



**REPORT OF THE
INDEPENDENT
REVIEW PANEL
OF THE
END OF WAR LIST –
VIETNAM**

**Mr Noel Tanzer AC
MAJGEN Peter Phillips AO MC (Retd)
Mr Clive Mitchell-Taylor**

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Letter of Transmission

INDEPENDENT REVIEW PANEL
FOR THE END OF WAR LIST, VIETNAM

Chairman	Mr Noel Tanzer AC	Secretariat	CMDR Tim Bloomfield AM RAN Director Honours and Awards R1-1-D030 Dept of Defence CANBERRA ACT 2601
Members	MAJGEN Peter Phillips AO MC (Retd) Mr Clive Mitchell-Taylor		

25 August 1999
The Hon Bruce Scott MP.
Minister Assisting the Minister for Defence
Parliament House
CANBERRA ACT 2600

Dear Minister,

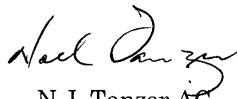
The Independent Review Panel submits to you the report of their review of the End of War List – Vietnam.


The Panel has examined the matters set out in the Terms of Reference and has arrived unanimously at the central findings and recommendations which fully discharge those requirements.

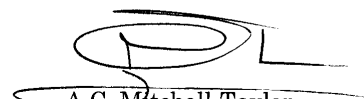
Extensive consultations have been conducted with those who are the primary focus of this review, throughout the ex-Service community and with officials associated with Honours and Awards policies and practice.

In the course of the consultations and in written submissions a number of matters were raised which fall outside a strict interpretation of the Terms of Reference. The report deals with these matters separately from the central issues.

Yours faithfully,


N.J. Tanzer AC
Chairman


MAJGEN P.R. Phillips AO MC
Member


A.C. Mitchell-Taylor
Member

Terms of Reference

The Government recommended various honours and awards as part of an End of War List for the Vietnam conflict as a way of providing appropriate recognition to Australians who served during the conflict. The decision was based, amongst other things, on the principles that:

- the list should comprise those Service personnel who were recommended for an Imperial honour or award at the time of the conflict by the highest level of Australian command in Vietnam, but whose awards were subsequently not awarded or downgraded in Australia; and
- as Imperial awards were no longer available, the original Imperial awards recommended were to be translated to the nearest equivalent honour or award in the Australian system not higher on the *Order of Precedence*.

As a result of continuing representations from the Ex-Service community, the Government has decided to appoint an independent Panel to review aspects of the decision on the end of War List for Vietnam announced in February 1998 and report to the Government on any further action that may be required.

The review is to have regard to the six individuals who were originally recommended for the Military Medal at the highest level in Vietnam, and who were offered the Commendation for Gallantry as part of the Government's decision on the End of War List. The review is to examine whether the awards recommended were the most appropriate awards within the Australian honours system, given the principle that Australian honours and awards are not determined on the basis of rank (noting that eligibility for Imperial awards recommended at the time did take account of rank). The basis used to translate honours and awards from the Imperial to Australian system should be included as part of this examination.

The review must ensure that any recommendations put to the Government take full cognisance of the potential impact a change to the current recommended awards would have on:

- broader aspects of the End of War List decision;
- existing holders of awards; and
- the Australian System of Honours and Awards.

Any recommendations put to the Government must maintain the integrity of the Australian System of Honours and Awards.

Consultation with the Service and ex-Service community is to be a part of the review process.

The review is to be completed by 31 August 1999

Membership of the Independent Review Panel

Chairman	Mr Noel Tanzer AC
Members	Major General Peter Phillips AO MC (Retd) National President, Returned and Services League of Australia Mr Clive Mitchell-Taylor JP National President, Vietnam Veterans Association of Australia
Secretariat	Commander Tim Bloomfield AM RAN Director Honours and Awards, Department of Defence

Introduction

Background

The precedent for an End of War List was created first with World War II, and followed up with a Cease-Fire List for Korea. The scale of operations in Malaya and Borneo was such that it was not deemed necessary for these conflicts.

The creation of an End of War List for Vietnam has been an issue ever since the withdrawal of the majority of Australian troops from that country at the end of 1972. The reasons cited for not pursuing the issue were that members of the Australian Army Training Team Vietnam (AATTV) were still in country, and that it could be seen as a celebration when there was in fact no decisive victory.

For several years successive governments from both sides of mainstream politics decided that it was not necessary to act on an End of War List. The reasons given for not opening an End of War List included the fact that Vietnam was a contentious war and that there was no victory. There was seen to be no political imperative to revisit this difficult period of history. An interdepartmental review in the early 1990's concluded that there was nothing to be gained by creating such a list.

The 1997 review

That is where things remained until the conduct of a review in 1997 by the Howard Government through an Inter-Departmental Committee on Honours and Awards (IDC). The Terms of Reference (TOR) for the IDC confined consideration to awards that were recommended at the highest level in Vietnam but were subsequently altered or struck out in Australia. The IDC's task included translating the original recommendations for Imperial awards to the nearest equivalent honour or award in the Australian system but in all cases no higher on the *Order of Precedence* (now the *Order of Wearing*).

Between nomination for an Imperial award and the meeting of the IDC it is noted that the Imperial system of honours and awards was replaced by a wholly Australian system. It is also important to note that not all of the imperial awards had a precise Australian equivalent. This is the reason that it was necessary to 'translate' awards recommended under the original arrangements to the new system.

78 individuals were offered awards under the Vietnam End of War List, announced on the 25th of February 1998 and 72 accepted. 13 were awarded the Medal for Gallantry (MG), 22 the Distinguished Service Medal (DSM), four the Commendation for Gallantry and 33 the Commendation for Distinguished Service. Table 1 on page 5 summarises these awards, including the original nomination and the award first received.

In a supplementary list, five further awards were made as follows, bringing the total to 83:

- Distinguished Service Medal (DSM) (1)
- Commendation for Gallantry (1)
- Commendation for Distinguished Service (3)

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Introduction, Continued

Table 1 - End of War List Dispositions (Original List)

Original Imperial Nomination	Original Imperial Award	Australian Award under the End of War List	Number
Officer of the Order of the British Empire (OBE)	Mention in Despatches (MID)	Distinguished Service Medal (DSM)	2
Officer of the Order of the British Empire (OBE)	Member of the Order of the British Empire (MBE)	Distinguished Service Medal (DSM)	1
Officer of the Order of the British Empire (OBE)	Nil	Distinguished Service Medal (DSM)	2
Member of the Order of the British Empire (MBE)	Mention in Despatches (MID)	Distinguished Service Medal (DSM)	9
Member of the Order of the British Empire (MBE)	British Empire Medal (BEM)	Distinguished Service Medal (DSM)	1
Member of the Order of the British Empire (MBE)	Nil	Distinguished Service Medal (DSM)	3
Military Cross (MC)	Mention in Despatches (MID)	Medal for Gallantry (MG)	5
Military Cross (MC)	Nil	Medal for Gallantry (MG)	8
Distinguished Flying Cross (DFC)	Mention in Despatches (MID)	Distinguished Service Medal (DSM)	3
Distinguished Flying Cross (DFC)	Nil	Distinguished Service Medal (DSM)	1
Military Medal (MM)	Mention in Despatches (MID)	Commendation for Gallantry	5
Military Medal (MM)	Nil	Commendation for Gallantry	1
British Empire Medal (BEM)	Mention in Despatches (MID)	Commendation for Distinguished Service	2
Mention in Despatches (MID)	Nil	Commendation for Gallantry	4
Mention in Despatches (MID)	Nil	Commendation for Distinguished Service	31
Total			78

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Introduction, Continued

The 1997 review, continued

Six former soldiers, those nominated for the Military Medal (MM), declined to accept the Commendation for Gallantry, on the basis that it was not an equivalent award, and did not reflect appropriately the award for which they were originally nominated.

The six individuals are:

- 5715816 Private John Douglas [Burrige](#) 5 RAR
 - 311639 Corporal Trevor William [Byng](#) 3 RAR
 - 54237 Sergeant Frank Carr [Cashmore](#) SASR
 - 511381 Private Kevin George [Casson](#) 4 RAR
 - 54520 Private Brian John [Collett](#) 1 RAR
 - 1203040 Trooper Daniel John [Handley](#) 3 Cav Regt
-

Pressure for change

The issue of particular concern to the ex-Service community was that only officers had received decorations carrying with them both the rights to wear the medal and use a post-nominal. The soldiers had been recommended for an award on the End of War List for Vietnam that carried no medal and no post-nominal. The ex-Service community, notably through the Returned and Services League of Australia (RSLA) and the Vietnam Veterans' Association of Australia (VVAA) took the matter up, recommending to the then Minister for Defence Industry, Science and Personnel that the award of the Medal for Gallantry be made to these men.

With the election of the second Howard Government the matter was again raised with the Minister Assisting the Minister for Defence, the Honorable Bruce Scott MP who gave an undertaking to consult with the ex-Service community on the End of War List for Vietnam. This review is the result of that commitment.

Review Panel announced

The Government announced the creation of the Independent Review Panel for the Vietnam End of War List on the 31st of March 1999.

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Introduction, Continued

Exclusions from the TOR

It is important to note that the TOR for the Review Panel do not include consideration of some issues that members of the ex-Service community have voiced opinions about in the past. These include the limitation of the original End of War List to recommendations approved in country, and then only to those recommended by the highest level of Australian command in Vietnam at the time.

The TOR also exclude consideration of acts of gallantry where no nomination for an award (Imperial or foreign) was made at the time, although a number of these issues were raised with the Panel and are commented on at page 33.

The Panel has restricted its consideration to awards for gallantry in the face of the enemy that were and are now available to members of the Australian Defence Force, as well as general consideration of issues raised with it concerning the Imperial and Australian systems of honours and awards.

Evolution of the Australian system of honours and awards

The Imperial system of honours and awards, including orders, decorations and medals had exclusive application in Australia until 14 February 1975 when the Australian system of honours and awards was first introduced.

In April 1983 the newly elected Hawke Government announced that the Federal Government would no longer make recommendations under the Imperial honours system, and would use only the Australian system of honours and awards. Until this time, the two systems operated in parallel.

On Australia Day 1986 an announcement was made regarding changes to the Order of Australia as well as the institution of new awards for the Australian Defence Force replacing the Imperial awards for gallantry, distinguished service and campaign and other service.

A bipartisan agreement announced by Prime Minister Keating on 5 October 1992 recognised the agreement between Federal and State Governments (as well as the Federal Opposition) and Her Majesty Queen Elizabeth II, that all Australian citizens be recognised exclusively in the future by the Australian system of honours and awards.

Identification of Issues and Potential Outcomes

Issues identified

The Panel commenced the review by identifying a number of key issues that derived either from the TOR or from the concerns of individuals and organisations. These issues were:

- Relationship between the MC and MM specifically, and other gallantry awards, both Imperial and Australian as well as the historical context of the traditional four levels of military gallantry awards;
- The origins and purpose of the *Order of Wearing Australian Honours and Awards*¹ (*Order of Wearing*) and the authority that this document has in the determination of the relative merit of awards;
- The merging of the Imperial and Australian systems;
- Principles that were applied, or could be applied to the translation between Imperial and Australian Awards including equal treatment for officers and other ranks;
- Framing and interpretation of the original Terms of Reference for the End of War List for Vietnam;
- The retrospective issue of Imperial honours and awards; and
- The impact of any decisions or recommendations on those awarded Imperial gallantry medals and decorations, on those who accepted awards under the original End of War List for Vietnam, and on future awards made within the Australian honours and awards system.

Possible outcomes

In addressing the issues, the Panel also identified that there were four possible major outcomes from its review:

1. Endorse the original decision confirming the award of the Commendation for Gallantry to the six individuals nominated for the MM.
2. Recommend the retrospective award of the Imperial MM in accordance with the original citations.
3. Recommend the creation and award of another Australian medal or decoration, not being the Imperial MM, Medal for Gallantry or Commendation for Gallantry; or
4. Recommend the award of the MG to the six individuals.

Detailed examination

This report examines the issues in detail before addressing the advantages and disadvantages associated with each of the possible outcomes.

¹ Commonwealth of Australia Gazette S298 dated 17 June 1996.

Methodology

Consultation required

The Panel's TOR required consultation with the Service and ex-Service community. The Panel members determined that this should also include discussion with those responsible for, or contributing to the original decision. The TOR were widely advertised and submissions sought.

Meeting with five MM nominees

An early opportunity arose to discuss the review with five of the six MM nominees, who were all gathered in Perth WA just prior to ANZAC Day. This provided the opportunity to brief the nominees on the review process, and for them to prepare supporting documentation that met the requirements of the review.

Other briefings

In the period following this meeting Panel members attended and briefed a number of large gatherings of veterans and ex-Service members at Annual General Meetings of State Branches of the RSLA and VVAA.

Oral Submissions

Submissions were received from the nominees and other interested parties at meetings conducted in Perth, Brisbane and Sydney. These meetings included those parties supportive of the nominees. In order to ensure that a wide cross-section of interests were represented, the Panel members specifically invited submissions from a range of ex-Service organisations who were also presented with the opportunity to discuss issues with the Panel at meetings held in Brisbane and Sydney. A full list of attendees is at Appendix 7 on page 53.

Written submissions

Written submissions were provided by a number of former service personnel and ex-Service organisations. These are listed at Appendix 8 on page 55.

Relationships Between Various Imperial Gallantry Awards

Introduction

The basis for any discussion concerning awards for gallantry should include the historical context of these awards. This historic context will reveal that up until very recently, the Imperial awards available for gallantry were based very much on the rank and status of the individual concerned.

With the exception of the Victoria Cross (VC) and MID oak leaf emblem, awards for gallantry to officers² were in the form of a cross, while awards for soldiers were medals. The distinguishing physical feature was the shape of the award. Higher status was accorded to crosses.

Awards available for gallantry developed over a long period of time, and at various times certain groups identified by rank or Service may have been advantaged or disadvantaged in comparison with others. Table 2 commencing on page 13 shows the sequence of creation of awards, at the same time placing this within the context of the traditional four-tier structure.

Today, in the Australian system of honours and awards there is no differentiation between officers and other ranks for gallantry awards.

Development of Imperial gallantry awards

The initial award for gallantry, one available only to officers of field rank and above was the Order of the Bath. From 1843 the honour of being “mentioned in despatches” (MID) was instituted, but this carried with it no obvious symbol of recognition, although it was later to be represented by the bronze oak leaf on the ribbon of the campaign for which it was awarded.

In 1854 the Distinguished Conduct Medal (DCM) was introduced for outstanding courage, and was available to other ranks. This was effectively the soldiers’ equivalent of the Order of the Bath and the first of the widely recognised symbols of courage. From 1855 Navy and Marine warrant and subordinate officers were eligible for their equivalent, the Conspicuous Gallantry Medal (CGM).

The VC, inaugurated in 1856, was available to all ranks. It was and still is the supreme award for gallantry.

The Companion of the Distinguished Service Order (DSO) was introduced for Army and Navy Officers in 1886, and later extended to the Air Force. This was the equivalent of the DCM and CGM, and shortly after this time, the award of the Order of the Bath was no longer made for gallantry.

This then gave three levels of award. The VC at level one; the DSO for officers and the CGM/DCM at level two; followed by the MID at level three. Things remained this way almost until the advent of World War 1.

In 1907 the Conspicuous Service Cross³ was introduced for warrant and subordinate officers in the Navy as an equivalent to the DSO – this filled a technical gap that existed because Naval warrant and subordinate officers did not hold a commission.

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² Warrant officers occupy the unique position of being eligible for both the Military Cross and the soldier’s gallantry medals, although this does not detract from the general intent of this statement.

³ Not to be confused with the Australian award of the same name.

Relationships Between Various Imperial Gallantry Awards,

Continued

Development of Imperial gallantry awards, continued

Soon after the outbreak of World War 1, it became apparent that with huge numbers of troops involved in hand-to-hand combat the elite status of both the VC and the level two awards was in danger of being affected. The Military Cross (MC) was introduced as a third level award from 1914, at the same time as the Distinguished Service Cross (DSC) for the Navy. Both were available for officers at or below the substantive rank of Lieutenant Commander/Major and for Warrant Officers. As a result of this action, the MID was reduced to a level four award.

Navy also introduced a third level award of the Distinguished Service Medal⁴ (DSM) for non-commissioned ranks (excluding Warrant Officers) in 1914. Army did not bring in the Military Medal (MM) until 1916 for Warrant Officers, non-commissioned officers and soldiers. The time-lag and the entrenched differentiation between officers and other ranks contributed to differences in the MC and MM criteria that were noted by the IDC.

In 1918 the Distinguished Flying Cross (DFC) was developed for Air Force officers and Warrant Officers and its equivalent, the Distinguished Flying Medal (DFM) for other ranks. Again the criteria were more tightly defined as a result of DSO and DCM being awarded for services other than gallantry.

This completed the level three awards, with six distinct awards for officers and other ranks within the three Services.

The four tier structure or 'levels' of awards

The esteem in which awards for gallantry are held within the Australian Defence Force developed over 80 years and was expressed in the form of a four-tier structure that differentiated between the rank of the recipient and/or the arm of Service. This is the traditional view held by those members of the Defence Force that were eligible for those awards.

This four level structure of awards for gallantry is not well documented in Australia, where up until 1975 there was a heavy reliance on the pre-existence of an historically based system of rewards for gallantry, bravery and service that incorporated orders of chivalry, crosses, medals and symbols such as the MID oak leaf.

The four levels were however widely known within the Australian Defence Force. The DCM, although a medal that appeared well below the Military Cross within the sequence of the *Order of Wearing*, was accorded the status of an "almost VC". This is clearly stated within *A Matter of Honour: The Report of the Review of Australian Honours and Awards, 1995* Appendix 7, which states that the DCM "was the highest operational gallantry award, apart from the Victoria Cross, which could be won by senior NCOs and other ranks."

This seeming anomaly that applies to the DCM also applies to the CGM for naval or aerial gallantry, and the George Medal (GM) for bravery.

Continued on next page

⁴ This is an award for gallantry that should not be confused with the Australian award of the same name that is for distinguished as opposed to gallant conduct.

Relationships Between Various Imperial Gallantry Awards,

Continued

The four tier structure or 'levels' of awards,
continued

United Kingdom (UK) Secretary of State, Mr Rifkind, in a 1993 presentation to the UK Parliament, and recorded in its Hansard, gave a concise history of the development of the four levels of gallantry awards as background to the removal of rank-based awards and their replacement with a system of performance-based awards.

Mr Rifkind made it very clear that the MM and the MC were considered to be equivalent awards for other ranks and officers respectively. This legislation was subsequently passed, the MM has been discontinued in the UK, and all ranks are eligible for the MC.

Relationships Between Various Imperial Gallantry Awards, Continued

Table 2 – Historical Development of the Awards for Gallantry

Seq ⁵	Level	Award	Year	Service	Awarded to	Awarded for
5	1	Victoria Cross	1856	All	All ranks	<i>"Most conspicuous gallantry highest order in the presence enemy"</i> ⁶
1	1	Companion of the Bath		All	Field officers and above	Gallantry
6	2	Companion of the Distinguished Service Order	1886	Army, Navy	Officers	<i>"Conspicuous gallantry and under fire or under conditions equivalent to services in actual combat with the enemy"</i> ⁶
7	2	Conspicuous Service Cross	1907	Navy	Warrant and subordinate officers	Gallantry
3	2	Distinguished Conduct Medal	1854	Army	Non-commissioned	<i>"Distinguished conduct in action in the field"</i> ⁶
4	2	Conspicuous Gallantry Medal	1855	Navy, Marines	Non-commissioned	Distinguished, gallant, good
11	2	Conspicuous Gallantry Medal (Flying)	1942	Air Force	Non-commissioned ranks, including Warrant Officers	Gallantry

⁵ This column is the sequence in which the awards were created

⁶ Pamphlet on Military Honours and Awards 1960, War Office Code 12922 dated July 1960

Relationships Between Various Imperial Gallantry Awards, Continued

Table 2 – Historical Development of the Awards for Gallantry, continued

Seq	Level	Award	Year	Service	Awarded to	Awarded for
8b	3	Distinguished Service Cross	1914	Navy	Officers below substantive Commander and Warrant Officers	Gallantry
10a	3	Distinguished Flying Cross	1918	Air Force	Officers and Warrant Officers	Acts of valour, courage or devotion
8c	3	Distinguished Service Medal	1914	Navy	Non-commissioned ranks (but not Warrant Officers)	Gallantry
10c	3	Distinguished Flying Medal	1918	Air Force	Other ranks	Acts of valour, courage or devotion

The Order of Wearing Honours and Awards

Background

The concept of a document defining the *Order of Wearing of Honours and Awards* (see also Appendix 1 – The Order of Wearing Australian Honours and Awards on page 39) dates back to 1921. It was created as a result of conflicting single Service (Imperial) instructions raised to encompass the awards created during World War 1. The purpose of the *Order of Wearing* was to ensure uniformity, laying down the sequence in which orders, decorations and medals were to be worn. The sequence of wearing gave pre-eminence to Orders of Chivalry – perhaps because these were the gift of the Monarch – within the hierarchy of those orders. It should be noted too, that there is precedence within these Orders themselves. Crosses followed in order of seniority of Service, as these were awarded only to officers⁷. Then came gallantry medals, again within a subset of precedence of status and seniority of Service, followed finally by service medals, long service awards and later by foreign awards. It is interesting to note that the MID does not feature in the *Order of Wearing*, as it is affixed to the ribbon supporting the relevant campaign medal.

This sequence itself created differences between the *Order of Wearing* and the traditional four levels of awards. The level three officers' crosses had been given precedence over level two awards for soldiers. Both of course were subordinate to the DSO. As a result, the strict sequence of status of awards was preserved for officers, perhaps because the original gallantry awards themselves were dovetailed into a system of orders of chivalry designed for the Imperial upper classes. On the other hand, awards to soldiers were downplayed within this same system that had been forced to accommodate so many changes and additions over a long period of time.

The Panel notes that the Report of the Committee of Inquiry into Defence and Defence Related Awards (CIDA), March 1994, acknowledged concerns that were placed before it in regard to the positioning of bravery and gallantry awards in comparison with awards for service. The CIDA review did not address these concerns as they were outside its TOR.

Inserting the Australian awards

When it came time to insert the newly created Australian honours and awards, a decision was made to place these above the “equivalent” Imperial awards. This in itself required some comparison to take place, and determination of the status of each of the new awards in relation to their counterpart Imperial awards. No adjustment was made to the position or sequence of the Imperial awards. The issues that derive from this are examined in more detail at page 17. The available Australian awards are listed at Appendix 2 on page 42.

Change of title

The *Order of Wearing of Australian Honours and Awards* is promulgated from time to time by the Governor General of Australia. In 1996, the title of the document was altered, as it had previously been referred to as the *Order of Precedence of Australian Honours and Awards*. This change in the title might have signalled to the IDC the need for broader consideration of the role of this document as the sole approach to the consideration of the End of War List for Vietnam.

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⁷ Although these awards are nominally for gallantry, the Panel members concluded that there is a strong factor for “leadership”, demonstrated by the award of the DSO to officers in command positions during Vietnam and other conflicts. Four Air Force DFCs on the End of War List were translated to the DSM rather than the MG, indicating that they were for service that was predominantly “distinguished” rather than “gallant”.

The Order of Wearing Honours and Awards, Continued

Uses of the Order of Wearing

The *Order of Wearing* is a document that defines clearly the sequence in which the symbols of these honours and awards are assembled, the order in which post-nominals are used and the social distinction placed upon the various honours and awards.

A Matter of Honour: The Report of the Review of Australian Honours and Awards (December 1995) found, in regard to the *Order of Wearing* that “Despite consulting widely, we have had difficulty identifying particular benefits beyond assisting with dress and uniform requirements, particularly in relation to defence personnel, and seating arrangements at some formal dinners. ...we do not accept that the *Order of Precedence* in its current form constitutes the basis of esteem for awards, whether they are military or civilian. The esteem in which an award is held must depend on the quality of the contribution required to receive the award and the integrity of the process for identifying worthy recipients. Awards should not be valued simply because of their relationship to other awards.”

The report went on to recommend that the (then) *Order of Precedence* be replaced by a guide to Australian Honours and Awards that ranked like awards with like, and that advice on the appropriate *Order of Wearing* be provided to those who held Imperial awards. The Panel notes that this recommendation was not taken up.

The Panel sought advice from PM&C on the status of the *Order of Wearing*, and this advice is at Appendix 3 on page

Summary

The Panel acknowledge that this document, as promulgated by the Governor General of Australia from time to time, is the definitive document in regard to the sequence in which orders, decorations and medals are worn and post-nominals used.

However in the context of this review the Panel considered that the *Order of Wearing Australian Honours and Awards* does not provide the sole or indeed the most appropriate basis on which to consider the translation of the Imperial MM to the Australian system of gallantry awards. The relative merit of gallantry awards is better defined for this purpose within the historic four-tier structure of awards.

Translation from the Imperial to the Australian System

Introduction

The need to determine the relative standing of Imperial and Australian awards arose as a result of the introduction of the wholly Australian system of honours and awards, as previously discussed. Establishing the range and scope of Australian awards for gallantry, bravery and distinguished service must have required a comprehensive review of the Imperial awards then available. The Australian awards were woven into the Imperial *Order of Precedence of Honours and Awards* to derive an Australian *Order of Wearing*, as previously discussed (unlike some other Commonwealth countries such as India and Canada, where indigenous awards were placed above all Imperial or foreign awards).

The IDC accepted this logic without question in relation to the End of War List for Vietnam.

Implementing the Australian system

Examination of the Australian *Order of Wearing of Honours and Awards* demonstrates two outcomes from the process of implementing the Australian system. Each Australian award available to the Defence Force for gallantry under fire replaced one or more Imperial awards. Many of the Imperial awards that applied at the time varied according to both rank and service. The second outcome is that each Australian award was then to have been placed at the top of its equivalent Imperial group within the *Order of Wearing*. This did not occur at the third level of awards.

Identifying the “families” of awards

The level one VC and the level four MID are both single awards within a single level. Identifying the “family” of awards at those levels to determine equivalence was therefore simple. The VC is the equivalent of the VC for Australia. The IDC found that the Australian Commendation for Gallantry and Distinguished Service⁸ directly replace the Imperial MID. The Panel believes that it is important to note that the MID is not listed in the *Order of Wearing*.

At levels two and three the situation became far more complex. At level two, the award available to officers of all three services was the DSO. Other ranks in the Navy could be awarded the CGM, Army the DCM and Air Force the CGM (Flying). These are the awards that equate with the Australian Star of Gallantry, despite the fact the DCM and CGM are well below the level three crosses in the *Order of Wearing*.

At level three the complexity is worse. Officers in the Navy, Army and Air Force are eligible for the DSC, MC and DFC respectively. Other ranks in the Navy, Army and Air Force are eligible for the DSM, MM and DFM respectively. If the traditional four level structure had been recognised, these awards should have been acknowledged as the family of awards which translate to the single decoration of the Medal for Gallantry.

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⁸ The IDC noted this in sub paragraph (g) for Agenda item one of its outcome paper dated 27 November 1997 and again in Finding four of its report to the Minister for Defence Industry, Science and Personnel dated 28 January 1998.

Translation from the Imperial to the Australian System,

Continued

Placement of the MG within the Order of Wearing

Far from being inserted into the *Order of Wearing* at the top of the family of level three Imperial awards from which it is derived, the MG has been inserted into the middle, between the awards for officers and those for other ranks.

The 1991 issue of the *Australian Order of Precedence of Honours and Awards* placed the level three Medal for Gallantry:

- Below Imperial level three awards for officers (RRC 1st Class, DSC, MC, DFC, AFC and RRC 2nd Class); but
- Above the soldiers' medals for both level two (DCM and CGM) and level three (DSM, MM, and DFM).

Had the MG been placed above the level three officer awards, the MC nominees would also have been placed in the position of being offered the Commendation for Gallantry.

Soldiers not eligible for level 3 awards

Table 3 shows Imperial gallantry awards at each level and the effect this has on the equivalence with Australian awards. This table demonstrates that the level three awards for other ranks have been downgraded in the transition from the Imperial to the Australian award systems. Under the logic applied to the End of War List for Vietnam, Warrant Officers and other ranks had no eligibility at all for the level three award of the Medal for Gallantry.

Not only this, but Warrant Officers and other ranks would also have been ineligible for a level two award, because the DCM and CGM too were placed below both the DSC/MC/DFC group and the MG in the *Order of Wearing*. Only an original nomination for the VC, downgraded in Australia, could have resulted in Warrant Officers or other ranks receiving anything other than the award of the Commendation for Gallantry in the End of War List for Vietnam. In this case, the award would have been the Star of Gallantry (SG).

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Translation from the Imperial to the Australian System, Continued

Table 3 – Equivalence of Imperial and Australian Gallantry Awards

Level	Recipient	Imperial System			Australian System
		Navy	Army	Air Force	
1	Officer/ WO/ Other Ranks	Victoria Cross	Victoria Cross	Victoria Cross	Victoria Cross for Australia
2	Officer WO/Other Ranks	Distinguished Service Order Conspicuous Gallantry Medal	Distinguished Service Order Distinguished Conduct Medal	Distinguished Service Order Conspicuous Gallantry Medal (Flying)	Star of Gallantry
3	Officer/WO WO/OR	Distinguished Service Cross Distinguished Service Medal	Military Cross Military Medal	Distinguished Flying Cross Distinguished Flying Medal	Medal for Gallantry [Commendation offered under End of War List Vietnam]
4	Officer/WO/ OR	Mention in Despatches	Mention in Despatches	Mention in Despatches	Commendation for Gallantry

Difficulties arising

The processes of creating and integrating the Australian awards were predicated on the assumption that the *Order of Wearing* represented the only authoritative statement of relative merit of awards for gallantry. As discussed earlier, the Panel argues that the *Order of Wearing* is not the only approach and in fact is not the most appropriate given the changes in the honours and awards system which occurred since the original nomination were made for acts of gallantry in the Vietnam war.

Reliance on the *Order of Wearing* and the requirement on the IDC not to “promote” an award in the translation from the Imperial system combined to create the outcomes presented to Government

Because the MID which is not listed at all in the *Order of Wearing* was equated by the IDC with the Commendation for Gallantry it could be argued that this was in effect a promotion of the MID to a higher award within the Australian system. This, combined with the fact that the IDC had determined that the MG was the appropriate award for the MC left the IDC with nowhere to go in relation to the MM, other than down to the Commendation.

Continued on next page

Translation from the Imperial to the Australian System,

Continued

Alternative offered

The Department of Defence offered an alternative 'equivalent' proposal⁹ as a result of concerns expressed by the Department of Veterans' Affairs. This is shown in the table below. The Department of Defence stated that "*It is believed that the Vietnam Veterans would not object to such a result.*", and that "*...it would appear to be an equitable result.*". In the event, this alternative proposal was not accepted.

Table 4 - Equivalent Translation Table Proposed by Department of Defence

Original Nomination	Proposed Recognition	Number
Officer in the Most Excellent Order of the British Empire	Distinguished Service Cross	5
Member in The Most Excellent Order of the British Empire	Distinguished Service Cross	13
Military Cross	Medal for Gallantry	13
Distinguished Flying Cross	Distinguished Service Medal	4
Military Medal	Medal for Gallantry	6
British Empire Medal	Distinguished Service Medal	2
Mentioned in Despatches	Commendation for Gallantry	4
	Commendation for Distinguished Service	31

Summary

The Australian awards for gallantry replaced, at each level, a group of awards distinguished only by rank or Service within the Imperial system.

The MG is placed within the *Order of Wearing* below level three officer awards and above level two awards for soldiers.

Imposition of the requirement for awards under the End of War List for Vietnam "*not to be higher on the Order of Precedence*", meant that no soldier was eligible for a level three award under the Australian system, despite having been recommended for a level three award under the Imperial system.

Further, had the MG been placed within the *Order of Wearing* above the level three awards for officers, then those officers originally recommended for the Military Cross would have had to have been recommended for the Commendation for Gallantry within the End of War List for Vietnam.

The IDC noted the equivalence of the MID to the Australian Commendations for Gallantry and Distinguished Service, and had the IDC complied strictly with the TOR, the MID nominees would not have received Commendations for Gallantry or Distinguished Service.

⁹ Letter dated 21 January 1998 from Defence Personnel Executive to Minister Bishop.

Framing and Interpretation of the End of War List Terms of Reference

Background

The IDC's Terms of Reference of the End of War List for Vietnam required, among other things, that:

- *“The list should comprise those Service personnel who were recommended for an Imperial honour or award at the time of the conflict by the highest level of Australian command in Vietnam, but whose awards were subsequently downgraded or struck out in Australia.*
- *As Imperial awards were no longer available, the original Imperial awards recommended were to be translated to the nearest equivalent honour or award in the Australian system not higher on the Order of Precedence.”*

The list

A number of submissions to the Panel relate to those whom it is claimed should have received gallantry decorations. Some of these claims relate to individuals who were not recommended for an award at the time because of the quota system – that is, the quota had been filled for the period or was expected to be filled. It was felt that subsequent nominations would not be accepted even though of great merit, or if accepted would not succeed. There were other reasons that nominations were not made, and these are discussed under Other Issues Raised on page 33.

Should the government open the way for consideration of actions that were not nominated for awards at the time, this would in effect revisit the honours and awards for the entire war. This would be likely to involve a large number of individuals and take considerable time. More importantly, it would be extremely difficult to substantiate claims beyond reasonable doubt after so much time has passed. Further dissension would result.

While the Panel is convinced that there are those who were disadvantaged because of the imposition of the quota system or by the reluctance of some commanders to submit nominations, any attempt to revisit these circumstances now would simply create more anomalies. To invite comparisons of individual merit now, so long after the actual events is injudicious as well as having the potential of being demeaning to the individuals concerned.

Imposing a standard (recommended at every level in Vietnam but struck out or downgraded in Australia) at least provides a finite list and a firm basis for that list. The Panel was informed that that commanders had from time to time made recommendations over and above the limitations of the quota because the actions of the individual warranted it. The commanders then left it to their superiors to judge the relative merit, although all concerned knew that both the process of writing the citation and judging it were subjective. That is, one nomination might succeed over another because of the skill of the individual writing the citation, not because of the relative merit of the action.

The Panel is persuaded that despite its flaws, the limitation of the End of War List for Vietnam to consideration of *“those Service personnel who were recommended for an Imperial honour or award at the time of the conflict by the highest level of Australian command in Vietnam, but whose awards were subsequently downgraded or struck out in Australia”* was an acceptable way in which an equitable result could have been achieved.

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Framing and Interpretation of the End of War List Terms of Reference, Continued

Translation of awards

The related issues of the relative merit of awards, the translation from the Imperial to the Australian system and the role of the *Order of Wearing* have already been discussed in detail.

The major issues that derive from review of the IDC TOR and considerations are:

- The IDC acknowledged the MID and the Australian Commendations as being equivalent, and then did not act upon the fact that the commendations must have been higher on the *Order of Wearing*. The commendations were higher on the *Order of Wearing* for two reasons – the first, that Australian awards take precedence over equivalent Imperial awards, and the second, that the MID did not appear on the *Order of Wearing* at all, because the insignia is affixed to the relevant campaign ribbon.
- Recommending the issue of an award higher on the *Order of Wearing* to the MID nominees left the IDC no latitude in translating the MM.
- The IDC was perhaps driven by the implied requirement that most, if not all of the 83 End of War List nominees had to receive **something**, and this led to the award of the commendations to the MID nominees.

The Panel believes that the requirement that nominated awards were to be translated to the nearest equivalent honour or award in the Australian system not higher on the *Order of Precedence* was predicated on the assumption that the *Order of Wearing* represented an absolute sequence of relative merit of awards.

The Decision Not to Request Imperial Honours and Awards

Background

One of the allegations consistently levelled at the End of War List for Vietnam is that the issue of obtaining the original Imperial awards was not adequately pursued. Many saw this as the most desirable outcome, because at the time the nominations were made, the Imperial awards were the only awards available. The nominations had been framed within that context.

Intervening activity

The major concerns for those charged with the responsibility for the End of War List were that in the period between then and the nomination for awards:

- Australian had developed its own system of honours and awards, and the *Australia Act 1986* applied in respect of the conferral of Imperial Awards on Australian citizens;
 - A 1992 bipartisan arrangement endorsed by Her Majesty had determined that Australians were no longer eligible for Imperial Awards;
 - The statutes of the Order of the Imperial Empire were amended by the Queen in 1995 on the advice of the Imperial government; and
 - The Imperial awards themselves had also changed, and the MM, for example, was no longer available within that system.
-

Approval sought but deemed inappropriate

Legal opinion was sought at the time through the Commonwealth Solicitor General, and by this Panel through PM&C. Both opinions coincide in recommending that because of the intervening changes, the Imperial awards were no longer appropriate for Australians. The Acting Solicitor General stated that *“there are three reasons:*

- (a) the statutes of the relevant orders have been amended to preclude the ability of the Australian government to make recommendations for awards under them or the awards themselves have ceased to exist;*
- (b) even if it were legally possible to provide advice to Her Majesty to further amend the statutes to again make the awards possible this would be to contradict and run counter to the situation reached directly as a result of a request by Her Majesty that Australian governments, whatever their complexion, cease to recommend the issue of British honours. This was agreed by the Commonwealth and all State governments in 1993. Any change to this position would obviously have wide reaching ramifications. It would require the consent of Her Majesty;*
- (c) it would be incompatible with Australia’s status as an independent nation to contemplate asking the British government to recommend the issuing of the awards, even if the statutes would otherwise allow this in relation to the persons concerned. An award made in these circumstances would have the status of a foreign award made by Her majesty as Queen of the united Kingdom and not as Queen of Australia.”*

The Panel was informed that the Governor General’s office also made an approach to the Palace, and the response to this action suggested that it would be inappropriate to pursue this issue further.

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The Decision Not to Request Imperial Honours and Awards, Continued

Summary

In reviewing this particular aspect, the Panel satisfied itself that the possibility of the retrospective award of the decorations originally proposed was broached with the Palace, and that the response indicated that this proposal would not succeed.

This avenue of approach was closed.

Impact on Existing Vietnam Gallantry Awards

Introduction

The issue of impact on the holders of existing awards for gallantry can be further divided into two parts. The first concerning the holders of Imperial Awards and the second those who received Australian awards under the original End of War List for Vietnam. At the time of the End of War List both the IDC and the Department of Defence were concerned that individuals holding gallantry awards under either the Imperial or Australian systems would consider themselves disadvantaged should the six MM nominees receive the MG.

Holders of Imperial awards

The review Panel was at some pains to obtain the views of those holding Imperial awards for gallantry, in particular the MC and the MM. Of those canvassed, no MC winner stated other than that the MM was the equivalent award for other ranks and the MM holders, far from claiming that they would be disadvantaged should the six nominees receive the MG, asserted most strongly that the existing arrangement demeaned their award.

The Panel anticipated that perhaps some DCM winners could be expected to see an injustice should the MM nominees receive the MG. This was because the DCM, a level two award with status just below that of the VC, appears underneath the DSC, MC, DFC and MG within the *Order of Wearing*. Two individuals expressed some uneasiness about this situation, but felt that this was not sufficient for them to state their opposition, particularly as they believed that the Commendation for Gallantry was clearly not the equivalent of the MM. In other words, they held their personal misgivings to be of less significance than the need to correct the perceived anomaly.

Holders of Australian awards

The opinion of those awarded the MG under the End of War List Vietnam was also sought with interest. Again, the Panel did not receive any indication whatsoever that anyone within this group felt that the Commendation for Gallantry was the appropriate translation of the MM or would be in the slightest put out were these six to receive the MG. Again the view was expressed that the Government would be congratulated for upholding the egalitarian principles enshrined in the Australian award system.

Summary

All submissions to the review Panel, and all individuals spoken to supported the award of the MG. The view of the ex-Service community was well summarised in the words of MAJGEN Carter¹⁰:

“In respect of the potential demeaning of the Military Medal in the eyes of those who hold this award, I speak as the representative of four of the Victoria Cross, 20 of the Distinguished Conduct Medal and 15 of the Military Medal winners in the Vietnam War. They, in common with the rest of my Association’s members, do not hold this view. Rather, the prevailing sentiment is one of being aggrieved that gallant soldiers have not received appropriate recognition and reward. Simply, an act of gallantry which in Vietnam brought a Military Medal should today bring a Medal for Gallantry.

...Since none of the veterans who are the subject of this submission already holds a DCM or other gallantry award higher than an MM, then the first medal in their array (an MG) will not take precedence over a higher Imperial award.”

¹⁰ Major General G.D. Carter AO, DSM (Retd), National President, Australian Army Training Team Vietnam (AATTV) Association

Awards Other Than the MG, Imperial MM or Commendation for Gallantry

Introduction

The Panel was obliged to consider all options available to resolve the End of War List dilemma. The fourth option was to take into account any other medal or decoration, not being the Commendation for Gallantry, Imperial MM or the MG that could have been awarded under these circumstances.

Choices

No other Imperial award was appropriate. The MM had already been ruled out, the DCM was higher than the original nomination and five of the six soldiers had already been awarded the MID.

No other extant Australian awards were appropriate. The SG is deemed to be at a level higher than the original nomination, the MG was being considered by the Panel as a separate option, and the Commendation for Gallantry was the cause of the original distress.

This left two available choices. The first was to recommend the creation of a new and permanent Australian award for gallantry mid-way between the Commendation for Gallantry and the MG. The second option was to recommend the creation of a one-time Military Medal for Australia.

New permanent Australian award

The Australian system of honours and awards was created as a result of careful deliberation, comparison with equivalent Commonwealth systems, including the Imperial system, and consideration of the needs that such a system is required to fulfil. The system, insofar as gallantry is concerned, has four levels that equate absolutely to the historically significant Imperial system.

The Australian system is now widely known, and well understood within the Department of Defence in relation to gallantry and distinguished service. Any new award would disrupt the structure of the award system, potentially impose the requirement for the creation of equivalent awards for bravery and distinguished service, and have an impact on future awards made under the Australian system. It would also imply that the present system is somehow inadequate.

The Panel considered this information carefully, and arrived at the conclusion that recommending the creation of a new and permanent Australian award to be placed between the Medal for Gallantry and the Commendation for Gallantry would cause serious and long-term damage to the Australian system of awards.

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Awards Other Than the MG, Imperial MM or Commendation for Gallantry, Continued

Military Medal for Australia

The second alternative, the creation of a one-time only Military Medal for Australia was considered by many to be by far the most radical solution. The award would be restricted to the six MM nominees on the End of War List for Vietnam, and then closed. There was some support for this approach as it would be seen as a direct substitute for the Imperial medal.

The proposal was to create the award of the Military Medal for Australia through letters patent. Requirements and conditions for the award would be identical with the Imperial MM. The award would be identical in form with the Imperial MM, sourced from the UK, suspended from an identical ribbon and placed within the *Order of Wearing* immediately above the Imperial MM.

There were however a number of serious drawbacks to the option and these were considered by PM&C in a Discussion Paper prepared for the Panel¹¹. Some of these have already been considered in relation to the creation of an additional permanent award for gallantry within the Australian system.

Added to this are the problems arising from the creation of a special class of recipients with a highly restricted condition of membership. While recipients of awards under the Imperial system were quite happy with the proposal, other recipients of gallantry awards under the End of War List had misgivings relating to the fact that they had not been given the option to receive the MC.

As an aside, the Panel members had also to consider that the creation of a medal that would only ever have six recipients would create a situation where this medal would become one of the rarest ever within the Imperial or Australian systems and consequently extremely valuable and highly sought after. The commercial value of the medal would be quite inordinate.

There could be an impact on the future administration of the Australian system of honours and awards in that it would imply that there was a deficiency in the system, form a precedent for the creation of highly specialised awards, as well leading to the possibility of later re-opening the award of the Military Medal for Australia. It would also demonstrate a vulnerability in the Australian system to special interest pressure groups, and in that sense have an undesirable effect on the integrity of the Australian system.

Summary

In the opinion of the Panel, the disadvantages associated with creating a new permanent award for gallantry or a MM for Australia significantly outweighed the advantages, both avenues having serious adverse outcomes for the Australian system of honours and awards. The option of recommending an award not being the MG, Imperial MM or Commendation for Gallantry was therefore assessed as inappropriate.

¹¹ Discussion paper *Military Medal of Australia* attached as Appendix 5.

Examination of the Alternative Outcomes

Introduction

The Panel identified four possible primary outcomes from the review.

- Endorse the original decision and recommend the award of the Commendation for Gallantry to the six individuals nominated for the MM.
 - Recommend the award of the MM in accordance with the original citations.
 - Recommend the award of another medal or decoration, not being the Commendation for Gallantry, Imperial MM or the Medal for Gallantry; or
 - Recommend the award of the MG to the six MM nominees.
-

Option one

After detailed analysis and research into the two systems of awards, including the history of awards both Imperial and Australian, as well as review of the End of War List Vietnam documentation, the Panel is persuaded that the original decision to recommend the Commendation for Gallantry to the six MM nominees is not appropriate.

The decision relied upon the status of *the Order of Wearing of Australian Honours and Awards* (referred to within the End of War List TOR as the “*Order of Precedence*”) as the only definitive approach to pursue when deciding the merit of an honour or award.

Because the End of War List for Vietnam decision was predicated on this condition officers received the award appropriate to their original nomination, but other ranks did not. Indeed, under the condition imposed by the IDC’s TOR, only a nomination for the VC would have resulted in a Warrant Officer or other rank receiving anything other than a Commendation for Gallantry.

Those originally nominated for the MID received an award equal to, if not higher than the original nomination. The IDC considered that those originally nominated for the MID should receive a Commendation, which in its view equated with the MID. The Panel noted that the MID does not appear in the Imperial *Order of Precedence*. In that case it could be argued that the translation of the MID to an Australian Commendation represented a promotion of that award.

This option has an impact on the future application of the Australian system of honours and awards in that the relativity with the previous Imperial system has been called into question. This review has identified that a problem was created in the translation of awards. This option makes no attempt to redress these issues and places the Australian system in a position to be criticised.

The Panel is unable to support the End of War List for Vietnam recommendation in regard to the six MM nominees.

Option two

The Panel confirmed that the award of the Imperial MM to the nominees is and was unavailable to the End of War List for Vietnam.

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Examination of the Alternative Outcomes, Continued

Option three

The third option is to create a new permanent award within the Australian system, to be the equivalent of the MM, or a one-time award of the MM for Australia. This option has significant disadvantages that are noted at page 26 and in the PM&C discussion paper at Appendix 4.

These disadvantages are so significant that the review Panel has rejected the option.

Option four

Option four is to recommend the award of the MG to the six MM nominees.

It has been demonstrated through examination of the traditional four levels of awards that the translation of the MM to the Commendation for Gallantry was inappropriate.

The Panel is strongly of the view that an approach which acknowledges the traditional four levels of military gallantry awards is more equitable and appropriate to this review than is sole consideration under the *Order of Wearing*. The Panel has also demonstrated that the translation of awards from the Imperial system involved replacing a group of awards with a single Australian award. The MG replaced the DSC, MC, DFC, DSM, MM and DFM.

Had the MG been placed in the *Order of Wearing* **above** the level three DSC, MC and DFC, then a certain equity would have been applied, as the MC nominees would also have had to have been offered the Commendation for Gallantry.

A precedent was established when the level four MID nominees were recommended for, and later received, level four Commendations for Gallantry or Distinguished Service.

Award of the MG to the nominees is the only option that has no impact on the future application of the Australian system of honours and awards, and the integrity of that system.

Translation of the MM to the Commendation for Gallantry has incensed the holders of the Imperial MM, as they believe that this demeans the merit of their award. Holders of the DCM, MC and MG equally believe that the appropriate award to these six individuals – given that the Imperial MM is unavailable – is the MG. The ex-Service community supports this option without dissent. These views are consistent with an understanding of the traditional four levels of military gallantry awards.

This is the only viable option, and the Panel therefore recommends that it be adopted.

Impact of the Preferred Option on Future Awards Made under the Australian System

Unique situation The Panel received little indication of concern on this subject. The considered view of the Panel is that the End of War List is a unique situation, spanning two systems of honours and awards and unlikely ever to recur. This is a unique group, and one unlikely to attract future gallantry awards that would create anomalies within the Australian system.

The Imperial system preserved Nominations made under the Imperial system were tailored to fit within the framework that then existed. This was the framework that was known and understood and it encompassed a hierarchy of gallantry, bravery and distinguished conduct awards. While the issue was clouded to some extent by the application of the quota system, as well as by subjective nature of citations, the honours and awards system stood up to the test of time and the relative standing of the awards was preserved.

The Australian system Just as nominations under the Imperial system were framed to fit the requirements of the extant system of honours and awards, future nominations for awards under the Australian system will be styled to fit within the Australian system. This involves comparison of relative merit of awards for a particular action or actions, composition of the citation and nomination for a specific award on the basis of the criteria relating to that award, and that award only.

Impacts on the Australian system The award of the MG to the six nominees has no impact on future awards

Comparison of conditions At one meeting with members of the ex-Service community, the members of the Panel were asked to consider what award these six individuals would be nominated for under the Australian system. The interlocutor suggested that the award sought would be the Medal for Gallantry. A comparison of the conditions for the awards is:

Table 5 – Comparison of Conditions for Specific Awards of Gallantry

Award	Condition
Military Cross (MC)	Gallant and distinguished service in action against the enemy
Medal for Gallantry (MG)	Act of gallantry in action in hazardous circumstances
Military Medal	A specific act of gallantry in the field or for a continuous display of bravery over a specified period of time.
Mention in Despatches (MID)	An act of bravery or for continuous good work over a long period
Commendation for Gallantry	Other acts of gallantry in action which are considered worthy of recognition

Continued on next page

Impact of the Preferred Option on Future Awards Made under the Australian System, Continued

Relationship between conditions for the MG and MM

This comparison shows that the conditions of award for the MM more closely approximate the conditions for the MG than the Commendation for Gallantry. An award for *“other acts of gallantry in action which are considered worthy of mention”* is a clear diminution of an award for *“a specific act of gallantry in the field or for a continuous display of bravery over a specified period of time”*.

The conditions for award of the MID and the Commendation are equivalent, as would be expected.

Core Findings and Recommendation

Findings

The independent review Panel has concluded that:

- The appropriate award for the six Military Medal nominees is the Medal for Gallantry.
 - The award of the Medal of Gallantry will have no effect on the integrity of the Australian Honours and Awards system.
 - Australian awards for gallantry can be identified as being equivalent to groups of awards under the Imperial system, where the Imperial awards were distinguished by rank and/or Service.
 - The Military Cross and Military Medal are members of one group of awards under the Imperial system and were replaced in the Australian system of awards by the Medal for Gallantry, available to all ranks.
 - The End of War List option to seek Imperial awards was properly pursued and the option was closed at the suggestion of the Palace and on official legal advice obtained within Australia.
 - The End of War List Terms of Reference were not strictly applied in relation to the Mention-In-Despatches nominees in that they received Australian Commendations for Gallantry or Distinguished Service, which were arguably higher awards.
-

Recommendation

The Independent Review Panel for the End of War List, Vietnam recommends that the Medal for Gallantry be awarded to:

- **John Douglas Burrige;**
 - **Trevor William Byng;**
 - **Frank Carr Cashmore;**
 - **Kevin George Casson;**
 - **Brian John Collett; and**
 - **Daniel John Handley.**
-

Other Issues Raised

Introduction

A number of issues raised during the conduct of the review fell outside the TOR. These are:

- Anomalies in the acceptance of foreign awards;
 - The quota system.
 - Gallantry awards to individuals not previously nominated;
 - Gallantry awards to units not previously nominated;
 - Administration of the system of recommending operational honours and awards;
 - Inequity of treatment of soldiers compared to officers on the End of War List; and
 - Changes to the *Order of Wearing*.
-

Anomalies in the acceptance of foreign awards

Australian policy for foreign awards varied in practice from time to time throughout the period of the Vietnam war. At times the policy was to “accept but not wear” foreign awards. At other times awards were refused.

As a result of this, some significant anomalies exist – for example acceptance of Vietnamese unit and individual awards by 8 RAR in 1969 compared to the Task Force refusal to accept similar awards offered to D Coy 6 RAR in 1966. The 8 RAR Unit Citation of the Vietnamese Cross of Gallantry with Palm was later confirmed for wear by Her Majesty, and individual awards may now also be approved.

Members of D Coy 6 RAR (listed at Appendix 5) received approval to wear the US Presidential Unit Citation (Army). The Vietnamese government intended to make a number of individual awards as well as a unit award of the Vietnamese Cross of Gallantry with Palm, but the Australian authorities at the time refused permission for this to occur. It may be possible to locate official documentation that would enable the Department of Defence to officially acknowledge this intent.

Some members of the AATTV and others attached to or working with South Vietnamese or US forces were also offered awards. Some accepted, some were directed to refuse. Because the country of South Vietnam no longer exists there is no ability to revisit the issue on behalf of individuals. In any event, these matters are outside the scope of the TOR for the Review Panel.

The quota system

The quota system is discussed in detail at Appendix 6.

The ADF applied a strict quota to operational awards, and although Army attempted to change the quota late in the Vietnam war, that amendment did not occur. Army unit commanders sometimes made nominations that exceeded the quota. Some awards were therefore struck out either in country or in Australia by the Adjutant General in Australia. Others were reduced to MIDs, which had a separate quota.

The quota favoured air operations over ground operations, despite the fact that this was predominantly a ground war with most of those ground troops in an operational role spending the majority of their time under operational conditions.

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Other Issues Raised, Continued

The quota system, continued

The quota that applies now to the ADF is higher than the quota applicable to the Vietnam era. It would appear to be significantly lower than the present Imperial quota. The US applies no formal quota to operational awards.

Gallantry awards to individuals not previously nominated

The Panel was made aware of a number of individual acts of gallantry that were not acknowledged at the time. Reasons included injury and subsequent evacuation of the AATTV commander, misunderstandings about whether Australian, US or Vietnamese awards were appropriate, as well as confusion about who was to submit nominations

There were clearly many deserving cases, and in hindsight it could be said that some, if not all of these cases were deserving of an award, or an award higher than actually given. The reality is that many who perform acts of great courage are never recognised.

For the reasons set out in page 21, the Panel came to the conclusion that no equitable solution could be achieved so long after the events.

Gallantry awards to units not previously nominated

The Panel's attention was also drawn to the case for 102nd Field Battery, 12th Field Regiment, Royal Australian Artillery, to be awarded an Australian Unit Citation for its actions during the attacks on Fire Support Patrol Base *Coral* in May/June 1968. It is for consideration that D Company, Sixth Battalion, Royal Australian Regiment and indeed other units would have a strong case also. The Panel noted that Australia did not introduce such awards until well after the Vietnam war ended. The Panel concluded that retrospective awards could not now be made to units in an equitable fashion, nor could they be confined to the Vietnam conflict.

Administration of the system of recommending operational honours and awards

The administration of the system of honours and awards at the time of the conflict was criticised by the ex-Service community. It was held that in many cases the recommendations of field commanders had been downgraded by senior commanders who were not involved in the action, allegedly to ensure that there was an ability to grant higher level service awards to those senior officers. Release of documents under the 30 year rule is revealing some perceived biases. Lack of consistency was also cited, as well as the impact of the quota system (discussed below). It was alleged that some commanders withheld awards because the quota was insufficient to justly award all participants in a worthy action.

The Panel noted that the disquiet raised in regard to the handling of military gallantry awards does not occur with civilian bravery awards, which use an independent board of review. It believes that it is time that the system of handling award recommendations after completion by the field or ship commander to be reviewed.

One method of accomplishing this is to institute a military review panel for operational awards. An arrangement like that used by the US forces may be useful in arriving at a more objective assessment, and at the same time streamline the levels of recommendation that currently exist.

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Other Issues Raised, Continued

Inequity of treatment for soldiers

The Panel does not believe that the inequity of treatment of soldiers on the End of War List for Vietnam was the result of any deliberate policy. Rather, it was the unfortunate outcome of insistence that *the Order of Wearing of Australian Honours and Awards* is the sole definition of the relative merit of awards. This was compounded by the requirement that the End of War List for Vietnam awards be “not higher on the *Order of Wearing*” as well as the anomalous placement of the MG within the sequence of awards. The report deals with this topic in considerable detail, and it is addressed within the recommendations.

Changes to the Order of Wearing

In 1996 changes to the *Order of Wearing* interposed a number of Australian awards between the officers' crosses (DSC, MC and DFC) and the level two soldiers' medals (CGM and DCM), that further reduced the perceived 'value' of the level two awards. These interposed awards were the level three Australian Medal for Gallantry (MG), Bravery Medal (BM) and Distinguished Service Medal (DSM), followed by the civil awards of the Public Service Medal (PSM), Australian Police Medal (APM) and the Australian Fire Services Medal (AFSM). The Medal of the Order of Australian (OAM) and the Order of St John had been previously inserted into *the Order of Wearing*.

A further example of the changing nature of the *Order of Precedence* or *Order of Wearing* is shown by the movement of the Bravery Medal (BM) within the sequence. In the 1979 version the BM appeared between the level two George Medal (GM) and the Queen's Police Medal for Gallantry (QPM). In 1991 it remained in the same place, while the MG, DSM, PSM, APM and AFSM were introduced between the Royal Red Cross (2nd Class) and the OAM. In 1996 the BM, a level three award was placed directly underneath the Medal for Gallantry, another level three award, thereby correcting the previous anomaly.

These movements are illustrated in Table 6.

This demonstrates that the *Order of Wearing* is a document that can be amended as the need arises, although there may well be some imperative to preserve the relative positions of Imperial awards.

Continued on next page

Other Issues Raised, Continued

Table 6 - Extracts from the *Order of Wearing* (Changes noted in **bold print)**

Excerpt from 1979 Order of Precedence	Excerpt from 1991 Order of Precedence	Excerpt from 1996 Order of Wearing
Royal Red Cross (2 nd Class)	Royal Red Cross (2 nd Class)	Royal Red Cross (2 nd Class)
Medal of the Order of Australia	Medal for Gallantry	Medal for Gallantry
Order of St. John	Distinguished Service Medal	Bravery Medal
Distinguished Conduct Medal	Public Service Medal	Distinguished Service Medal
Conspicuous Gallantry Medal	Australian Police Medal	Public Service Medal
George Medal	Australian Fire Service Medal	Australian Police Medal
Bravery Medal	Medal of the Order of Australia	Australian Fire Service Medal
Queen's Police Medal for Gallantry	Order of St. John	Medal of the Order of Australia
	Distinguished Conduct Medal	Order of St. John
	Conspicuous Gallantry Medal	Distinguished Conduct Medal
	George Medal	Conspicuous Gallantry Medal
	Bravery Medal	George Medal
	Queen's Police Medal for Gallantry	Queen's Police Medal for Gallantry

Other Findings and Recommendations

Findings

In relation to the other issues raised, the Independent Review Panel has concluded that:

- The *Order of Wearing of Australian Honours and Awards* does have application to the sequence in which these will be worn, the relevant post-nominals used and the social distinction between orders, honours and awards, but is unhelpful in determining the relative merit of awards for gallantry.
- The Medal for Gallantry would seem to be questionably placed within the *Order of Wearing of Australian Honours and Awards* as a result of historic anomalies.
- The traditionally held view is that because of their merit, the level two awards of the Conspicuous Gallantry Medal, the Distinguished Conduct Medal, Conspicuous Gallantry Medal and George Medal are placed far lower in the *Order of Wearing* than their status would seem to indicate.
- The quota for awards for ground troops was significantly less than could have reasonably been expected.
- The medal quota system unquestionably contributed to inequities in the recognition of gallantry.
- Changes in policy and practice relating to the acceptance and wearing of foreign awards created anomalies.
- The system of handling nominations for honours and awards for operational service in the field contributed to some perceived inequities.
- The potential to create new anomalies outweighs the benefits of pursuing individual cases – whether nominations had originally been made, or not.

Other recommendations

The Independent Review Panel for the End of War List for Vietnam further recommends that:

- The End of War List for Vietnam be closed.
 - The Department of Defence examine the quota system for operational awards.
 - The Department of Defence examine the process for recommending operational awards, and that it specifically consider formation of an independent Assessment Panel within Defence for such awards;
 - The Government consider the issues raised by the Panel in relation to the *Order of Wearing of Australian Honours and Awards*, including the possible need for clarification, within the document, of its purpose.
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APPENDICES

1. The Order of Wearing Australian Honours and Awards
2. Table of Individual Australian Honours and Awards
3. Discussion Paper, The Status of the Order of Wearing – Department of Prime Minister and Cabinet, May 1999
4. Discussion Paper, Military Medal of Australia (Department of Prime Minister and Cabinet, June 1999)
5. Members of Delta Company, The Sixth Battalion of The Royal Australian Regiment Including Attachments, at Long Tan
6. The Quota System
7. Meeting Attendance
8. Submissions to the Review Panel
9. Abbreviations
10. Definitions

Appendix 1 – The Order of Wearing Australian Honours and Awards

Government House
Canberra ACT 2600

17 June 1996

THE ORDER OF WEARING AUSTRALIAN HONOURS AND AWARDS

The Governor-General directs that the positioning of the Australian Service Medal 1945-1975 and the Civilian Service Medal 1939-1945, within the order of precedence in which Australian Orders, Decorations and Medals should be worn, be notified for general information.

The Schedule incorporates the new positioning of these awards and supersedes that notified in Commonwealth of Australia Gazette No. S17 of 15 January 1993.

Honours and Awards listed in the Schedule in **BOLD** print are:

- those within the Australian System of Honours and Awards;
- those conferred by The Sovereign in exercise of the Royal Prerogative;
- those within the Order of St John, having been conferred by the Sovereign on the recommendation of the Governor-General; and
- foreign awards.

THE SCHEDULE

VICTORIA CROSS	VC
George Cross	GC
CROSS OF VALOUR	CV
KNIGHT/LADY OF THE GARTER	KG/LG
KNIGHT/LADY OF THE THISTLE	KT/LT
Knight/Dame Grand Cross of the Order of the Bath	GCB
ORDER OF MERIT	OM
KNIGHT/DAME OF THE ORDER OF AUSTRALIA*	AK/AD
Knight/Dame Grand Cross of the Order of St Michael and St George	GCMG
KNIGHT/DAME GRAND CROSS OF THE ROYAL VICTORIAN ORDER	GCVO
Knight/Dame Grand Cross of the Order of the British Empire	GBE
COMPANION OF THE ORDER OF AUSTRALIA	AC
Companion of Honour	CH
Knight/Dame Commander of the Order of the Bath	KCB/DCB
Knight/Dame Commander of the Order of St Michael and St George	KCMG/DCMG
KNIGHT/DAME COMMANDER OF THE ROYAL VICTORIAN ORDER	KCVO/DCVO
Knight/Dame Commander of the Order of the British Empire	KBE/DBE
Knight Bachelor	

* Provision for further awards at this level within the Order of Australia was removed by the Queen on 3 March 1986 on the advice of the Prime Minister

Continued on next page

Appendix 1 – The Order of Wearing Australian Honours and Awards, Continued

OFFICER OF THE ORDER OF AUSTRALIA	AO
Companion of the Order of the Bath	CB
Companion of the Order of St Michael and St George	CMG
COMMANDER OF THE ROYAL VICTORIAN ORDER	CVO
Commander of the Order of the British Empire	CBE
STAR OF GALLANTRY	SG
STAR OF COURAGE	SC
Companion of the Distinguished Service Order	DSO
DISTINGUISHED SERVICE CROSS	DSC
MEMBER OF THE ORDER OF AUSTRALIA	AM
LIEUTENANT OF THE ROYAL VICTORIAN ORDER	LVO
Officer of the Order of the British Empire	OBE
Companion of the Imperial Service Order	ISO
MEMBER OF THE ROYAL VICTORIAN ORDER	MVO
Member of the Order of the British Empire	MBE
CONSPICUOUS SERVICE CROSS	CSC
NURSING SERVICE CROSS	NSC
Royal Red Cross (1 st Class)	RRC
Distinguished Service Cross	DSC
Military Cross	MC
Distinguished Flying Cross	DFC
Air Force Cross	AFC
Royal Red Cross (2 nd Class)	ARRC
MEDAL FOR GALLANTRY	MG
BRAVERY MEDAL	BM
DISTINGUISHED SERVICE MEDAL	DSM
PUBLIC SERVICE MEDAL	PSM
AUSTRALIAN POLICE MEDAL	APM
AUSTRALIAN FIRE SERVICE MEDAL	AFSM
MEDAL OF THE ORDER OF AUSTRALIA	OAM
ORDER OF ST JOHN	
Distinguished Conduct Medal	DCM
Conspicuous Gallantry Medal	CGM
George Medal	GM
CONSPICUOUS SERVICE MEDAL	CSM
ANTARCTIC MEDAL	
Queen's Police Medal for Gallantry	QPM
Queen's Fire Service Medal for Gallantry	QFSM
Distinguished Service Medal	DSM
Military Medal	MM
Distinguished Flying Medal	DFM
Air Force Medal	AFM
Queen's Gallantry Medal	QGM
ROYAL VICTORIAN MEDAL	RVM
British Empire Medal	BEM
Queen's Police Medal for Distinguished Service	QPM
Queen's Fire Service Medal for Distinguished Service	QFSM
COMMENDATION FOR GALLANTRY	
COMMENDATION FOR BRAVE CONDUCT	
Queen's Commendation for Brave Conduct	
COMMENDATION FOR DISTINGUISHED SERVICE	

Continued on next page

Appendix 1 – The Order of Wearing Australian Honours and Awards, Continued

WAR MEDALS/AUSTRALIAN ACTIVE SERVICE MEDAL
(in order of date of qualifying service)
AUSTRALIAN SERVICE MEDAL 1945-75/AUSTRALIAN SERVICE MEDAL/RHODESIA MEDAL (in order of date of qualifying service)[#]
POLICE OVERSEAS SERVICE MEDAL
CIVILIAN SERVICE MEDAL 1939-1945 [#]
Polar Medal
Imperial Service Medal
CORONATION AND JUBILEE MEDALS (in order of date of receipt)
DEFENCE FORCE SERVICE MEDAL
RESERVE FORCE DECORATION RFD
RESERVE FORCE MEDAL
NATIONAL MEDAL
CHAMPION SHOTS MEDAL
LONG SERVICE MEDALS **##**
Independence and Anniversary Medals (in order of date of receipt)
FOREIGN AWARDS (in order of date of authorisation of their acceptance and wearing)

By His Excellency's Command

[Signed]
DOUGLAS STURKEY

Official Secretary to the Governor-General

[#] Denotes changes

^{##} Includes Imperial efficiency and long service awards

Appendix 2 – Individual Australian Honours and Awards

Awards in the Order of Australia¹²	Gallantry Awards	Bravery Awards	Distinguished Service Awards (ADF)
Companion of the Order of Australia	Victoria Cross of Australia	Cross of Valour	
Officer of the Order of Australia	Star of Gallantry	Star of Courage	Distinguished Service
Member of the Order of Australia	Medal for Gallantry	Bravery Medal	Distinguished Service
Medal of the Order of Australia	Commendation for Gallantry	Commendation for Bravery	Commendation for Distinguished Service

¹² The award of Knight/Dame of the Order of Australia was discontinued in 1986.

¹³ There are three levels of award – those issued by the Chief of the Defence Force, Service Chief or other selected two

Appendix 3 – Discussion Paper (Order of Wear) Department of Prime Minister and Cabinet



THE AUSTRALIAN ORDER OF PRECEDENCE OF HONOURS AND AWARDS

The *Australian Order of Precedence of Honours and Awards* (the *Order*) is a formal structure which chronicles the respective merit and standing of each honour or award within the Australian Honours System.

The *Order* forms part of the Australian Honours System and, like the other elements of the honours system, is established by use of the Royal prerogative. The prerogative is effected by order of the Queen acting on the advice of the Prime Minister.

Since 1996, the *Order* has been known as *The Order of Wearing Australian Honours and Awards* for the positioning of awards within the order of precedence. A copy of the 1996 Order is attached.

Prior to the creation of a distinctive Australian system of honours and awards in 1975, and since 1921, all Australian governments applied the British order of precedence in their adoption of the British Honours System. A number of Commonwealth nationals also applied the British order of precedence. That order of precedence remains an integral part of the *Order*, thereby providing a continuing basis for the recognition of the standing of honours and awards received by Australians under the British system which had applied throughout the Commonwealth of Nations.

The British order of precedence was incorporated into the new Australian order of precedence in 1975. Australian orders, decorations and medals were placed within the *Order* having regard to the position of British orders, decorations and medals so that Australian awards take precedence over the equivalent British award. The internal relativities of the British awards in the positions they held within the British order of precedence, and the positions they are placed with the *Order*, remain unchanged. No Australian Government has sought to vary the British order of precedence.

The *Order* has been progressively developed since the inception of the Australian system of honours and awards. The standing of a new award is determined by its relative position with all other awards. The overarching principle to the *Order* is that existing relativities are not disturbed. The placement of an award within the *Order* has regard to the principles and practices adopted in respect of the development of the British order of precedence. The placement of a new award within the *Order* requires the exercise of the Royal prerogative.

Continued on next page

Appendix 3 – Discussion Paper (Order of Wear) Department of Prime Minister and Cabinet , Continued

Many honours form part of families and their placement within the *Order* recognises the internal relativities within the family, the relative positioning of each rank with other awards within the *Order* as well as the relative positioning of the family with other families of honours and awards.

As is the case in Britain where a number of awards have either been abolished or discontinued, Australia's decision to discontinue the use of British honours and awards has not affected the *Order*. These decisions do not have retrospective effect. Nor do they confer a right to upgrade or exchange an award for the modern equivalent.

The position of an honour or award has been varied on rare occasions. It has been restricted to a new honour or award which may have been inappropriately placed, where the retrospective effect would be limited to few and recent recipients.

In summary, the essential elements of the *Order* are:

- ✘ it is a formal structure which stands at the core of the Australian Honours System;
- ✘ Australian awards take precedence over the equivalent British award;
- ✘ the order of precedence of the British awards shall remain unchanged;
- ✘ each award has a ranking which reflects its standing;
- ✘ new awards are positioned having regard to the standing of the new award in relation to the long standing benchmark of the existing awards.

DEPARTMENT OF THE PRIME MINISTER AND CABINET
MAY 1999

Appendix 4 - Discussion Paper, Military Medal of Australia – Department of Prime Minister and Cabinet



DISCUSSION PAPER

MILITARY MEDAL OF AUSTRALIA

This paper has been prepared by the Department of the Prime Minister and Cabinet for consideration by the independent Panel appointed to review the Government's decision on the End of War List for Vietnam. The paper does not state the Government's position in respect of issues being considered by the Panel nor does it anticipate the Government's response to any recommendations made to Government by the Review Panel.

The End of War List, Vietnam was established in February 1998.

All nominations for gallantry or meritorious service awards for Defence personnel which were recommended at the highest level in Vietnam but subsequently downgraded in Australia, were upheld. Of the 78 names appearing on the List, 50 had not received an award and 28 had received downgraded awards.

British awards were made during the Vietnam War on a field assessment of gallantry or service.

It is now not feasible to confer British awards on End of War List recipients.

Six persons had been recommended in Vietnam to receive a Military Medal. One received no award and the other five had their award downgraded to Mention-in-Despatches in Australia. In accordance with the principles adopted by the Government in establishing the End of War List, the six persons were offered a Commendation for Brave Conduct in place of the Military Medal.

The six have declined to accept the Australian awards.

This paper discusses a number of issues relevant to the creation of an Australian Military Medal to be awarded under the End of War List in place of the British Military Medal. A precedent exists for the incorporation of a British award into the Australian honours system. The creation of the Victoria Cross for Australia.

Continued on next page

Appendix 4 - Discussion Paper, Military Medal of Australia – Department of Prime Minister and Cabinet, Continued

By letters Patent made on 15 January 1991, the conditions for the award and insignia of the British Victoria Cross were adopted. The Victoria Cross was placed at the head of the Australian order of precedence of honours and awards, indistinguishable from the British Victoria Cross.

The award of a Military Medal for Australia could be created. It would be necessary for it to have the same conditions as the award of the British Military Medal. This would preserve the fundamental principle that the field assessment of the circumstances on which the assessment of gallantry or bravery was made has not been reviewed. A retrospective review of a field assessment could have serious and far reaching effects as it could lead to a situation where the holders of all awards conferred

could be subject which conditions of the British Military Medal as awarded by Australia during the Vietnam conflict were:

For a specific act of gallantry in the Field, or for a continuous display of bravery over a specified period of active operations – for Army NCOs and men.

The Military Medal for Australia would be indistinguishable from the British Military Medal and would therefore not require amendment to the Australian order of precedence of honours and awards. To seek to place the Military Medal higher within the Australian order of precedence would impact on the holders of the Air Force Medal, Distinguished Flying Medal, Military Medal, Distinguished Service Medal, Conspicuous Gallantry Medal, Distinguished Conduct Medal from all conflicts in which the medals were awards to Australian military personnel. The positioning of these awards within the Australian order of precedence is determined by the British order of precedence.

A proposal to create a unique Military Medal of Australia as a means of satisfying concerns expressed by a number of former service personnel could impact on other recipients under the End of War List who could rightly seek to have their British award renamed as an Australian award. Field recommendations made in Vietnam which were upheld and translated to Australian awards under the End of War List were:

Original Nomination	Number	Awarded
Officer, Order of the British Empire (OBE)	5	Distinguished Service Medal (DSM)
Member, Order of the British Empire (MBE)	13	
Military Cross (MC)	13	Medal for Gallantry (MG)
Distinguished Flying Cross (DFC)	4	Distinguished Service Medal (DSM)
Military Medal (MM)	6	Commendation for Gallantry
British Empire Medal	2	Or
Mention in Despatches	35	Commendation for Distinguished Service

It would be expected that many veterans could object if the relative standing of awards arising from recommendations made in the field was diminished.

Continued on next page

Appendix 4 - Discussion Paper, Military Medal of Australia – Department of Prime Minister and Cabinet, Continued

A proposal to create a rank based Military Medal for Australia would require careful consideration of its effect on the Australian honours system. It could lead to criticism that the honours system is open to manipulation.

Of greater concern is the need to revert to a discontinued system which did not meet Australia's needs to solve a contemporary problem. Such an approach could be seen by sections of the community as a precedent for reopening issues which were the subject of intense and emotional debate at the time of the creation of the Australian system of honours and awards.

DEPARTMENT OF THE PRIME MINISTER AND CABINET
JUNE 1999

Appendix 5 - Members of Delta Company, Sixth Battalion, The Royal Australian Regiment at Long Tan (including attachments)

Maj. H. A. Smith	Capt. H. I. McLean-Williams	
2Lt. G. M. Kendall	2Lt. D. R. Sabben	2Lt. G. C. Sharp †
WO2. J. W. Kirby	SSgt. R. Gildersleeve	Sgt. R. S. Buick
Sgt. W. O'Donnell	Sgt. N. J. Rankin	Sgt. D. A. Thomson
Sgt. J. Todd ★	Cpl. P. N. Dobson	Cpl. L. Drinkwater
Cpl. J. M. Duroux	Cpl. M. W. Green	Cpl. J. W. Harris
Cpl. T. H. Lea ★	Cpl. M.V. McCullough	Cpl. I. E. McDonald
Cpl. C.M. Marchant	Cpl. K.T. Miller	Cpl. D.R. Mogg
Cpl. W.R. Moore	LCpl. G. J. Ballinger	LCpl. M. G. Campbell
LCpl. G. K. Crowther	LCpl. J. Jewery †	LCpl. C. T. Lithgow
LCpl. W. T. Luther	LCpl. B. E. Magnussen ★	LCpl. G. R. Richardson
LCpl. J. C. Robbins ★	LCpl. P. Slack-Smith	LCpl. G. R. Smith
LCpl. D.A. Spencer ★	Pte. P. T. Ainslie	Pte. W. A. Akell
Pte. R. A. Aldersea †	Pte. A. G. Bartlett	Pte. D. F. Beahan ★
Pte. J. E. Beere ★	Pte. S. R. Belford	Pte. N. R. Bextrum
Pte. K. D. Branch	Pte. C. W. Brown ★	Pte. R. D. Brown
Pte W. R. Buckland	Pte. R. T. Burstall	Pte. V. M. Cameron
Pte. I. M. Campbell	Pte. R. C. Carne ★	Pte. J. C. Cash ★
Pte. A. R. Collins ★	Pte. G. R. Davis ★	Pte. A. R. Deller
Pte. P. H. Detterman	Pte. I. Dixon	Pte. P. R. Dixon
Pte. K.P. Doolan	Pte. P. K. Doyle	Pte. G. A. Drabble †
Pte. R. M. Eglinton ★	Pte. H. T. Esler	Pte. D. P. Fabian ★
Pte. B. D. Firth ★	Pte. B. D. Forsyth ★	Pte. A. R. Fraser
Pte. K. H. Grant †	Pte. D. A. Graham	Pte. K. W. Graham ★
Pte. E. F. Grant †	Pte. V. R. Grice †	Pte. N. J. Grimes
Pte. B. Halls	Pte. J. E. Haslewood	Pte. R. C. Healey
Pte. S. Hodder	Pte. J. R. Holmes	Pte. W. F. Hornung ★
Pte. J. Houston †	Pte. T. R. Humphries	Pte. P. R. Hunt
Pte. P.W. Jameson	Pte. G. D. Langlands	Pte. P. A. Large †
Pte. A. J. May ★	Pte. A. F. McCormack †	Pte. D. J. Mc Cormack †

Continued on next page

† Killed in action

★ Wounded in action

Appendix 5 - Members of Delta Company, Sixth Battalion, The Royal Australian Regiment at Long Tan (including attachments), Continued

Pte. I. J. Mc Grath ★	Pte. B. C. Meller ★	Pte. D. I. Mitchell
Pte. W. D. Mitchell †	Pte. D. B. Montgomery	Pte. R. C. Moss
Pte. I. D. Munro	Pte. P. Nash	Pte. T. Newall
Pte. A. L. Parr	Pte. R. V. Perandis	Pte. G. M. Peters
Pte. J. H. Quincey	Pte. B. R. Rilley	Pte. R. L. Rencher
Pte. J. P. Richmond ★	Pte. J. E. Riley	Pte. W. A. Roche
Pte. T. P. Ryan ★	Pte. D. J. Salverton †	Pte. V. W. Simon
Pte. A. M. Stepney	Pte. R. N. Stewart	Pte. D. J. Thomas †
Pte. F. B. Topp †	Pte. K. J. Tronk	Pte. B. F. Vassella
Pte. L. S. Vine	Pte. M. R. Wales†	Pte. G. C. Warrell
Pte. T. W. Watts	Pte. H. P. Webb ★	Pte. C. J. Whiston †
Pte. S. R. Williams		
NEW ZEALANDERS		
Capt. M. Stanley	Lbdr. W. Walker	Lbdr. M. Broomhall

Appendix 6 - The Quota System

Introduction

The quota system had its origins in the limitations imposed by the Imperial system on the issue of honours and awards, and during the Vietnam war both Australia and New Zealand applied the same quota for operational awards. The quota was laid down in an Imperial War Office instruction¹⁴, and was applied in accordance with Table 7 below.

Table 7 - Scale of Operational Awards in AFV for each Six Months

Scope	Type	Quota
Ground troops, RAN & RAAF non air crew	Award	1:250 personnel ¹⁵
	MID	1:150 personnel
Air crew	Awards (FAC and Phantom)	1:300 operational hours ¹⁶
	Awards (Helicopter ops)	1:400 operational hours ¹⁶
	Awards (Bombers)	1:500 operational hours ¹⁶
	Awards (Maritime recce and transport)	1:1000 operational hours ¹⁶
	MID	5:3 awards

Concerns with the quota

Army expressed some concern over the quota system, and this was summarised in a brief dated 28 August 1972, prepared by the Acting Military Secretary for the Chief of Personnel.

“You may care to remind the Committee of the concern of the Army in 1969 that citations submitted for thoroughly deserved awards had to be downgraded, or even ignored altogether, because of the requirements to keep within the overly restrictive limits. No attempts had been made since 1965 to adjust the scale despite the increase in the Force of approximately 50%. The ‘teeth’ element of the Force was a much higher percentage than previously. Based on the foregoing and the essential differences between the nature of Vietnam operations and that of any other campaign in which Australian troops had participated e.g.:

- a. *the intensity of operations (battalions spent approximately 80% of their tour on active operations;*
- b. *the ubiquity of the enemy*
- c. *the absence of really secure rest areas where sub units or individuals could relax without a direct or implied enemy threat*
- d. *the close nature of infantry operations. Few contacts were initiated by either side at ranges in excess of 30 metres.”*

continued on next page

¹⁴ Pamphlet on Military Honours and Awards 1960, War Office Code 12922 dated July 1960.

¹⁵ On the basis that Army ground troops spent 80% of their time on operations, that the ratio of ‘tooth’ to ‘tail’ was 6:10, and that one award was available for each 250, then the awards ratio for ground troops was greater than 1:500,000 operational hours.

¹⁶ Operational hours were calculated as 1/3rd of flying hours.

Appendix 6 - The Quota System, Continued

No action taken

Despite these concerns, no action was taken to increase the quota, mainly because the Australian commitment to the war had by that time wound down significantly.

Comparison of awards

Though Vietnam was predominantly a ground war, the relative numbers of awards favoured Air Force and Navy over Army, as demonstrated in Table 8 on page 51, and in footnote 15.

Table 8 - Comparison of Awards for Vietnam by Service

Service	Number ¹⁷	Decorations	MID/QC	Percentage
Navy	2,858 ¹⁸	32	48	2.80%
Army	41,910	298	430	1.74%
Air Force ¹⁹	4,443	120	137	5.78%

Reduced over time

There was also concern that the quota had been dramatically reduced over time, and this was demonstrated in a comparison of Army awards for conflicts since World War 1 as shown below:

Table 9 - Comparison of Army Awards to Australians

Conflict	Number	Decorations	MID/QC	Percentage
WW1	331,781	16,814	5,789	6.81%
WW2	396,661	2,885	6,200	2.29%
Korea	10,860	154	109	2.42%
Vietnam	41,910	298	430	1.74%

Awards for service vs. awards for gallantry

There was also contention dating from about 1996 that awards for distinguished service during the Vietnam war had from time to time supplanted awards for gallantry thus reducing the number of gallantry awards within the quota. This was strongly denied at the time by the Department of Defence, on the basis that many of the awards required approval from the Queen, and that this generally took longer than approval from the Governor General. Awards were at times gazetted in the year following the actual period during which the award for service was earned.

Honours may have been used as a supplement to the operational awards, however the majority of these awards were for distinguished service and/or leadership as opposed to gallantry under fire. The present arrangements continue to differentiate between quotas for awards in the Order of Australia, awards for conspicuous service and operational awards. There would appear to be little substance in this allegation, and no point in pursuing this issue further after so much time has elapsed.

continued on next page

¹⁷ The Nominal Roll of Vietnam Veterans, 1996, Commonwealth Department of Veterans' Affairs, Canberra

¹⁸ Exclusive of some 10,000 who later qualified for the Vietnam Logistics Support Medal, and who were primarily in support of Army.

¹⁹ There is no breakdown into air crew and ground crew, despite difference in the quotas.

Appendix 6 - The Quota System, Continued

Current situation

It is understood that, except for the Marines, the United States Military does not apply a quota to awards for gallantry, but rather applies a standard to each award. At the same time however, it is more likely that (for example) a nomination for a Silver Star will succeed if the individual already holds a Bronze Star. This was the case during Vietnam and still applies today. Immediate awards are bestowed by the field commander at one level below the recommended award and an assessment Panel reviews and confirms those immediate awards at either the higher or lower level.

There is evidence that Britain has moved dramatically away from the previous limitations. Awards for the Falklands campaign that spanned less than three and a half months resulted in 490 decorations and 333 MID and QC – significantly more decorations than for Vietnam and only one quarter fewer commendations. The eight month long Gulf war gave rise to 648 decorations and 121 MID and QC – three times as many decorations as Vietnam but only half the MID/QC.

The ADF currently applies a general quota of 1:200 for operational awards and 1:100 for operational commendations for each six months period. Quotas also exist for awards in the Order of Australia and conspicuous service awards, but these fall outside the operational criteria.

The Panel noted that the current ADF instruction²⁰ on Australian Gallantry and Distinguished Service Decorations applies to same quota to all three Services. The fact remains that the underlying philosophy of the quota system has its genesis in the quotas that applied during World War 2. It is perhaps time that this philosophy was revisited.

Summary

The ADF applied a strict quota to operational awards, and although Army attempted to change the quota late in the Vietnam war, that amendment did not occur. Army unit commanders sometimes made nominations that exceeded the quota. Some awards were therefore struck out either in country or in Australia by the Adjutant General in Australia. Others were reduced to MIDs, which had a separate quota.

The quota favoured air operations over ground operations, despite the fact that this was predominantly a ground war with most of those ground troops in an operational role, spending the majority of their time under operational conditions.

The quota that applies now to the ADF is higher than the quota applicable to the Vietnam era. It would appear to be significantly lower than the present Imperial quota. The US applies no formal quota to operational awards.

²⁰ Defence Instruction (General) PERS 31-3 dated 30 November 1992

Appendix 7 - Meeting Attendance

**Meeting
4 June 1999 at
Canberra**

Mr Paul O'Neill
Assistant Secretary Awards and National
Symbols, Department of Prime Minister and
Cabinet

**Meeting
11 June 1999
at
Perth**

Mr John Burrige MID
Mr Frank Cashmore MID
COL William Musson GM
Mr Michael Malone OAM
MAJ Bruce Hughes CSM
Mr Roger Tingley MC
Mr Peter Schuman MC
Mr Bob Nugent
MM nominee
MM nominee
Past President Perth Legacy
Manager WA Army Museum
WA President Special Air Service Regiment
(SASR) Association
Mr Mick Ryan OAM
Mr Len Hall
Mr Peter Fraser MM
Mr Kevin Trent
Board of Management, Perth Legacy
WA Secretary, Royal Australian Regiment (RAR)
Association
Mr Wayne Gardiner
Curator, WA Army Museum & Government Valuer
Member for Cowan
Hon Graham Edwards MP
Charles Stuart
National Secretary, SASR Association
Mr John Sheehan OAM

**Meeting
18 June 1999
at
Brisbane**

MAJGEN Murray Blake AO MC
(Retd)
Mr Dan Handley
Mrs Cheryl Handley
Mr Kevin Casson MID
Mr Terry Egan DCM
Mr Brian Sullivan MC MG
Mr Gary McKay MC
Mr Robert Buick MM
MM nominee
MM nominee

**Meeting
29 June 1999
at**

Mr Martin Bonsey
Ms Amanda O'Rourke
Mr Will Foster
Official Secretary to the Governor General of
Australia
Director, Honours Secretariat Honours Secretariat

**Meeting
29 July 1999
at
Sydney**

RADM Guy Griffiths AO DSO
DSC RAN (Retd)
MAJGEN Geoff Carter AO DSM
(Retd)
Mr Gordon Holland JP
Chairman, Australian Veterans and Defence
Service Council (AVADSC)
National President, Australian Army Training
Team Vietnam Association (AATTV)
NSW President, Vietnam Veterans Association of
Australia (VVAA)

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Appendix 7 - Meeting Attendance, Continued

Meeting
30 July 1999
at
Brisbane

Mr Bob Buick MM
LTCOL Harry Smith MC (Retd)
Mr H.R. Downey
Mr David Savage
2 RAR Association

Meeting
5 August 1999
at
Canberra

Mr Paul O'Neill
Assistant Secretary Awards and National
Symbols, Department of Prime Minister and
Cabinet

Invitations

The following organisations were specifically invited to attend meetings with the Panel:

Royal Australian Regiment (RAR) Association
1 RAR Association
2 RAR Association
3 RAR Association
4 RAR Association
5 RAR Association
6 RAR Association
7 RAR Association
8 RAR Association
9 RAR Association
8/9 RAR Association
Australian Army Training Team Vietnam Association
Australian Veterans and Defence Service Council
Fleet Air Arm Association
Korea and South East Asia Forces Association of Australia
Naval Association of Australia
Royal Australian Air Force Association
Returned and Services League of Australia Ltd
Royal Australia Armoured Corps Association
Vietnam Veterans Association of Australia
Vietnam Veterans Federation of Australia
Vietnam Veterans Association of Australia

Appendix 8 – Submissions to the Review Panel

Introduction

The following made submissions directly to the Independent Review Panel, or documents initiated by them were made available to the Panel.

NAME	OFFICIAL POSITION AND ADDRESS
SQNLDR R.W. Aitken (Retd)	Turrumurra, NSW
Mr David P. Avon	Noarlunga Downs, SA
Mr David Bliss	President, Glen Iris Branch, Liberal Party of Australia Asburton, VIC
Mr Willis Brown	Secretary, Benalla Sub Branch, Returned and Services League of Australia Benalla, VIC
Robert S. Buick MM	Red Hill, QLD
LTCOL J.E. Bullen (Retd)	Weston Creek, ACT
Mr John Burridge MID	MM nominee Swanbourne, WA
MAJGEN Geoff D. Carter AO DSM (Retd)	National President, Australian Army Training Team Vietnam Association Deakin, ACT
Mr D.J. Casey	Moorooka, QLD
BRIG N.R. Charlesworth DSO (Retd)	Frenchs Forest, NSW
Mr Paul De Pierres	Wyalkatchem, WA
Mr H.R. Downey	Secretary, 2nd Battalion The Royal Australian Regiment Association Toombul, QLD
BRIG R.M. Earle (Retd)	Clayfield, QLD
Michael D. Elliott	National President, 3rd Cavalry Regiment (Vietnam) Association Nerang, QLD
Mr Campbell Fletcher	Hon Secretary, Mallacoota Sub Branch, Returned and Services League of Australia Mallacoota, VIC

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Appendix 8 – Submissions to the Review Panel, Continued

NAME	OFFICIAL POSITION AND ADDRESS
Mr Peter Fraser MM	
BRIG A.B. Garland AM (Retd)	Bungendore, NSW
Mr Mike J. Gilmore	Koondoola, WA
Mr Jim Graham	Padbury, WA
Mr Leonard A. Hall	Stirling, WA
Mr Dan Handley	MM nominee Oakey, QLD
Mr Peter J.S. Harris	Gordon, NSW
Mr J.C. Henley	Zillmere, QLD
Mr B.B. Hughes	
Anthony R. Hurley	Padbury, WA
Mr S.L. Jones	Edgewater, WA
Mr Ian Kuring	Singleton, NSW
CAPT John Lancaster AM RAN (Retd)	Claremont, WA
Mr Vernon W. Lewis	
L. Bruce Marks	Wellington Point, QLD
Mr Tim McCombe	President, Vietnam Veterans' Federation Granville, NSW
Mr E.A. Maloney	Roseville, NSW
LTCOL M.J. Musgrave (Retd)	Middle Park, VIC
Mr Paul O'Neill	Assistant Secretary Awards and National Symbols, Department of Prime Minister and Cabinet Canberra, ACT
Mr Noel Payne	National President, Far East Strategic Reserve Association (Australia) Nerang, QLD
Mr Ron Peach	Quindalup, WA

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Appendix 8 – Submissions to the Review Panel, Continued

NAME	OFFICIAL POSITION AND ADDRESS
MAJGEN P.R. Phillips AO MC (Retd)	National President, Returned and Services League of Australia Canberra, ACT
Mr Adrian Roberts MID	Canberra, ACT
Mr Derek J. Roylance	Australian Capital Territory President, Returned and Services League of Australia Canberra, ACT
Bruce C. Ruxton AM OBE	Victorian State President, Returned and Services League of Australia Melbourne, VIC
COL Peter Scott	PNG
Senator Chris Schacht	Labour Senator for South Australia Medindie Gardens, SA
Mr L. Schneider	Burleigh Waters, QLD
Mr Jim Simmonds	Assistant State Secretary, National Servicemen's Association of Australia, NSW Branch Belfield, NSW
LTCOL A.W. Smith	Shailer Park, QLD
LTCOL H.A. Smith MC (Retd)	
Mr Peter R. Smith	National Secretary, Korea and South East Asia Forces Association of Australia Mannum, SA
COL Barry Smithurst	St Lucia, QLD
Dr T.D. St George AM RDF DVSc	Chapel Hill, QLD
Mr Charles Stuart	Hon National Secretary, Special Air Service Association Swanbourne, WA
Mr Brian Sullivan MC MG	Toowoomba, QLD
Mr Jack Thurgar SC MBE OAM RFD	Bredbo, NSW
Tim Too	

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Appendix 8 – Submissions to the Review Panel, Continued

NAME	OFFICIAL POSITION AND ADDRESS
Mr Geoff F. Trevor-Hunt OAM JP	National Secretary, Vietnam Veterans Association of Australia Wangaratta, VIC
Mr Andy Turner	Secretary, Gympie Sub Branch, Vietnam Veterans Association of Australia Gympie, QLD
Mrs M. Williams	Noraville, NSW

Appendix 9 - Abbreviations

AATTV	Australian Army Training Team Vietnam
AC	Companion of the Order of Australia
ADF	Australian Defence Force
AM	Member of the Order of Australia
AO	Officer of the Order of Australia
AVADSC	Australian Veterans and Defence Service Council
BEM	British Empire Medal
CG	Cross of Gallantry
CGM	Conspicuous Gallantry Medal
CGM (Flying)	Conspicuous Gallantry Medal (Flying)
CIDA	Committee of Inquiry into Defence and Defence Related Awards
DCM	Distinguished Conduct Medal
DFC	Distinguished Flying Cross
DFM	Distinguished Flying Medal
DSC	Distinguished Service Cross
DSM	Distinguished Service Medal
DSO	Distinguished Service Order
IDC	Interdepartmental Committee on Defence Honours and Awards
KSEA	Korea and South East Asia Association
MBE	Member of the Most Excellent Order of the British Empire
MC	Military Cross
MG	Medal for Gallantry
MID	Mention in Despatches
MM	Military Medal
OAM	Medal of the Order of Australia
OBE	Officer of the Most Excellent Order of the British Empire
PM&C	Department of Prime Minister and Cabinet
QC	Queen's Commendation for Bravery (unofficial abbreviation)
RAR	Royal Australian Regiment
RRC	Royal Red Cross
RSLA	Returned and Services League of Australia
SAS / SASR	Special Air Service / Regiment
SG	Star of Gallantry
TOR	Terms of Reference
VC	Victoria Cross
VVAA	Vietnam Veterans Association of Australia

Appendix 10 - Definitions

Decoration	Insignia of an award, varying in style, (although generally in the form of a cross) and designed to be worn on the left breast, suspended from a ribbon, eg Military Cross Usually awarded for gallantry or distinguished service in time of war, or for bravery or conspicuous service in peacetime.
Medal	Circular or sometimes oval metal pieces designed to be worn on the left breast, suspended from a ribbon eg Military Medal. There are five groups of military awards: <ul style="list-style-type: none">• gallantry in action or bravery under other circumstances;• meritorious and long service;• special service or achievement in peacetime;• war service;• commemorative, including Coronation and Jubilee medals.
Order	An order is defined as a 'company of persons distinguished by a particular honour'. This signifies appointment to one of the Orders of Chivalry and gives the recipient the right to wear the insignia of the particular order of which they were made a member. The insignia vary in style according to both the order itself and the degree within the order. Eg Order of Australia, Order of the British Empire
Award	Generic term for both decorations, medals and commendations.
Bravery	Valour or courage in a non-military context
Gallantry	Valour of courage in the face of the enemy
Honour	Generic term generally indicating appointment to an Order
Order of Precedence	(1) <i>Order of Precedence of Wearing Honours and Awards</i> (Imperial) (2) <i>Order of Precedence of Wearing Australian Honours and Awards</i> (to 1996).
Order of Wearing	(3) <i>Order of Wearing of Australian Honours and Awards</i> (from 1996).
