



Australian Government

Defence Honours & Awards Tribunal

**INQUIRY INTO RECOGNITION OF UNATTACHED AUSTRALIAN
PERFORMERS IN THE VIETNAM CONFLICT**

March 2010

LETTER OF TRANSMISSION

Inquiry into Recognition of Unattached Australian Performers In the Vietnam Conflict

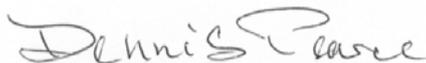
The Hon Dr Mike Kelly AM MP
Parliamentary Secretary for Defence Support
Parliament House
Canberra ACT 2600

Dear Dr Kelly

I am pleased to present the report of the Defence Honours and Awards Tribunal on the Inquiry into recognition of unattached Australian performers In the Vietnam Conflict.

The inquiry was conducted in accordance with the Terms of Reference. The panel of the Tribunal that conducted the inquiry arrived unanimously at the findings and recommendations set out in its report.

Yours sincerely

A handwritten signature in cursive script that reads "Dennis Pearce".

Professor Dennis Pearce, AO
Chair
19 March 2010

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TERMS OF REFERENCE

On 1 May 2009, the Parliamentary Secretary for Defence Support, the Hon Dr Mike Kelly AM MP, requested the Defence Honours and Awards Tribunal to inquire into and report on the eligibility of ‘unattached’ Australian performers, who provided entertainment to Australian Armed Forces, for the Vietnam Logistic and Support Medal

The Terms of Reference for the inquiry read:

The Defence Honours and Awards Tribunal shall inquire into and report on the eligibility of ‘unattached’ Australian performers who, between 29 May 1964 and 27 January 1973, provided entertainment, in support of the Australian Armed Forces in the area of operations in Vietnam, for the Vietnam Logistic and Support Medal.

In conducting its inquiry the Tribunal shall:

- (a) have regard to the terms and objectives of the *Vietnam Logistic and Support Medal Regulations 1993*;
- (b) consider the claims of the ‘unattached’ Australian performers for eligibility for the Vietnam Logistic and Support Medal, or any other form of recognition for their service;
- (c) consider any other material relevant to these claims; and
- (d) make findings and recommendations as to the eligibility of the ‘unattached’ Australian performers for the Vietnam Logistic and Support Medal or any other form of recognition for their service.

The Tribunal is to determine its own procedures, in accordance with the general principles of procedural fairness, when conducting its inquiry as set out in these Terms of Reference. In this regard, the Tribunal may interview such persons as it considers appropriate and consider material provided to it that is relevant to these terms of reference.

The Tribunal is to report, in writing, to the Parliamentary Secretary for Defence Support on its findings and recommendations that arise from the inquiry. In making its findings and formulating its recommendations the Tribunal is to arrive at a fair and sustainable response to current and future claims for recognition and also maintain the integrity of the Australian honours system and identify any consequential impact any finding or recommendation may have on that system

EXECUTIVE SUMMARY

1. This is the Tribunal's report and recommendations in regard to its inquiry into the eligibility of 'unattached' Australian performers who, between 29 May 1964 and 27 January 1973, entertained Australian Armed Forces (Australian troops) in the area of operations in Vietnam, for the Vietnam Logistic and Support Medal (the VLSM).
2. The inquiry was undertaken at the request of the Parliamentary Secretary for Defence Support, the Hon Dr Mike Kelly AM MP, and the terms of reference for the inquiry are set out in full at the commencement of this report.
3. It has been estimated that between December 1965 and January 1973 about 650 Australian performers entertained Australian troops at Australian bases in Vietnam. The first concert tour of Australian performers went to Vietnam in mid 1965. It was a privately arranged tour and prompted a question to be asked, in Parliament, of the Prime Minister about the possibility of the Government sponsoring such tours by Australian performers to entertain the Australian troops.
4. As a result of this question, on 26 October 1965, the Chiefs of Staff Committee (COSC) developed a policy so as to facilitate requests for 'Australian live entertainment for forces serving in South Vietnam' and those serving in Eastern Malaysia and Ubon. That policy provided for 'officially sponsored entertainment' (i.e. a 'sponsored' concert tour) and 'private visits' (i.e. a 'private' concert tour). Guidelines were formulated for each group, with the 'sponsored' concert tour being fully Government funded and the 'private' concert tours being Government funded only during the time the performers were actually performing before the Australian troops. The performers in both groups were not to be paid a fee for their performance. The Department of the Army was designated as the co-ordinating and controlling agency for all visits by 'entertainers' and responsible 'for ensuring that security protection is provided for all civilian entertainers visiting operational areas.'
5. It is estimated that nearly half of the Australian performers who entertained the Australian troops were part of a 'private' concert tour. These performers were engaged by entertainment agencies in Australia and in Vietnam. They were contracted for periods of three months or more and were required to entertain Australian and Allied troops. Performers who were part of a 'sponsored' concert tour were also required to entertain allied troops, but these tours were for a much shorter period of 7 to 14 days.
6. On 24 February 1993, some 20 years after Australian troops had left Vietnam, the Vietnam Logistic and Support Medal (VLSM) was instituted by Letters Patent. The purpose of the medal was to recognise members of the Navy and civilians (including Australian performers who were part of a 'sponsored' concert tour) who had rendered service in support of the Australian troops in Vietnam. The latter fell within paragraph 4(1)(b) of the *Vietnam Logistic and Support Medal Regulations* (the Regulations), which provided that the medal may be awarded 'for service of one day or more', in the area of operations of Vietnam, 'while attached to a unit or organisation operating in support of the Australian Armed Forces' (underlining added).
7. Hence Australian performers who had been part of a 'sponsored' concert tour were seen as being 'attached' in the relevant sense and eligible for the award of the VLSM. However, the position of those Australian performers who were not part of such a concert tour and were only ever part of a 'private' concert tour has not been so clear. It is this group

of performers who are referred to in the Terms of Reference as ‘unattached’ Australian performers.

8. The Central Army Records Office (CARO), which was responsible for assessing applications for the VLSM between 1993 and 2003, appeared to have considered that unattached performers were eligible for the award of the medal and as many as 98 Australian performers falling within this group have been awarded the VLSM. This appears to be about one third of those Australian performers who only performed as part of a ‘private’ concert tour. Yet since 2003, when the Directorate of Honours and Awards (the Directorate) became responsible for assessing applications for the VLSM, it has assessed this group of performers as not being eligible. It is this group of performers who are the subject of this inquiry.

9. Accordingly, the essential issue for determination by the Tribunal in this inquiry was whether those Australian performers who entertained Australian troops in Vietnam as part of a ‘private’ concert tour are eligible for the award of the VLSM and if not whether they should be made eligible for the medal.

10. The Tribunal approached its inquiry by examining the claims by submitters in light of:

- (a) the terms of the 1965 COSC policy;
- (b) the nature of the ‘service’ rendered by Australian performers in ‘sponsored’ and ‘private’ concert tours in accordance with that policy;
- (c) the terms of the VLSM Regulations, in particular the word ‘attached’ in paragraph 4(1)(b); and
- (d) the assessment policies and procedures used by CARO and then the Directorate in assessing eligibility for the award of the VLSM for Australian performers who were part of a ‘private’ concert tour.

11. After considering all the material before it, the Tribunal found that:

- (a) the 1965 COSC policy clearly sanctioned both ‘sponsored’ and ‘private’ concert tours by Australian performers and the ‘private’ concert tours also had a measure of Government supervision;
- (b) the ‘service’ rendered by the Australian performers in a ‘private’ concert tour was no different to that rendered by those who had been part of ‘sponsored’ concert tour. Both saw their performances as a means to support the Australian troops in Vietnam and equally rendered their ‘services’ in dangerous circumstances;
- (c) no distinction was evident to the Australian troops who were entertained by these two groups of performers. They were seen as being the same; namely providers of entertainment in support of the troops’ operational efforts in Vietnam. Nor would their enjoyment of the performance have been lessened if they were made aware of this difference;
- (d) the word ‘attached’ in paragraph 4(1)(b) of the Regulations is arguably sufficiently wide to include all Australian performers who had entertained Australian troops in Vietnam under the 1965 policy of the COSC;

- (e) for almost ten years CARO considered Australian performers who had been part of a 'private' concert tour as being eligible for the award of the VLISM. However, in light of the lack of records for this group of performers, and with the consent of the Minister for Defence Science and Personnel, applications were validated from the information contained in the Statutory Declarations submitted by the applicants for the award;
- (f) CARO assessed the majority of all Australian performers who had entertained Australian troops in Vietnam;
- (g) in 2003, when assessment of applications for the VLISM was transferred from CARO in Melbourne to the Directorate in Canberra there was no effective form of handover of procedures or experience leaving the Directorate to formulate its own procedures and policies. These were developed some 30 years after the Australian troops had left Vietnam. Understandably the history and the 1965 COSC policy were long forgotten; and
- (h) in light of the 1965 COSC policy, the breadth of paragraph 4(1)(b) of the Regulations and that CARO assessed 98 applications from Australian performers who had only entertained Australian troops as part of a 'private' tour as being eligible for the award of the VLISM, to deny eligibility to this group of performers cannot be justified if all other conditions for the award are met.

RECOMMENDATIONS

On the basis of its findings the Tribunal's recommendations are:

Recommendation 1: Accept as correct a construction of paragraph 4(1)(b) of the Regulations to include service by an Australian performer, who was part of a 'private' concert tour that entertained Australian troops at an Australian base in Vietnam at the relevant time, as qualifying service for eligibility of the award of the VSLM.

Recommendation 2: Accept a Statutory Declaration by an Australian performer who was part of a 'private' concert tour as a means of validating that performer's claim for the award of the VLISM. The Statutory Declaration should contain a declaration by the applicant of (a) the name of the concert tour of which he/she was a part, (b) the dates on which the concert tour entertained Australian troops in Vietnam, and (c) the name of the Australian base where he/she performed on the dates in question.

Recommendation 3: Defence be directed to apply recommendations 1 and 2 in its assessment of applications by Australian performers who were part of a 'private' concert tour entertaining Australian troops in Vietnam during the relevant time.

Recommendation 4: Defence be directed to identify and review all applications from performers for the VLISM who had been part of a 'private' concert tour and whose applications were rejected by the Directorate of Honours and Awards. These reviews to be undertaken in accordance with recommendations 1 and 2 and if necessary Defence is to seek additional information from the applicant.

ADDENDUM

The Tribunal has added an Addendum to the Report as follows:

The reference in paragraph 61 and Recommendation 2 of the Tribunal's judgement to the validation of a performer's claim for the Vietnam Logistic and Support Medal by means of a statutory declaration was intended to indicate that such a declaration should form part of the evidence in support of a claim. It should be taken into account along with other relevant material for the purposes of determining the eligibility of the person for the award of the Vietnam logistic and Support Medal.

REPORT OF THE TRIBUNAL

CONDUCT OF THE INQUIRY

Introduction

1. The Defence Honours and Award Tribunal (the Tribunal) was established administratively in July 2008. It inquires into, and in its present role makes recommendations to the Government on, matters referred to it by the Government relating to the granting of Defence honours and awards.

2. The Tribunal may consider individual claims to defence medals and awards that have been refused by the relevant awarding authority. It may also consider issues of principle relating to Defence service honours and awards.

3. On 1 May 2009, the Parliamentary Secretary for Defence Support, the Hon Dr Mike Kelly AM MP, requested the Tribunal to inquire into and report on the eligibility of ‘unattached’ Australian performers who, between 29 May 1964 and 27 January 1973, provided entertainment, in support of the Australian Armed Forces (Australian troops) in the area of operations in Vietnam, for the Vietnam Logistic and Support Medal (VLSM). A full copy of the Terms of Reference is at the commencement of this report.

4. The term ‘unattached’ Australian performers is a reference to those Australian performers who entertained Australian troops in Vietnam and who were part of a ‘private’ concert tour and not a part of a ‘sponsored’ concert tour. The difference between these groups is explained below in the background to the concert tours of entertainers in Vietnam.

5. The inquiry was undertaken by the following members of the Tribunal:

Mrs Sigrid Higgins (Presiding member)
Vice Admiral Don Chalmers AO (Retd)
Lieutenant Colonel John Jones AM (Retd)

Steps taken in the inquiry

6. The inquiry commenced on 3 May 2009, with advertisements being placed in the major newspapers nationally giving notice of the inquiry and the calling for submissions by Monday, 1 June 2009.

7. On 5 May 2009, the Tribunal wrote to key organisations, and the Department of Defence, advising them of the inquiry and inviting them to make submissions. The Tribunal also wrote to individuals who had previously made representations to the Minister and the Department of Defence (Defence) about the refusal of their application for the award of the VLSM.

8. The Tribunal received sixteen written submissions. Fourteen submissions were from individuals. Written submissions were also received from Defence and The Returned & Services League of Australia Limited (RSL). Attached at Appendix 1 is a list of the individuals who made written submissions. Of the fourteen submissions, seven submissions

were from, or on behalf of, claimants for the medal in that they were performers who had entertained the Australian troops in Vietnam during the relevant time. The remaining individual submission was made on behalf of the Forces Entertainment Association, a small group of performers from New South Wales who had been part of a ‘sponsored’ concert tour to Vietnam. A summary of their arguments and that of the other submitters is set out below.

9. The Tribunal met on 23 June 2009. At the first meeting the Tribunal considered the written submissions and other material relevant to the Terms of Reference. At this meeting the Tribunal requested that further documentation relevant to the organisation of ‘sponsored’ and ‘private’ tours be obtained.

10. The Tribunal again met briefly on 28 July 2009 where it considered the additional material that had been obtained. At this meeting the Tribunal requested that the Department of Defence, the RSL and a representative group of the individuals who had provided written submissions be invited to give oral evidence to the Tribunal.

11. On 7 and 8 September 2009, the Tribunal heard oral evidence from Major General Bill Crews AO, (Retd), the then President of the RSL, Pat Clarke, Director, Honours and Awards on behalf of Defence and four individuals [Vicki O’Rourke, Don Morrison, Dinah Lee, and Janet Heath]. Each of the individuals had been performers in Vietnam during the relevant time. Of these, two appeared in person, at their own cost. The other two gave their evidence by telephone. Of these, only one had been part of a ‘sponsored’ concert tour [Dinah Lee] and has been awarded the VLSM. Another [Don Morrison], who had not been part of a ‘sponsored’ concert tour, has also been awarded the VLSM for his service of entertainment, in Vietnam, as part of a ‘private’ concert tour. In light of the oral evidence that was given on these days, the Tribunal requested that another two former performers [Ingrid Hart and Digger Rivell], who had arranged and participated in ‘private’ concert tours of Australian troops in Vietnam, be invited to give further evidence about the manner in which these tours were arranged and operated. The Tribunal also formulated some questions and requests for additional material to be forwarded to Defence in regard to the Directorate of Honours and Awards (the Directorate) procedures and those of the Central Army Records Office (CARO) for assessing applications by performers for the VSLM. Defence was also invited to provide its response by giving further oral evidence to the Tribunal.

12. On 28 September 2009, the Tribunal heard further oral evidence from Defence and one of the additional former performers [Ingrid Hart] who had been invited by the Tribunal following its previous meeting.

13. The Tribunal met again on 28 October 2009 and 25 November 2009 to consider the material before it and to prepare its report and recommendations.

Background to Australian concert tours to Vietnam

14. The first concert tour to Vietnam by Australian performers of which the Tribunal is aware, occurred in 1965. It was a privately arranged tour led by a leading Australian entertainer of that time with the stage name Lucky Starr. Reports of this tour prompted a question to the Prime Minister in the House of Representatives on 20 October 1965 by Mr P.Galvin M.P. He requested the Prime Minister to ‘investigate the possibility of sponsoring visits to Vietnam by Australian performers to entertain troops ...¹’

¹ Hansard – 20 October 1965 p1983

15. The Prime Minister's response to this question initiated the development by the Chiefs of Staff Committee (Chief of the General Staff, the Chief of Naval Staff and the Chief the Air Staff) (COSC) of a policy for entertainment tours to Vietnam. That policy is recorded in a Minute dated 26 October 1965. The policy, which explicitly provided for 'sponsored' and 'private' or 'non-sponsored' concert tour groups, was approved by the Acting Minister for Defence, Mr Alan Hulme, who issued a press release announcing the policy in early November 1965. A copy of the COSC policy is attached at Appendix 4.

16. The policy clearly differentiated between officially 'sponsored entertainers' and 'entertainers who are not sponsored'. 'Sponsored entertainers' were to be provided with, at public expense, air transport from Australia to South Vietnam and return, accommodation within South Vietnam and necessary medical services. 'Sponsored entertainers' were required to provide their services free, but a daily allowance for meals and incidentals was to be paid to them. The policy stated that 'only entertainers of high repute should be sponsored'. All 'entertainer groups' were required to agree to be prepared to perform for United States (US) and other allied force audiences if required.

17. 'Entertainers' who were not sponsored were not to be provided with transport at public expense and were only to be provided accommodation and meals while engaged in giving entertainment to the Australian troops at the Australian bases. No payment was to be made for their services.

18. Importantly, the COSC policy explicitly recognised and sanctioned entertainment concert tours other than those arranged and sponsored by the Government. The policy statement included separate lists of principles for the control of 'officially sponsored entertainment' and for 'private visits by entertainers' to Vietnam.

19. Following the development of the policy a committee was formed to coordinate, on behalf of the Government, the selection, preparation and administration of the officially sponsored tour parties. This committee was named the Forces Advisory Committee on Entertainment (FACE). It comprised a chairman provided by the Australian Broadcasting Commission (ABC) and representatives from the Department of Army, the ABC and the Australian Forces Overseas Fund (AFOF). AFOF was a national organisation, with State branches. It was sponsored by the RSL and was formed in 1966. It was concerned with the provision of amenities, including entertainment, to members of the Australian Defence Forces serving overseas. AFOF has recently been replaced by the Forces Entertainment Board which continues to arrange sponsored concert parties for Australian forces serving overseas.

20. A schedule of nine sponsored tour parties each year was developed. Four were to be sponsored by AFOF and four by Army with the 9th tour each year (the Christmas tour) being jointly sponsored. Sponsored tours varied between seven and fourteen days with the norm being about ten days. Records show that 46 sponsored tour parties went to Vietnam between December 1965 and December 1971 to entertain principally Australian troops stationed in Vietnam with some concerts also provided for US troops at US bases. Available records (i.e. a list prepared by FACE) indicate that a total of approximately 365 performers were included in these parties. In accordance with the COSC policy the performers who were part of a 'sponsored' concert tours received a per diem allowance as well as reimbursement for any expenses incurred.

21. There does not appear to be any official record of the number of 'private' concert tours by Australian performers who entertained Australian troops in Vietnam. A witness who appeared before the Tribunal provided, in confidence, a list of the names of those Australian performers he had been able to establish had entertained Australian troops in Vietnam. That list identifies the names of approximately 300 performers who had only performed as part of a 'private' concert tour. Some performers participated in more than one tour and several performers performed with both 'sponsored' and 'private' concert tours. Performers who were part of a 'private' concert tour were engaged under a contract, by an agency in Australia and/or Vietnam and generally spent much longer periods in Vietnam. Most contracts appear to have been for three months or longer. The Tribunal heard many reports of performers remaining in Vietnam for more than six months. Their contracts were predominantly to provide concerts at US bases but many also performed for Australian troops at Australian bases. Evidence provided by several performers in 'private' concert tours was that their performances at Australian bases were given during their time off between contract performances and they were not separately paid for these performances. Other such performers indicated that while they assumed their tour management group may have received payment for these Australian performances, they did not receive anything extra.

22. Witnesses appearing before the Tribunal gave evidence that they were paid a monthly salary when engaged for 'private' concert tours. The evidence to the Tribunal indicated that this monthly salary, from which travel and living expenses were deducted, was not significantly different to the per diem amount a performer as part of a 'sponsored' concert tour would have been paid.

A: THE VIETNAM LOGISTIC AND SUPPORT MEDAL

23. The VLSM was established by Letters Patent on 24 February 1993. The medal is stated in the Letters Patent to have been created for the purpose of 'accord[ing] recognition to certain members of the Australian Armed Forces and certain other persons who rendered service in support of the Australian Armed Forces in operations in Vietnam'.

24. The VSLM is an Australian medal and the eligibility for the medal is prescribed in the Vietnam Logistic and Support Medal Regulations which came into force on 10 March 1993 (see Commonwealth of Australia Gazette No S 79 dated this day). A copy of the Letters Patent and the Regulations is at Appendix 5.

25. Eligibility for the VLSM is set out in clause 4 of the Regulations. The clause provides:

- 4(1) The Medal may be awarded for service of one day or more in the area of operations of Vietnam during the relevant period:
 - (a) as a member of the crew of a ship or aircraft operating in support of the Australian Armed Forces; or
 - (b) while attached to a unit or organisation operating in support of the Australian Armed Forces; or
 - (c) while attached to, or serving with, a unit of the Australian Armed Forces or allied forces, as an observer.

26. Documents show that the creation of the VLSM in 1993 was primarily in response to demands of the Royal Australian Navy (RAN) and Citizen Military Force Observer

personnel, as well as others, who were ineligible for the Vietnam Medal, an Imperial Medal. The conditions of the award of the Vietnam Medal for RAN personnel was twenty eight days, continuous or aggregated, in ships or craft employed in operations on inland waters or off the coast of Vietnam during the relevant period: see clause 7(i) of the Vietnam Medal Regulations. Many of the RAN personnel who served in ships or craft in these waters did not serve for this period of time and were thereby ineligible for the award of the Vietnam Medal. Others who sought medallic recognition for their support of Australian troops serving in Vietnam were the Citizen Military Force Observer personnel, Australian performers, Qantas pilots and others. It is this latter group which were intended to be included in paragraph 4(1)(b) of the Regulations. That is, the paragraph is intended to include those persons who are 'attached' in the relevant sense. The question is whether the word 'attached' as used in that paragraph includes all Australian performers who entertained Australian troops in Vietnam or whether it is limited to those performers who were part of a 'sponsored' concert tour. The Directorate has always construed the paragraph to include only the latter.

27. In construing the word 'attached', as it appears in paragraph 4(1)(b) of the VLSM Regulations, the Tribunal has considered its ordinary meaning. The word is broadly defined in the Australian Concise Oxford Dictionary (Oxford University Press, Fourth edition) to include the following:

'.. 1... fasten, affix, join. 2. ... 3.... attribute, assign (some function, quality, or characteristic) ...4. ...accompany; form part of ...'

28. Accordingly, given its ordinary meaning the word 'attached' in the context of the Regulations would require no more than some form of connection between the service provided by the applicant and the relevant unit of the Australian Armed Forces in Vietnam, or the relevant organisation. In the case of the latter, the regulations provide that the organisation be one that was operating in support of these Forces. On the basis of the 1965 COSC policy, which sanctioned both 'private' and 'sponsored' concert tours it is arguable that any Australian performer who was part of such a concert tour would satisfy the requisite 'attachment' to a relevant unit or organisation. No material before the Tribunal indicated that the reference in regulation 4(1)(b) to an 'organisation' was to be limited to an organisation specifically designated for the purposes of the regulation. The word seems to be used in a general sense and would include the bodies that organised private concert tours.

29. The Tribunal also noted that the term 'attached' is commonly used within the Australian Armed Forces to describe, for administrative purposes, the relationship of non Defence Force personnel or groups who are joined, temporarily or for a specific purpose, to an operational unit of the Australian Armed Forces, but who are not, in any operational sense, a part of that unit. The Tribunal noted that this use of the word 'attached' is also within its ordinary meaning.

30. Internal Defence Department Minutes which preceded the coming into force of the VLSM show that performers, who were part of a Government 'sponsored' concert tour to Vietnam were at all times intended to be made eligible for the award. In its 1994 report, the Committee of Inquiry into Defence Awards (CIDA) noted that in regard to the VLSM '... decisions have already been taken by the Department of Defence to admit to the medal civilian persons, including ... performers sponsored by the Army to entertain Australian Servicemen in Vietnam.'² CIDA went on to point out that '... civilian performers who went

² Report of the Committee of Inquiry into Defence Awards 1994 (CIDA) p 55.

to entertain troops through private agents or other channels have not qualified for the VLSM. This outcome was described more than once during the Committee's public consultations as unfair.'³

31. CIDA did not however, examine the specific issue relating to entertainers further. It said in more general terms that 'of the civilian groups now seeking access to the VLSM, only those who were in Vietnam in some capacity recognised by the Australian Government and subject to some degree of Government jurisdiction can come close to meeting [the requirements of clearly supporting military efforts]'. In the Tribunal's view, this somewhat Delphic statement does not assist in resolving the position of entertainers who were part of a private concert tour. However, it could be argued that they satisfied the requirement referred to as they were subject to Government jurisdiction (as were all persons engaged in the Vietnam operations) and they were there in support of the services.

32. No evidence has been placed before the Tribunal that any performers, whether sponsored or not, were 'attached' in any formal sense 'to a unit or organisation operating in support of the Australian Armed Forces'. However, on the basis of Departmental documents provided concerning the establishment of the VLSM, the Tribunal accepted that the drafters of the Regulations had at all times envisaged that the word 'attached' as used in the Regulations would include Australian performers who were part of a concert tour that was 'sponsored' by the Government or its agent, the AFOF. The inference that has been drawn from this is that Australian performers who were part of a 'private' concert tour were not eligible.

33. The Tribunal is of the view that this inference is not necessarily correct. As mentioned above, as a matter of construction the word 'attached' as used in paragraph 4(1)(b) of the Regulations is sufficiently broad to include all Australian performers who entertained Australian troops in accordance with the 1965 policy of the COSC. The fact that Australian performers who had been part of a 'private' concert tour were not mentioned in Departmental documents in 1993 when the medal was being established does not necessarily mean they should be excluded. This group of performers could also have been overlooked given the lapse of more than 20 years since Australian troops had left Vietnam.

34. In arriving at a conclusion on this matter, the Tribunal considers that it is most significant that entertainers who were part of a 'sponsored' tour were also not formally 'attached' to an operational unit of the Australian Defence Force. The reference in the Regulations to persons 'attached to an organisation' which has been said to justify the eligibility of entertainers who were part of a 'sponsored' concert tour for the award of a medal is no more apt to describe their relationship with the Defence Force than the relationship of those entertainers who were part of a 'private' concert tour.

³ *ibid*

B: CLAIMS OF THE SUBMITTERS

Claims of the Non Sponsored Performers

35. The claims of the ‘unattached Australian performers’ (that is, Australian performers who were part of a ‘private’ concert tour) and other submitters supporting their claims can be summarised as follows:

- (a) their contributions were at least the equal of the members of the ‘sponsored’ concert tours;
- (b) they performed, in many cases, more concerts for Australian audiences than the officially ‘sponsored’ concert tours;
- (c) they spent much longer in Vietnam than the officially ‘sponsored’ concert tours;
- (d) they were exposed to greater risks than the officially ‘sponsored’ concert tours because they performed in more dangerous parts of Vietnam;
- (e) they were not well paid, as has been claimed by some opposed to their application for the medal; and
- (f) they have been treated unfairly as many other ‘unattached’ performers have already been awarded the medal – in some cases one or more members of a particular show has been awarded the medal while one or more members of the same show has been refused as ineligible, even though their service has been identical.

36. In the written submissions and in oral evidence, the Tribunal has heard from many performers, who went to Vietnam to perform under the terms of contracts offered by agents based in Australia and overseas. It also heard about the services provided by many more performers who were in Vietnam on this basis. They were generally very young and were all contracted for fixed periods of three months or longer. These applicant submitters and their supporters described demanding work schedules, uncomfortable living conditions and the constant sense of danger which they had experienced. They all refuted suggestions that they had been handsomely paid for their performances and in some cases they described a standard of living which was very low. Most expressed a sense of envy when they compared their experiences with the levels of organisation, support and comfort provided to the ‘sponsored’ concert parties. All spoke at some length about the enormous sense of satisfaction they derived from performing for Australian troops and from participating in veterans’ events in the years since their time in Vietnam. That is, they each saw their performance work as being their contribution of support to the Australian troops in Vietnam.

Other submitters

37. Other submitters have argued against the award of the VLSM to the ‘unattached’ or ‘non-sponsored’ performers who are claiming eligibility for the medal. These opposing submitters include individuals as well as interested organisations. Their arguments are outlined below.

38. The Department of Defence (the Department) argued in its written submission that only those Australian performers who were ‘sponsored’ by AFOF and FACE are entitled to be awarded the VLSM. The Department’s submission also noted that the 1994 report of CIDA had concluded that recognition should be limited to those under some form of Government

jurisdiction: see paragraph 31. Defence considered that only ‘sponsored’ performers could satisfy this requirement. The submission stated that Defence policy on the eligibility of other than ‘sponsored’ performers had been maintained since that time (1994). Officers of the Department who appeared before the Tribunal acknowledged that documents show that from the beginning (i.e. 1993) until 2003, when the Central Army Records Office (CARO) was responsible for assessing eligibility for the medal by Australian performers, it did not follow this policy. However, since 2003 when responsibility was transferred from CARO in Melbourne to the Directorate in Canberra the policy has been followed more closely.

39. The RSL provided a submission to the Tribunal in which it argued strongly that performers who were not part of the ‘sponsored’ concert tour arrangement should be excluded from eligibility for the VLSM. The submission focused on the aspect of whether the entertainer volunteered to serve by entertaining Australians or chose to be paid to entertain primarily US troops at US bases. In his appearance before the Tribunal, the then President of the RSL stated that the view of the organisation is, and has been, that, as a general rule, performers should not receive medallic recognition for their participation in entertainment tours of Australian Armed Forces in operational areas. He pointed out that since Vietnam, only Government sponsored tours are approved for this purpose. There are no longer any sanctioned tours by a private group. The RSL also submitted that the fact that CARO had assessed eligibility for the VLSM more broadly should not be a basis on which the Tribunal should make a recommendation that Australian performers who were part of a ‘private’ concert tour be made eligible for the medal. This argument was based on a construction of clause 4(1)(b) of the Regulations which did not include such performers.

40. The Forces Entertainment Association, a small group of former sponsored performers from New South Wales, argued in its submission that only those who were members of ‘sponsored’ concert tours should receive the medal. This submission also focused on the issue of payments, claiming that members of the ‘sponsored’ concert parties were not paid while other performers went to Vietnam to make money. The Association recommended that no performers who were not part of a ‘sponsored’ concert party arrangement should receive the medal but also recommended that some other form of recognition should be given to these individuals.

41. Two individual submitters, who both served in Vietnam with infantry units, expressed strong opposition to the award of the VLSM to performers, whether sponsored or otherwise.

Findings of the Tribunal

42. On the material before it, the Tribunal found that the ‘service’ rendered to members of the Australian Defence Force in Vietnam by ‘non-sponsored’ performers (i.e. Australian performers who were part of a ‘private’ tour) was substantially the same as the service rendered by the ‘sponsored’ performers. It also found that it was unlikely that any Australian soldier who attended a concert of Australian performers would have any idea of there being a difference between those performers who were ‘sponsored’ and those who were ‘non-sponsored’. Similarly, it is difficult to imagine that knowing that status would have affected their enjoyment of the performance that was given.

43. The Tribunal found that there was no basis on which to differentiate the performers on the basis of the number of performances the performer provided to Australian troops. Both were required to perform for Australian and US troops at their respective bases. Those who were part of a ‘sponsored’ concert tour usually performed up to twenty concerts at Australian

bases during their seven to 14 days in Vietnam. Several Australian performers who were part of a 'private' concert group said they had performed more than this number during their time in Vietnam (in many cases this exceeded six months and in some cases more than a year). There was also evidence before the Tribunal where a 'sponsored' concert tour performed only one concert for Australian troops and the remaining performances of that tour were for American troops at US bases.

44. The Tribunal also found that the issue of payment for performances by those Australian performers who had been part of a 'private' concert tour was not, on the evidence, a significant distinguishing feature between the two groups of performers. Whilst those performers who were part of a 'sponsored' concert tour were not paid a fee for their performance, they did receive reasonable allowances as well as expenses and free transportation and accommodation. Those performers who were part of a 'private' concert tour were in effect required to meet, from their contracted fee amount, all expenses associated with their performances for Australian troops, including travel to and from Vietnam and accommodation in Vietnam. This meant that what these performers were left with after these expenses had been paid was not much more than the per diem paid to those performers who were part of a 'sponsored' concert tour.

C: ASSESSMENT OF THE ELIGIBILITY OF PERFORMERS FOR THE VLSM

45. As mentioned above, although clause 4(1)(b) of the Regulations was intended to cover Australian performers who had entertained Australian troops in Vietnam, the clause does not expressly mention them, nor does it apply exclusively to them.

46. The consequence of this has led to differing interpretations about which Australian performers are eligible for the award of the medal and hence different approaches to assessing that eligibility. These differences were explained by the Department in its Minute to the Tribunal dated 24 August 2009 and in the oral evidence given by Defence officers.

47. In October 1993, when the VLSM was first established, in a Minute to the Minister for Defence Science and Personnel, the Department advised that it had 'very limited capacity to validate claims for the VLSM by entertainers and others who served in conjunction with the Australian Armed Forces in Vietnam'. The Minute went on to say 'It would seem that in the early days many entertainers gave their services without a sponsor, and were therefore not recorded.' In light of this it was suggested that 'the simplest mechanism would be to accept statutory declarations from claimants, thus obviating the need for comprehensive records' and that a policy be developed in this regard. In response to a subsequent Minute on this issue, on 8 November 1993, the Minister accepted the following recommendation for validating claims for the VLSM by Australian performers:

'All entertainers who visited Vietnam in Army or Australian Forces Overseas Fund (AFOF) concert parties were processed through the Forces Advisory Committee on Entertainment (FACE). The AFOF have supplied the only known record of the activities of FACE to Army for the purposes of validating claims. I am satisfied that the advice by AFOF ... is correct.

In situations where entertainers who were not resident in Australia at the time of the Vietnam War, and who may have visited the operational area, validation

is difficult. In such cases I support the ...proposal that a statutory declaration from the person seeking the award should be obtained.'

48. The Department advised the Tribunal that it had been informed by CARO that the VLISM had been awarded to all applicant performers who toured Vietnam, irrespective of whether they were sponsored by the FACE or AFOF. The Tribunal noted that in its correspondence to applicant performers CARO included the following:

'Individuals or groups who were not in a government-sponsored or organised tour may also be eligible where it can be established that entertainment was provided to the Australian Armed Forces in Vietnam. The medal may only be awarded to a person who, at the time of service, was an Australian Citizen or had equivalent status.'

49. Those performers who fell within the abovementioned group were also advised by CARO in its correspondence to 'provide information demonstrating that you were attached to a unit or organisation operating in support of Australian Armed Forces.' A standard form of Statutory Declaration was prepared for this purpose. This form required an applicant to specify the name of the concert party he/she was a part of and the dates on which that tour entertained Australian troops in Vietnam.

50. The Department advised the Tribunal that, of the applications that had been received from entertainers for the VLISM, CARO had received and assessed approximately 98% of these. Of these, 98 applications from performers who had been part of a 'private' concert tour were assessed by CARO as being eligible for the VLISM.

51. In 2003, when the Directorate became responsible for assessing eligibility for the award of the VLISM, no formal handover appears to have taken place. In giving oral evidence, 2 officers of the Directorate advised that no decision had been made in 2003 to change the approach to assessment of eligibility. They said that in the transfer of responsibility from CARO to the Directorate there was no transfer of personnel or experience in this area. As a consequence, the Directorate approached the assessment of eligibility in accordance with its understanding of the application of the Regulations, namely only performers who were part of a 'sponsored' concert tour as identified on the list of 'sponsored' performers published by FACE were eligible for the VLISM. This it believed to have been the approach of CARO. It was not until the Tribunal's inquiry that it became aware of the differences. Nor did the Directorate officers appear to be aware of the 1965 COSC policy.

52. Notwithstanding the evidence of this different approach, Defence contended that the approach adopted by the Directorate was correct. It submitted that the approach adopted by CARO was 'contrary to the understanding that an entertainer had to be touring Vietnam with an officially sponsored concert party.' In support of this contention, it relied on the findings of CIDA in its report.

Findings of the Tribunal

53. On the basis of its findings in regard to the proper construction of paragraph 4(1)(b) of the Regulations, the Tribunal finds that the assessment approach adopted by CARO, with the approval of the Minister, for applicants who were Australian performers providing entertainment to Australian troops in Vietnam as part of a 'private' concert tour is not inconsistent with the terms of that paragraph.

54. The Tribunal finds that the approach adopted by CARO is also consistent with the 1965 policy of the COSC on entertainment for Australian troops overseas.

55. Consequently, to now contend that Australian performers who provided entertainment to Australian troops in Vietnam as part of a 'private' concert group are not eligible for the award of the VLSM appears to be a moot point and in any event not justified given the number of medals that have already been given to this category of performer.

D: CONCLUSIONS AND RECOMMENDATIONS

Conclusions

56. The Tribunal concludes that when the idea of providing entertainment in the form of concert tours to Australian troops serving in Vietnam was developed into a policy in late 1965 it was recognised that there would be 'private' or 'non sponsored' concert party tours in addition to the Government 'sponsored' parties. Furthermore, from its inception, the policy and guidelines for the provision and conduct of concert tours, sponsored and otherwise, all involved a degree of Government supervision and assertion of jurisdiction over the performers.

57. The Tribunal notes that the VLSM was established in 1993 primarily in response to demands of the Royal Australian Navy and Citizen Military Force Observer personnel and others, who were not eligible for the Vietnam Medal. While there is no specific mention of performers in the Regulations, documents of the Department of Defence for the establishment of the VLSM that were provided to the Tribunal identify Australian performers (i.e. those who were Australian citizens or had an equivalent status) who were part of a concert tour 'sponsored' by the government agencies (Army, FACE and AFOF) were a group of persons falling within the group of 'others' who were to be eligible for the award of the medal. This group of 'others' is made eligible for the award of the medal under the Regulations through the expression 'attached to a unit or organisation operating in support of the Australian Armed Forces': see paragraph 4(1)(b) of the Regulations. This expression, however when considered in the context of the Regulations, is arguably sufficiently wide to include those Australian performers who were part of a 'private' concert tour.

58. The Tribunal concludes that the 'service' rendered by Australian performers who entertained Australian troops was in substance the same, regardless of whether they were part of a 'sponsored' or a 'private' concert tour. Performers in both groups went to Vietnam to entertain Australian and allied troops. The arrangements under which they came to be in Vietnam are, in the opinion of the Tribunal, of no significance in assessing their eligibility for the VLSM.

59. The Tribunal found that an anomaly has arisen due to the differing approaches by CARO and the Directorate in assessing the eligibility of Australian performers who were part

of a 'private' concert tour. For 10 years CARO assessed such performers as being eligible and since 2003 the Directorate has assessed them as not being eligible. The difficulty with these differing approaches is that, of the estimated number of Australian performers who were part of a 'private' concert tour only, one third of these have already been assessed as being eligible and have been awarded the VLSM. It is the opinion of the Tribunal that, as the approach adopted by CARO is consistent with the terms of paragraph 4(1)(b) of the Regulations and in accordance with the 1965 policy of the COSC, there is no justification in now limiting the eligibility of the VLSM to Australian performers who were part of a 'sponsored' concert tour.

60. The Department has advised the Tribunal that, since 2003, it has rejected thirteen applications by performers who were part of a 'private' concert party that entertained Australian troops in Vietnam. Subject to an acceptance of the Tribunal's findings that paragraph 4(1)(b) of the Regulations includes Australian performers (i.e. an Australian citizen or a person of equivalent status) who were part of a 'private' concert tour and are thereby eligible for the award of the VSLM, the Tribunal recommends that Defence be directed to review these applications in light of those findings.

61. The Tribunal suggests that validation of these applications and any other application by a performer falling into the same group, be based on a statutory declaration similar in form to that which was used by CARO (i.e. a declaration by the applicant setting out (a) the name of the concert tour of which he/she was a part, (b) the dates on which the concert tour entertained Australian troops in Vietnam, and (c) the name of the Australian base where he/she performed on the dates in question.).

RECOMMENDATIONS

On the basis of its findings the Tribunal's recommendations are:

Recommendation 1: Accept as correct a construction of paragraph 4(1)(b) of the Regulations to include service by an Australian performer, who was part of a 'private' concert tour that entertained Australian troops at an Australian base in Vietnam at the relevant time, as qualifying service for eligibility of the award of the VSLM.

Recommendation 2: Accept a Statutory Declaration by an Australian performer who was part of a 'private' concert tour as a means of validating that performer's claim for the award of the VLSM. The Statutory Declaration should contain a declaration by the applicant of (a) the name of the concert tour of which he/she was a part, (b) the dates on which the concert tour entertained Australian troops in Vietnam, and (c) the name of the Australian base where he/she performed on the dates in question.

Recommendation 3: Defence be directed to apply recommendations 1 and 2 in its assessment of applications by Australian performers who were part of a 'private' concert tour entertaining Australian troops in Vietnam during the relevant time.

Recommendation 4: Defence be directed to identify and review all applications from performers for the VLSM who had been part of a 'private' concert tour and whose applications were rejected by the Directorate of Honours and Awards. These reviews to be undertaken in accordance with recommendations 1 and 2 and if necessary Defence is to seek additional information from the applicant.

APPENDICES

Appendix 1 - Submissions

The Tribunal received submissions from the following people and organisations

(Note: Names have been omitted as submissions are received in confidence)

Appendix 2 - Hearings

23 June 2009

Chair: Ms Sigrid Higgins

Members: VADM Don Chalmers AO (Retd), Mr John Jones AM, AIRCDRE Mark Lax

Witness:

Mr Pat Clarke

Director Honours and Awards

28 July 2009

Chair: Ms Sigrid Higgins

Members: VADM Don Chalmers (Retd), Mr John Jones AM

7 September 2009

Chair: Ms Sigrid Higgins

Members: VADM Don Chalmers AO (Retd), Mr John Jones AM

Witness:

Ms Vicki O'Rourke

8 September 2009

Chair: Ms Sigrid Higgins

Members: VADM Don Chalmers AO (Retd), Mr John Jones AM

Witnesses:

MAJGEN Bill Crews AO (Retd)

National President, Returned and Services League of Australia

Mr Don Morrisson

Ms Dinah Lee

Ms Janet Heath

28 September 2009

Chair: Ms Sigrid Higgins

Members: Mr John Jones AM

Witnesses:

Ingrid Hart

Ms Helen Gouzvaris

Assistant Director Policy

Directorate of Honours and Awards

Mr Tony Sillcock

Policy Officer

Directorate of Honours and Awards

28 October 2009

Chair: Ms Sigrid Higgins

Members: VADM Don Chalmers AO (Retd), Mr John Jones AM

25 November 2009

Chair: Ms Sigrid Higgins

Members: VADM Don Chalmers AO (Retd), Mr John Jones AM

Appendix 3 - Written Sources Consulted by the Tribunal

National Archives

A1209 1965/6762 Australian troops in Vietnam-entertainment

A 463 1966/968 Entertainment for Australian troops in Vietnam

A463 1965/5341 Parliamentary question- regarding visits to Vietnam of entertainers

Australian War Memorial

AWM 98 R66/1/3/1 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/2 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/3 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/4 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/8 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/9 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/10 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/11 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/12 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/15 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/20 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/26 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/38 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/40 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/41 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/45 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/46 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/47 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/51 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/54 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/56 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/59 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/62 Amenities- concerts and concert parties- general

AWM 98 R66/1/3/41 Amenities- Lorrae Desmond Concert Party

AWM 98 R66/1/71 Amenities-concert parties- general

AWM 103 66/1/72 Amenities- concert parties-general

AWM 103 R572/1/29 AFV (Army Component) SOPs Amendment No 10

AWM R 959.7043.394 F.A.C.E., Six proud years, the story of the Forces Advisory Committee on Entertainment

Department of Defence

Army file 68/R1/series List of FACE concert parties

A 92/30173/1 Vietnam Logistics and Support Medal

A 95/26364/1 Recommendations for the award of the VLSM

A 94/16008/1 Applications for the VLSM

Published sources

Committee of Inquiry into Defence Awards, Australian Government Publishing Service, 1994.

Commonwealth of Australia Gazette No. S121, 3 April 1993.

Commonwealth of Australia Gazette Special No. S 251 13 August 1993.

Commonwealth of Australia Gazette No. S409, 25 November 1994

Commonwealth of Australia Gazette No. S79, 10 March 1995

Ham P. *Vietnam, the Australian War*, HarperCollins, Sydney, 2007

Lawton K. *The Singing Bird, Tina Lawton's Story*, Lutheran Publishing House, Adelaide, 1984.

McHugh S. *Minefields and Miniskirts, Australian Women and the Vietnam War*, Lothian, Melbourne, 2005.

McNeill I. *To Long Tan, The Australian Army and the Vietnam War 1950-1966. The Official History of Australia's Involvement in Southeast Asian Conflicts 1948-1975*. Allen and Unwin, St. Leonards, 1993.

Morrisson D. *My Rock 'n' Roll War*, Dog Tag Books, Bracken Ridge, 1999.

Internet sources

USA Vietnam War Civilian Service Medal www.amervets.com/replacement/vnciv.htm

Vietnam Veterans Home Page www.vietvet.org/visit/px/i-p.htm

United Services Organisation www.uso.org/whoweare/ourproudhistory/hisotryoftheuso/

United Services Organisation Shows
www.68thahc.com/USO_Shows/K_Celebrities

Defence Honours and Awards www.defence.gov.au/medals/

Nominal Roll Vietnam www.vietnamroll.gov.au/civilians.aspx

**Appendix 4 - Minute by the Chiefs of Staff Committee at Meeting held on Tuesday 26th
October 1965**

MINUTE BY THE CHIEFS OF STAFF COMMITTEE
AT MEETING HELD ON TUESDAY 26TH OCTOBER, 1965

PRESENT

Air Chief Marshal Sir Frederick Scherger
KBE CB DSO APC
Chairman, Chiefs of Staff Committee

Lieutenant General Sir John Wilton KBE CB DSO	Chief of the General Staff
Vice Admiral A.W.R. McNicoll CB CBE GM	Chief of Naval Staff
Air Marshal A.M. Murdoch CB CBE	Chief of the Air Staff

ACENDUM
NO. 75/1965

NO. 112/1965 : VISITS TO SOUTH EAST ASIA BY
ENTERTAINERS FROM AUSTRALIA

The Chiefs of Staff Committee considered Principal Administrative Officers' Committee (Personnel) Minute No. 20/1965 on visits to South East Asia by entertainers from Australia.

2. The Chiefs of Staff Committee recommended that :-
- ✓(a) the request for Australian live entertainment for forces serving in South Vietnam be approved;
 - ✓(b) Australia should not enter into a formal cost-sharing arrangement with the United States for entertainment in South Vietnam;
 - (c) officially sponsored entertainment be provided at public expense in South Vietnam subject to the conditions at Part I of Annex;
 - ✓(d) at present, officially sponsored entertainment visits should be limited to one every three months;
 - (e) entertainers be permitted to make private visits to South Vietnam subject to the conditions at Part II of Annex;
 - ✓(f) officially sponsored and private entertainment visits should also be approved for the entertainment of personnel serving in Eastern Malaysia and Ubon based on the principles at Annex;

..../2.

- (g) the Department of the Army should be the co-ordinating and controlling agency for all requests for visits by entertainers, and should be responsible for ensuring that security protection is provided for all civilian entertainers visiting operational areas.

(G. ADAMSON)
Joint Secretary
CHIEFS OF STAFF COMMITTEE
26th October, 1965.

PART I - PRINCIPLES FOR CONTROL OF OFFICIALLY
SPONSORED ENTERTAINMENT IN SOUTH VIETNAM

- (a) entertainers of high repute only should be sponsored;
- (b) entertainment parties must not exceed four in number;
- (c) only basic minimum baggage and props would be permitted
- (d) entertainers must provide their services free;
- (e) entertainers must agree to perform also for New Zealand and U.S. forces if required;
- (f) air transport from Australia to South Vietnam and return should be provided at public expense; Service aircraft should not be used for this purpose;
- (g) Service air or surface transport will be provided without charge within South Vietnam;
- (h) accommodation within South Vietnam should be provided at public expense; entertainers must be willing to accept field accommodation if hotel facilities are not available;
- (i) a daily allowance for meals and incidental expenses at rates equivalent to Public Service rates should be paid;
- (j) entertainers who do not agree to (d) and (e) above or who wish to proceed on private tours in South East Asia either before or after their tour in South Vietnam should not be provided with free transportation to or from South Vietnam;
- (k) indemnities to the Commonwealth against damages for loss or injuries suffered should be obtained from all entertainers;
- (l) vaccinations, inoculations, and prescribed medical examinations should be provided at public expense;
- (m) essential medical treatment in South Vietnam should be provided at public expense;
- (n) entertainers should retain their civilian status;

Note:- Principles (b) and (c) are considered necessary because of transport and accommodation limitations within South Vietnam. Principle (e) is included with a view to reciprocal visits to Australian forces by U.S. and New Zealand entertainers. In regard to principle (f) the RAAF medium transport effort between Australia and South East Asia is heavily committed to the carriage of priority military personnel and freight in support of the deployed forces; only in exceptional circumstances justifying a very high priority, are civilian passengers carried. In any case lack of suitable facilities in the Hercules aircraft precludes the carriage of female passengers, who would no doubt often comprise part of a party. In South Vietnam on the other hand, circumstances dictate that military air and surface transport must be used (principle (g)).

PART II - PRINCIPLES FOR CONTROL OF PRIVATE VISITS
BY ENTERTAINERS TO SOUTH VIETNAM.

- (a) entertainment parties must not exceed four in number;
- (b) only basic minimum baggage and props would be permitted;
- (c) entertainers must agree to perform also for U.S. and New Zealand forces if required;
- (d) no payment should be made for services;
- (e) accommodation ^{and} meals will be provided at public expense whilst entertainers are engaged in giving entertainment to the troops; revised by
Stuart 11 Nov.
- (f) transport between Australia and Vietnam should not be provided at public expense by civil airline or in RAAF aircraft;
- (g) Service air and surface transport may be provided within South Vietnam subject to the permission of the local force commander concerned;
- (h) indemnities to the Commonwealth against damages for loss or injuries suffered should be obtained from all entertainers;
- (i) entertainers should retain their civilian status.

Appendix 5 - The Vietnam Logistic and Support Medal Regulations



ELIZABETH THE SECOND, by the Grace of God Queen of Australia and
Her other Realms and Territories, Head of the Commonwealth:

TO ALL to whom these Presents shall come,

GREETING:

WHEREAS it is desirable that there be instituted an Australian medal for the
purpose of according recognition to certain members of the Australian Armed Forces
and certain other persons who rendered service in support of the Australian Armed
Forces in operations in Vietnam:

KNOW YOU that We do by these Presents institute a medal to be designated and
styled the Vietnam Logistic and Support Medal:

AND WE DO ordain that the award of the Vietnam Logistic and Support Medal
shall be governed by the Regulations set out in the Schedule.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

GIVEN under the Great Seal
of Australia at Our Court at
St James's on 24 February 1993.

LS.

By Her Majesty's Command,

Prime Minister



SCHEDULE

VIETNAM LOGISTIC AND SUPPORT MEDAL REGULATIONS

Short Title

1. These Regulations may be cited as the Vietnam Logistic and Support Medal Regulations.

Interpretation

2. In these Regulations:

"area of operations of Vietnam" means the areas and airspace declared under regulation 3;

"Medal" means the Vietnam Logistic and Support Medal;

"Minister" means:

(a) the Minister of State for Defence; or

(b) the Minister of State for Defence Science and Personnel;

"Registrar" means the Registrar of Awards appointed under subregulation 8 (1);

"Register" means the Register maintained under subregulation 8 (2);

"relevant period" means the period from 29 May 1964 to 27 January 1973, both days included.

Declaration of area of operations of Vietnam

3. The Governor-General, on the recommendation of the Minister, may declare:

(a) an area of land and waters forming part of the territory of Vietnam; and

(b) an area of waters off the coast of Vietnam; and

(c) the airspace above the areas referred to in paragraphs (a) and (b);

to be the area of operations of Vietnam.

Conditions for the award of the Medal

4. (1) The Medal may be awarded for service of one day or more in the area of operations of Vietnam during the relevant period:

(a) as a member of the crew of a ship or aircraft operating in support of the Australian Armed Forces; or

(b) while attached to a unit or organisation operating in support of the Australian Armed Forces; or

(c) while attached to, or serving with, a unit of the Australian Armed Forces or allied forces as an observer.

- (2) The Medal may be awarded to persons who at the time of their service:
- (a) were members of the Australian Armed Forces; or
 - (b) were integrated with the Australian Armed Forces.

(3) A person who has been awarded the Vietnam Medal, or who is eligible for the award of the Vietnam Medal, is not eligible for the award of the Vietnam Logistic and Support Medal.

- (4) The Medal may be awarded posthumously.

Making of awards

5. An award of the Medal is to be made by the Governor-General on the recommendation of the Chief of the Defence Force or his or her delegate.

Design of the Medal

6. The design of the Medal is as prescribed.

Wearing of the Medal

7. The manner of wearing the Medal is as determined by the Governor-General.

Registrar of Awards

8. (1) The Governor-General must appoint a Registrar of Awards.
- (2) The Registrar must:
- (a) maintain a Register of the names of persons to whom a Medal has been awarded; and
 - (b) keep such other records relating to the award of the Medal as the Governor-General directs.

Cancellation and reinstatement

9. (1) The Governor-General may cancel an award of the Medal and may reinstate a cancelled award.

(2) If an award of the Medal is cancelled, the name of the person to whom the award was made must be erased from the Register and the person must return the Medal to the Registrar.

- (3) If a cancelled award is reinstated, the Registrar must:
- (a) restore in the Register the entry that was erased; and
 - (b) return the Medal to the person to whom the award was made.



11 August 1993

IT is notified for general information that His Excellency the Governor-General has approved the following Determinations:

COMMONWEALTH OF AUSTRALIA

VIETNAM LOGISTIC AND SUPPORT MEDAL REGULATIONS

DECLARATION UNDER REGULATION 3

I, WILLIAM GEORGE HAYDEN, Governor-General of the Commonwealth of Australia acting on the recommendation of the Minister for Defence Science and Personnel, hereby:

- (a) revoke the declaration made on 27 May 1993 under regulation 3 of the Vietnam Logistic and Support Medal regulations set out in the Schedule to Letters Patent dated 24 February 1993;
- (b) under regulation 3 of those regulations declare the area of operations for eligibility for the Vietnam Logistic and Support Medal are:
 - (i) all land and inland waters of the territory of Vietnam south of the parallel 21 degrees 30 minutes north latitude;
 - (ii) all that area of land and waters (other than land and waters forming part of the territory of Cambodia or China) bounded by a line commencing at the intersection of the boundary between Cambodia and Vietnam with the shore of Vietnam at high-water mark; thence proceeding in a straight line to a point 185.2 kilometres west (true) of that intersection; thence proceeding along an imaginary line parallel to, and at a distance of 185.2 kilometres from the shore of Vietnam at high-water mark to its intersection with the parallel 21 degrees 30 minutes north latitude; and
 - (iii) the airspace above the area referred to in paragraphs (b) (i) and (b) (ii).

Dated 11th August 1993

Bill Hayden
Governor-General

By His Excellency's Command

John Faulkner
Minister for Defence Science and Personnel



VIETNAM LOGISTIC AND SUPPORT MEDAL
DETERMINATION

I. WILLIAM GEORGE HAYDEN, Governor-General of the Commonwealth of Australia, having received the approval of Her Majesty Queen Elizabeth II for the design of the Vietnam Logistic and Support Medal, and acting under regulations 6 and 7 of the Vietnam Logistic and Support Medal Regulations, determines as follows:

Medal Design

1. The Vietnam Logistic and Support Medal is a nickel-plated circular nickel-silver medal 36 millimetres in diameter with a smooth rim 3 millimetres in thickness fitted with a non-swivelling suspension bar. The obverse bears the Crowned effigy of Her Majesty The Queen surrounded by the inscription "ELIZABETH II DEI GRATIA REGINA F.D.". The reverse bears the word "VIETNAM" at the top centre appearing above a symbolic representation of the ideological war in Vietnam, depicting the figure of a man in the centre of the medal, standing between spherical shapes. Adjacent to the right heel of the man is a cartouche of a ram's head, the mint mark of the Royal Australian Mint.

Medal ribbon

2. The Medal is suspended from a ribbon 32 millimetres wide. The ribbon's colours consist of a central bright yellow stripe 20 millimetres wide on which is centrally superimposed three red stripes 1 millimetre wide and 1 millimetre apart, indicative of the colours of the flag of the Republic of South Vietnam until 1972. The yellow stripe is flanked on the observer's left by a dark blue stripe 3 millimetres wide symbolic of the Royal Australian Navy and on the right by a brown stripe 3 millimetres wide for the earth and the colour of inland and coastal waterways of Vietnam. These two stripes are flanked in turn on the observer's left by a red stripe 3 millimetres wide for the Australian Army and on the right by a light blue stripe on the right representing the Royal Australian Air Force.

Medal Dress

3. The Medal is worn on the left breast whenever full size orders, decorations and medals are worn.

Medal miniature

4. The miniature of the Vietnam Logistic and Support Medal is a half-size replica of the Medal suspended from a miniature ribbon 16 millimetres wide. The miniature Medal is worn whenever miniatures of orders, decorations and medals are worn.

Order of Precedence

5. The Medal is worn in accordance with the Australian Order of Precedence of Honours and Awards as approved from time to time by The Sovereign.

Dated 5th August 1993

Bill Hayden
Governor-General