of that island that forms part of Sabah and that part of that island that forms part of Kalimantan; thence proceeding generally easterly along that boundary to its intersection with the eastern shore of the island of Sabah at high-water mark; thence proceeding in a straight line easterly to a point 50 miles east (true) of the intersection of the eastern shore of Borneo at high-water mark with the boundary between Kalimantan and Sabah; thence proceeding generally northerly and south-westerly parallel to and at a distance of 50 miles from the eastern and northern shores, respectively, of Borneo at high-water mark to a point 50 miles north (true) of the point of commencement; thence proceeding in a straight line southerly to the point of commencement.

(b) Malay Peninsula and Territory of Singapore

The territory of Malaysia, the territory of Singapore and the waters adjacent to those countries (other than the part of Malaysia described in the Second Schedule to these Regulations and any land and waters forming part of the territory of Indonesia) contained within the area bounded by a line commencing at the intersection of the boundary between Malaysia and Thailand with the western shore of the Malay Peninsula at high-water mark; thence proceeding in a straight line to a point 50 miles west (true) of that intersection; thence proceeding generally southerly, easterly and northerly parallel to, and at a distance of 50 miles from, the western, southern and eastern shores, respectively, of Malaysia at high-water mark to a point 50 miles east (true) of the intersection of the boundary between Malaysia and Thailand with the eastern shore of the Malay Peninsula at high-water mark; thence proceeding in a straight line to that intersection; thence proceeding along the boundary between Malaysia and Thailand to the point of commencement.
## APPENDIX B

**ALLOTMENT OF RAN SHIPS FOR SPECIAL SERVICE FOR THE PURPOSE OF THE REPATRIATION (SPECIAL OVERSEAS SERVICE) ACT 1962-1965 AND THE INCOME TAX ASSESSMENT ACT 1936-1965**

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<td>16.12.65</td>
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*Date of arrival at first port of call on return to Australia.*
APPENDIX B—continued

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<tr>
<td>YARRA</td>
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</tr>
</tbody>
</table>

Notes—1. All dates shown are inclusive.

2. * Periods so indicated are periods of service in the Roman Area which qualify for the benefits shown in Paragraph 6 (b).

UNCLASSIFIED

363—Re-Introduction of the Returned from Active Service Badge and Mothers and Widows Badge

The Returned from Active Service Badge and the Mothers and Widows Badge have been re-introduced in respect of operational service in South East Asia from 31st July, 1962.

2. A member will qualify for the Returned from Active Service Badge if allotted for special service (i.e., special duty in a special area) as defined under the Repatriation (Special Overseas Service) Act, 1952. (See Navy Order 363 of 1966.)

3. The Mothers and Widows Badge will be issued to mothers, widows or female guardians of members of the Royal Australian Navy who are killed or die whilst on special service. Where more than one son is killed or dies a star will be added to the Badge for each additional one.

4. The World War II designs of both the Returned from Active Service Badge and the Mothers and Widows Badge will be retained. Where the Returned from Active Service Badge or the Mothers and Widows Badge has been awarded in respect of previous operational service a further badge will not be issued; a star will be added to the Mothers and Widows Badge for each additional son who is killed on special service.

5. Issue of the Badges will be made from Navy Office as soon as stocks become available.

(Navy Order 363 of 1966)

By Authority: A. J. Ashton, Commissioner in Government Printer, Canberra.
UNCLASSIFIED

498—Tag, Identification, Personnel

The issue of identification tags to members of the Royal Australian Naval Emergency Reserve and Citizen Naval Forces is to be restricted to those members carrying out continuous training or service in excess of 28 days.


(D of V 917/54/127)

(Navy Order 178 of 1967)

UNCLASSIFIED

499—Vietnam Medal—Award for Service in South Vietnam

The Queen has approved the award of a medal to recognition of service by Australian and New Zealand Forces in repelling aggression in Vietnam since 29th May, 1964. This medal is to be known as the Vietnam Medal.

Design

2. The medal is to be of supra-laccol and circular in shape. It will bear on the obverse the crowned effigy of the Queen and on the reverse the word "Vietnam" inscribed above a symbolic representation of the ideological war in Vietnam, depicting the figure of man in the centre of the medal standing between spherical shapes.

3. The ribbon is 1½-in. wide and is yellow surmounted by three 1½-in red vertical stripes in the centre, flanked by red stripes of a deeper hue, with broad dark blue on the left and broad light blue on the right. The design incorporates the colour of the national flag of South Vietnam and the striped traditionally symbolic of the three Services.

Qualifying Service

4. The qualifying conditions for the award of the Vietnam Medal are common to all three Services, from 29th May, 1964, to a date yet to be determined, and are as follows:

(a) Service of twenty-eight days, continuous or aggregated in ships or craft employed in operations on inland waters or off the coast of Vietnam.

(b) Service of one day or more on the posted strength of a unit or formation on land in Vietnam;

(c) One operational sortie over Vietnam or Vietnamese waters by aircrew on the posted strength of a unit allocated for direct support of operations in Vietnam.

(d) Service of thirty days either continuous or aggregated on official visits, inspections or other occasions of a temporary nature or duty by members of Australian or New Zealand Navies or Armies of Air Forces in Vietnam or in ships of craft engaged in operations off the Vietnamese coast.

5. In order to qualify under condition 4 (d) a member must be on the posted strength of a ship or craft allotted for Special Duty in the Special Areas of Vietnam and/or the waters adjacent thereto—see Navy Order 362 of 1966. The crews of Naval
vessels which visit Vietnam for the purpose of transporting personnel and equipment are not so affected but may count actual time spent in harbour in Vietnam as qualifying service under (d) of the above conditions.

6. The qualifying service as described in Sub-paragraph 4 (a) and (d) will be waived where a member’s service is brought to an end because of death or evacuation owing to wounds or other disability due to service, or the member is awarded a British Honour, Decoration or Medal of the status of the British Empire Medal or above, a Mention in Dispatches or a Queen’s Commendation for gallantry on a specific occasion during the uncompleted qualifying period.

7. The manufacture and issue of the medal will be undertaken as soon as possible. In the meantime the ribbon will be supplied and is to be worn by eligible members.

8. It is the responsibility of officers and sailors, who carry out service in Vietnam under 4 (d) above as individuals rather than as members of Naval units, to ensure that Navy Office is advised of such service including times and dates of arrival and departure.

9. A provisional list of HMA ships with the periods of qualifying service towards the Vietnam Medal will be promulgated by Confidential Australian Navy Order. This list will be amended from time to time as additional details of qualifying service are received.

10. This order will be reprinted for posting on notice boards.

(Navy Order 363 of 1960)

UNCLASSIFIED

500—Vietnamese Campaign Medal—Award for Service in South Vietnam

Approval has been given for members of the Australian Forces, who comply with the conditions laid down by the Vietnamese Authorities, to qualify for the campaign medal issued by the Vietnamese Government for service in the Vietnam war.

2. The medal is a gold and white enamelled star with a green, red and gold centre motif. The medal ribbon to be worn is one and three-eighths inches in width, green in colour with three vertical white stripes. The date clasp worn on the ribbon by members of the Republic of Vietnam Award Forces is not to be worn by members of the Australian Forces.

3. The approved conditions for the grant of the award to Australian Servicemen are as follows—

(a) Award for special service in Vietnam (as defined by the Repatriation—Special Overseas Service Act—see Navy Order 362 of 1960) of a minimum of six months duration, either continuous or aggregated, with retrospective effect to 31st July, 1962.

(b) Award for special service in Vietnam of less than six months duration since 1962 if—

(i) killed on active service or wounded in action and evacuated;

(ii) captured and later released or escaped.
4. No provision, such as that provided for in the Vietnam Medal, is made for the award to be granted immediately to personnel awarded a decoration for gallantry or bravery in action prior to completion of the minimum qualifying period.

5. Some time will elapse before the medals are available for issue. In the meantime ribbon will be supplied and is to be worn by eligible personnel.

6. This Navy Order will be reprinted for posting on notice boards.

(Navy Order 352 of 1966)

Section 4

EQUIPMENT, STORES AND SERVICING

UNCLASSIFIED

§01—Alteration and Addition Item—HMAS QUEENBOROUGH

The following Alteration and Addition Item is approved to be carried out in HMAS QUEENBOROUGH—

Class List Item No. 394 (Ex TDL "NOAV").

(a) Item:

(i) To improve stowage arrangements in Naval Stores by fitting two cabinets in place of bin stowage centre line and re-positioning gauge board in No. 2 Naval Store and removing fixed cable rack in Nos. 1 and 2 Naval Stores.

(ii) To provide combined spare gear store in existing Electrical Spare Gear Store, and fit out with commercial type racking. Changes in weight are to be reported.

(b) References:

(i) ACNB signal 0023132, March, 1966.


(iii) NOM 400/232/94 dated 12th April, 1966.

(CNS 400/225/114)

UNCLASSIFIED

§02—Naval Stores—General—Embossing Machine, Identification Tape—Accounting

The undenominated item has been introduced into service—

<table>
<thead>
<tr>
<th>Group</th>
<th>Catalogue</th>
<th>Description</th>
<th>Item</th>
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<td>No.</td>
<td>66-026-5375</td>
<td>Embossing Machine, Identification Tape, Permanent (Dymo M20)</td>
<td></td>
</tr>
</tbody>
</table>

2. This machine superseded 7490-66-019-5450 Embossing Machine, Identification Tape, (Dymo M29), introduced by Navy Order 572 of 1965, which is no longer in production. Although obsolete, the M29 machines already in use are to be retained until they are beyond economical repair.

3. The M20, capable of embossing both 1-in. and 3-in. tapes, is fitted with a dual tape track for quick changes of tape width. Letter spacing can be altered from regular to wide instantly by a simple movement of the selector knob.

4. In the interests of economy 1-in. tapes will normally be issued for use with these machines and strict control over their use is to be maintained.

(Navy Order 512 of 1965)
VETERANS' ENTITLEMENTS - AWARDS FOR SERVICE IN VIETNAM

References:

A. DGSPPP DM 86/22938 of 27 August 1986 - n/c
B. CNP 970/86 of 7 November 1986

1. Paragraph 4 of your minute (Reference B) listed, for the ships allotted for special service in Vietnam, the periods accredited to each ship as qualifying service for the Vietnamese Campaign Medal.

2. I am informed that the date specifying the beginning of each period accredited as qualifying service is the date the ship concerned left Australia (presumably from the last port of call in Australia) and that the date specifying the end of each such period is the date the ship returned to Australia (presumably to the first port of call in Australia). Assuming this information to be correct (and I would appreciate your advice on this aspect in due course), it seems that the whole of each period a ship was allotted for special service has been accredited by Navy Office as qualifying service for the Vietnamese Campaign Medal.

3. Paragraphs 2 and 3 of your minute seem to argue that this is a correct application of the basic condition for awarding the Vietnamese Campaign Medal, as specified in sub-paragraph 5(a) of the Defence memorandum of 16 September 1966 to the Service Departments. I can see that sub-paragraph 5(a) of that memorandum might have been expressed more clearly. Nevertheless, even in retrospect it does not seem to be open to the interpretation apparently applied by the Navy, particularly when considered in the context of the memorandum as a whole.

4. Paragraph 2 of the 1966 Defence memorandum quoted the conditions actually laid down by the Vietnamese authorities and, insofar as they applied to Australian servicemen, required service "... in South Vietnam for six months during wartime...". Having regard to these conditions and the manner in which they were to be applied to Australian servicemen as stated in sub-paragraph 5(a) of that memorandum, I have to say that contrary to the manner in which they seem to have been applied by the Navy only time actually spent in Vietnam while allotted for special service in that country should have been counted as qualifying service for the Vietnamese Campaign Medal. This was
the intention of the Vietnamese authorities, was the intention of the 1966 Defence memorandum and was the interpretation adopted by Army and Air Force.

5. No matter how the situation arose, because Navy has accredited the whole period of a ship's allotment for special service, rather than the time spent in Vietnam (or Vietnamese waters) while so allotted, as qualifying service for the Vietnamese Campaign Medal it seems probable that many Navy personnel have been awarded the Medal incorrectly.

6. The basic conditions which apply to the Vietnamese Campaign Medal have been stated in the replies to numerous Ministerial representations seeking the medals for Vietnamese service, for those now deemed to have been allotted for special service in Vietnam for the purposes of repatriation and Defence Service Homes loan benefits. In at least two cases, those making the representations have realised that some Navy personnel have received the Vietnamese Campaign Medal under conditions different from those stated in Ministerial replies and have now requested that they and others in a similar position be awarded the Medal under the same conditions.

7. Because the medals would have been issued to and accepted by recipients in good faith, I would not suggest that any action be taken to recover medals which have been issued incorrectly. However, it would not be reasonable to compound the problem by knowingly awarding the Vietnamese Campaign Medal to personnel who have not met the qualifying conditions.

8. Replies to the Ministerial representations in which this matter was first raised are now long overdue. While it may be possible to avoid addressing the issue in the replies, CDF and the Minister must be made aware of the situation. Before I take such action I would like to discuss the matter with you.

[Signature]
R.S. Buchan
BRIG
DGSPF

2 December 1986

Service Personnel Policy Branch
The Minister for Defence
Parliament House
Canberra 2600
A.C.T.

Dear Sir,

Could you please inform me as to when time was considered to have commenced for the entitlement of the Vietnam Medal for each of the three services. Could you also inform me of the entitlement or assessment for special services.

Yours faithfully,
MINUTE PAPER

Subject: VIETNAMESE CAMPAIGN MEDAL - CONDITIONS GOVERNING AWARD

For Information:

DSGPP

1. I refer to recent minutes (enclosed) which address a view held by DGSPP that Navy incorrectly issued the Vietnamese Campaign Medal (VCM) to personnel who served in various ships which were allotted for special service in Vietnam between 1967 and 1971.

2. As you are aware, there has been considerable Ministerial and other correspondence concerning a wide range of veteran's entitlements. However, this minute is confined to aspects of the award of the VCM.

3. Navy's interpretation of the conditions governing the award of the VCM differs from the interpretation applied by DGSPP, and although I understand DGSPP has verbally informed you of Navy's position, I consider I should now formally advise you of the basis upon which Navy adheres to the correctness of its view.

4. The governing conditions for the grant of the award of the VCM are laid down in paragraph 5 of the Defence memorandum of 16 September 1966 to the Service Departments.

5. Specifically, paragraph 5(a) of the memorandum provides for the grant of the award where the conditions of 'special service' of a minimum of six months duration in Vietnam have been satisfied.

6. Paragraph 5(a) of the memorandum further provides that 'special service' is to be defined by reference to the Repatriation (Special Overseas Service) Act. The Act defines 'special service' in the following terms:

3. (1) 'special service' in relation to a person, means service of the person as a member of the Defence Force during a period comprising:

(a) a period when he is outside Australia and he or his unit is allotted for special duty in a special area.

(1A) For the purpose of the definition of 'special service' in sub-section (1) -

(a) a person who travels from a place in Australia to a place outside Australia shall be deemed to have departed from Australia when he departs from the last port of call in Australia; and
(b) a person who travels to Australia from a place outside Australia shall be deemed to have arrived in Australia when he arrives at the first port of call in Australia.

These governing conditions are precise and unambiguous and clearly intended to cover the role of each period as it was allotted for special service.

The memorandum under VIETNAM paragraph 1(a) (b) (c) and (d) is a general design to fix the geographic location of the special area, and must be read in a manner which is consistent with the travelling provisions contained in section 9(1A) of the Act.

8. In short, Navy's view is that the words of paragraph 5(a) of the memorandum are precise and unambiguous and that no more can be required than to expound those words in their natural and ordinary sense. Even if regard is had to the further material in the memorandum (which in itself does not purport to regulate the conditions of award), it is common sense that information and guidance of a general nature should give way to the same subject matter as is dealt with specifically and nominated as 'the conditions for the grant of the award'.

9. Therefore, Navy insists that there is no question of the NCH, having been issued incorrectly by Navy in the past, notwithstanding that the Defence memorandum authorising the issue of the Medal may have been flawed in its wording so as to allow a misinterpretation of its intent. The ramifications, if any, which might arise with regard to personnel now deemed to have been allotted for service in Vietnam should not be permitted to affect the validity of the awards issued so many years ago and which are now worn with pride.

A.R. HORTON
ADM, RN
CNP

4 December 1986

Enclosures:

1. DGSPP DM 86/8757 of 2 December 1986
2. DGSPP DM 86/8757 of 15 December 1986
MINUTE PAPER

Subject: DM 86/8757

VETERANS' ENTITLEMENTS - AWARDS FOR SERVICE IN VIETNAM

References:
A. DGSPF DM 86/22938 of 27 August 1986 - N/R
B. CNP 970/86 of 7 November 1986

1. Paragraph 4 of your minute (Reference B) listed, for the ships allotted for special service in Vietnam, the periods accredited to each ship as qualifying service for the Vietnamese Campaign Medal.

2. I am informed that the date specifying the beginning of each period accredited as qualifying service is the date the ship concerned left Australia (presumably from the last port of call in Australia) and that the date specifying the end of each such period is the date the ship returned to Australia (presumably to the first port of call in Australia). Assuming this information to be correct (and I would appreciate your advice on this aspect in due course), it seems that the whole of each period a ship was allotted for special service has been accredited by Navy Office as qualifying service for the Vietnamese Campaign Medal.

3. Paragraphs 2 and 3 of your minute seem to argue that this is a correct application of the basic condition for awarding the Vietnamese Campaign Medal, as specified in sub-paragraph 5(a) of the Defence memorandum of 16 September 1966 to the Service Departments. I can see that sub-paragraph 5(a) of that memorandum might have been expressed more clearly. Nevertheless even in retrospect it does not seem to be open to the interpretation apparently applied by the Navy, particularly when considered in the context of the memorandum as a whole.

4. Paragraph 2 of the 1966 Defence memorandum quoted the conditions actually laid down by the Vietnamese authorities and, insofar as they applied to Australian servicemen, required service ".... in South Vietnam for six months during wartime...". Having regard to these conditions and the manner in which they were to be applied to Australian servicemen as stated in sub-paragraph 5(a) of that memorandum, I have to say that contrary to the manner in which they seem to have been applied by the Navy only time actually spent in Vietnam while allotted for special service in that country should have been counted as qualifying service for the Vietnamese Campaign Medal. This was
the intention of the Vietnamese authorities, was the intention of
the 1966 Defence memorandum and was the interpretation adopted by
Army and Air Force.

5. No matter how the situation arose, because Navy has
accredited the whole period of a ship’s allotment for special
service, rather than the time spent in Vietnam (or Vietnamese
waters) while so allotted, as qualifying service for the
Vietnamese Campaign Medal it seems probable that many Navy
personnel have been awarded the Medal incorrectly.

6. The basic conditions which apply to the Vietnamese
Campaign Medal have been stated in the replies to numerous
Ministerial representations seeking the medals for Vietnamese
service for those now deemed to have been allotted for special
service in Vietnam for the purposes of repatriation and Defence
Service Homes loan benefits. In at least two cases, those making
the representations have realised that some Navy personnel have
received the Vietnamese Campaign Medal under conditions different
from those stated in Ministerial replies and have now requested
that they and others in a similar position be awarded the Medal
under the same conditions.

7. Because the medals would have been issued to and
accepted by recipients in good faith, I would not suggest that
any action be taken to recover medals which have been issued
incorrectly. However, it would not be reasonable to compound the
problem by knowingly awarding the Vietnamese Campaign Medal to
personnel who have not met the qualifying conditions.

8. Replies to the Ministerial representations in which this
matter was first raised are now long overdue. While it may be
possible to avoid addressing the issue in the replies, CDF and
the Minister must be made aware of the situation. Before I take
such action I would like to discuss the matter with you.

R. S. Buchan
BRIG
DGSPP

2 December 1986

Service Personnel Policy Branch
VETERANS' ENTITLEMENTS - AWARDS FOR SERVICE IN VIETNAM

To propose a reply to Mr Ian Sinclair MP who has made representations on behalf of [redacted] concerning medals for the recognition of service in Vietnam.

Since the November 1985 announcement on repatriation and Defence Service Homes loan benefits for service in Vietnam, and numerous others have written requesting that they now be awarded the medals for Vietnam service.

In accordance, those now seeking the medals did not qualify for them because they were not posted to units stationed in Vietnam but were there for only short periods on duty of a temporary nature. The conditions governing awards of the medals have been explained to those making representations and in the majority of cases the matter seems to have ended there. However, are persisting in their demands, through Mr Sinclair MP. A suggested reply to Mr Sinclair is attached for your consideration.

The reply does not address a potentially embarrassing assertion made by [redacted] in his letter of 21 July 1986, that the Vietnam Campaign Medal was awarded to members of the crew of HMAS BRISBANE for less than six months service in Vietnam waters. The assertion has been investigated and is correct. HMAS BRISBANE (unlike HMAS SYDNEY and other ships operating in the support role) was twice allotted for special service and was deployed in a combat role in Vietnam waters. On neither deployment, however, was the ship stationed in Vietnam waters for the six months required to qualify for the Vietnam Campaign Medal. Nevertheless, the medal was awarded in good faith because it was the understanding of the Navy that the whole period of special service, i.e., the period from the date of leaving Australia to the date of return to Australia, rather than the time spent in Vietnam waters while on special service, counted as qualifying service for the Vietnam Campaign Medal.

This problem has been discussed with CDF who is of the view that since the medals would have been issued to and accepted by the recipients in good faith some considerable time ago, no action should be taken now to recover medals awarded incorrectly. At the same time, the mistake should not be compounded by knowingly issuing more medals on the basis erroneously adopted by Navy. This view is reflected in the eighth paragraph of the draft reply to Mr Sinclair.

RESOURCE ASPECTS

It is considered that unless the matter is pressed at some later stage, it would be better to say no more than is necessary.

CONSULTATION

[Including PR aspects]

RECOMMENDATION

That you sign the attached reply to Mr Sinclair

DISTRIBUTION

[Details]

APPROVED/NOT APPROVED

[Signature]

D.S. Buchanan

[Date]
I believe that the point of your minute to CDF would be better made if a further introductory paragraph and a final summation were added. I suggest the following:

1. I refer to recent minutes (enclosed) which address a view held by DGSPP that Navy incorrectly issued the Vietnamese Campaign Medal (VCM) to personnel who served in various ships which were allotted for special service in Vietnam between 1967 and 1971.

2. As you are aware, there has been considerable Ministerial and other correspondence concerning a wide range of veteran's entitlements. However, this minute is confined to aspects of the award of the VCM.

3. Navy's interpretation of the conditions governing the award of the VCM differs from the interpretation applied by DGSPP, and although I understand DGSPP has verbally informed you of Navy's position, I consider I should now formally advise you of the basis upon which Navy adheres to the correctness of its view.

4. The governing conditions for the grant of the award of the VCM are laid down in paragraph 5 of the Defence memorandum of 16 September 1966 to the Service Departments.

5. Specifically, paragraph 5(a) of the memorandum provides for the grant of the award where the conditions of 'special service' of a minimum of six months duration in Vietnam have been satisfied.

6. Paragraph 5(a) of the memorandum further provides that 'special service' is to be defined by reference to the Repatriation (Special Overseas Service) Act. The Act defines 'special service' in the following terms:

3. (1) 'special service' in relation to a person, means service of the person as a member of the Defence Force during a period comprising -

(a) a period when he is outside Australia and he or his unit is allotted for special duty in a special area.
(1A) For the purpose of the definition of 'special service' in sub-section (1) -

(a) a person who travels from a place in Australia to a place outside Australia shall be deemed to have departed from Australia when he departs from the last port of call in Australia; and

(b) a person who travels to Australia from a place outside Australia shall be deemed to have arrived in Australia when he arrives at the first port of call in Australia.

7. These governing conditions are precise and unambiguous and clearly include the whole of each period a ship was allotted for special service. The words 'in Vietnam' in paragraph 5(a) of the memorandum were clearly designed to fix the geographic location of the 'special area' and must be read in a manner which is consistent with the 'travelling' provisions contained in section 3(1A) of the Act.

8. In short, Navy's view is that the words of paragraph 5(a) of the memorandum are precise and unambiguous and that no more can be required than to expound those words in their natural and ordinary sense. Even if regard is had to the further material in the memorandum (which in itself does not purport to regulate the conditions of award), it is commonsense that information and guidance of a general nature should give way to the same subject matter as is dealt with specifically and nominated as 'the conditions for the grant of the award'.

9. Therefore, Navy insists that there is no question of the VCM having been issued incorrectly by Navy in the past, notwithstanding that the Defence memorandum authorising the issue of the Medal may have been flawed in its wording so as to allow a misinterpretation of its intent. The ramifications, if any, which might arise with regard to personnel now 'deemed' to have been allotted for service in Vietnam should not be permitted to affect the validity of the awards issued so many years ago and which are now worn with pride.

A.R. HORTON

Enclosures:

1. DGSPPP DA 86/8757 of 2 December 1986

2. DGSPPP DA 86/8757 of 15 December 1986 to Minister

2. A redraft is appended opposite in line with the above. Original is under redraft.

J.R. DA COSTA
A/CDRE, RAW
DCNPS
Subject: VIETNAMESE CAMPAIGN MEDAL – CONDITIONS GOVERNING AWARDS

MINUTE PAPER

CNS

For Information:

DGSP

1. CNP wrote to CDP in his minute CNP 1124/86 of 31 Dec 86 concerning the conditions governing awards of the Vietnamese Campaign Medal.

2. Contrary to the view apparently taken by Navy Office, there are not two arguable interpretations involved in this issue. What CNP referred to as 'the interpretation applied by DGSPP is the basic condition adopted by the Australian authorities to govern awards of the Vietnamese Campaign Medal to Australian Service personnel.'

3. The 1966 Defence memorandum which sets out the qualifying conditions for the Vietnamese Campaign Medal might have been expressed more clearly. Nevertheless, given normal English usage the intention was not so obscure that it was not discernible.

4. CNP's views on this matter may be based on a recent legal interpretation of the memorandum, from which he concluded that conditions applied by the Navy to determine entitlements to the Vietnamese Campaign Medal were correct. Legal or not, the conditions applied by Navy are at variance with the intent of the Defence memorandum and, irrespective of how the situation arose, it is an inescapable fact that the Medal has been awarded to Navy personnel under conditions that were not intended.

5. Awards of the Medal were made to and accepted by Navy recipients in good faith. Partly for this reason, there is no suggestion that an attempt should be made to recover medals already awarded under the conditions applied by Navy. This view was reflected in DGSPP's advice of 15 Dec 86 to the Minister.

6. Unless the Minister takes a different view on the awards already made, the only question remaining to be resolved is the claim of those now deemed to have been allotted for duty in Vietnam that they are entitled to the Vietnamese Campaign Medal. At least some of those concerned know, or suspect, that the Medal was awarded to Navy personnel originally allotted for special service in Vietnam under conditions more liberal than those which would have been applied and they argue that they should be awarded the Medal on the same basis. This might seem to be a reasonable argument but there can be no justification for compounding the problem by making further awards of the Medal under the conditions previously applied by Navy. Accordingly,
applications for the Medal submitted on or since 12 Nov 85 (the date of the Minister's statement in the Parliament on veterans' entitlements) should be assessed strictly in accordance with the intent of the 1966 Defence memorandum, i.e., only periods of service within the prescribed operational areas of Vietnam while allotted for special service in Vietnam or while deemed to have been allotted for duty in Vietnam may be counted as qualifying service for the Medal.

R.G. FUNNELL
Capt
for CDF

23 Jan 87
DM 86/8757

DGIPS (D-3-05)
DGPO-A (I-1-38)
DGPS-AF (E-3-05B)

For Information:
DCSC (B-2-14)
DMPLS (H-3-23)

VETERANS' ENTITLEMENTS - AWARDS FOR SERVICE IN VIETNAM

Reference:
A. Ministerial Schedule 85154

1. Attached is a copy of representations to the Minister by [Name 으로 오버라이트] of Armidale NSW (Reference A).

2. Would you please advise as soon as possible when qualifying service for the Vietnam Medal was regarded by your Service as having commenced. For the sake of completeness, please advise also when qualifying service ceased.

3. Experience with numerous representations on this subject has shown that correspondents frequently refer to the Vietnam Medal when, in fact, they mean the Vietnamese Campaign Medal, and vice versa. To cover this possibility, your advice as to when qualifying service for the Vietnamese Campaign Medal commenced and ceased would also be appreciated.

It is not clear to this Branch what information Mr [Name 으로 오버라이트] wants on allotment for special service. Unless either primary or information addresses are able to cast any light on the matter, I consider Mr [Name 으로 오버라이트] should be informed accordingly.

G.J.J. Beck
AIRCDRE
DGSSPP

11 January 1987

Service Personnel Policy Branch

Jan 87
MINUTE

VETERANS' ENTITLEMENTS - AWARDS FOR SERVICE IN VIETNAM

Reference:
A. DGSPP minute DM86/8757 of 28 January 1987

1. Qualifying service for the Vietnam Medal for members on the posted strength of ships or units allotted for Special Duty in the Special Areas of Vietnam commenced on entry to that special area and ceased on leaving the area.

2. The crews of vessels which visited Vietnam for the purpose of transporting personnel and equipment, only counted their time actually spent in harbour because they were not allotted for special service. As these personnel are now 'deemed to have been allotted' whilst inside the special area of Vietnam, it is considered that their time should also start from entry to and complete on departure from the special area.

3. With regard to the Vietnamese Campaign Medal (UCM), qualifying service for those personnel on the posted strength of a ship allotted for special service in the special area of Vietnam commenced on departure from the last port in Australia and ceased on arrival at the first port in Australia in accordance with the Repatriation (Special Overseas Service) Act.

4. Those personnel not previously allotted had no entitlements with regard to the UCM but it is considered that as they are now 'deemed to have been allotted' whilst inside the special area of Vietnam they should be able to count the time in the zone towards the six months qualifying period for the medal.
Mr. [Redacted] served in HMAS HOBART in Vietnam and was awarded the Vietnam Medal, Vietnamese Campaign Medal, USN Unit Citation and the Returned from Active Service Badge. His request for information regarding entitlements associated with allotment for special service is therefore, most likely to have been on behalf of his Association, rather than himself.

Original signed by

I. R. DACOSTA

A/CDRE, RAN
DGNPS

23 MAR 87
VETERANS' ENTITLEMENTS - AWARDS FOR SERVICE IN VIETNAM

Reference:

A. DGNPS 167/87 of 23 March 1987

1. I am aware that in the past entitlements to the Vietnamese Campaign Medal were assessed by Navy on the basis stated in paragraph 3 of your minute. As advised by my predecessor, and later confirmed in CDF 54/1987 of 23 January 1987 (copy attached), that basis is incorrect: only periods of service within the prescribed operational areas of Vietnam while allotted for special service in Vietnam or while deemed to have been allotted for duty in Vietnam may be counted as qualifying service for the Medal.

2. Recently, being present at discussions between the Minister and a representative of the HMAS SYDNEY and Vietnam Logistical Support Veterans' Association, I was put into the position where I had no alternative but to state that in the past the entitlements of Navy personnel to the Vietnamese Campaign Medal had been assessed incorrectly. It is a matter for concern that the basis for those assessments is still being stated in correspondence as if it is correct.

G.J.J. Beck
AIRCDRE
DGSP
c
31 March 1987

Service Personnel Policy Branch
S.R.E.: VETERANS' ENTITLEMENTS - AWARDS FOR SERVICE IN VIETNAM

DGSP

References:

A. DGSPP DM86/8757 of 31 March 1987
B. CDF 54/1987 of 23 January 1987

1. The concern expressed by you in reference A is acknowledged, but that concern, and your response to the Association representative as reported in your paragraph 2 likewise causes me concern as you do not appear to have fully appreciated, or accepted, Navy's position. This minute is an attempt to resolve that situation.

2. Navy does not question or challenge the basis of the now clarified (for Navy) intent of the 1966 Defence memorandum. Nevertheless, as acknowledged in paragraph 3 of reference B, that memorandum 'might have been expressed more clearly'. The rider that 'given normal English usage the intention was not so obscure that it was not discernible' hardly demonstrates that the intent was patently and unambiguously obvious and in any case is a subjective assessment no doubt based on the fact that both Army and Air Force (in the event correctly) interpreted the memorandum differently from Navy. I might add that Navy's interpretation and implementation was public knowledge at the time and has never been deliberately concealed from Defence or the other Services.

3. Navy's intent in continuing to assert that the interpretation made by Navy Office at the time was one which was legally open to it is, firstly, to make clear that the award of the Vietnamese Campaign Medal under the Navy interpretation was not illegal per se and, secondly, that although there is a (current) suggestion that an attempt should be made to recover 'those medals', no legal basis exists for any such action at some future date. In that regard, on the basis of the clarification now to hand, Navy supports the last sentence of paragraph 6 of reference B.

4. In summary, then, Navy acknowledges that if it misinterpreted the intent of the 1966 Defence memorandum, the wording of the minute was such that such interpretation was open to it and, in the event, legally defensible. As a result of the Navy interpretation of the intent of the minute, the Vietnamese Campaign Medal was awarded to Navy personnel originally allotted for special service in Vietnam under conditions more liberal than is now suggested was the intent of the memorandum; however, the awards were not illegal. As the policy intent has now been defined, awards for personnel 'deemed to have been allotted' should be made in accordance with that policy.
5. In view of paragraph 4 above, Navy requests that statements made in the context of paragraph 2 of reference A should reflect that due to an ambiguity in the wording of the advice to Navy in 1966, the conditions for award of the Vietnamase Campaign Medal to members of the Navy allotted for special service were more liberal than had been intended; but that the intent has been clarified and awards for those now 'deemed to have been allotted' will be made in accordance with original policy intent.

J.R. DA COSTA
A/CDRE, RAN
DSNPS
21 April 1987