



Australian Government

Defence Honours and Awards Appeals Tribunal

**APPLICATION BY MR LINDSAY NORTHAM TIPLADY
SEEKING REVIEW OF A REVIEWABLE DECISION
OF THE DEPARTMENT OF DEFENCE**

DECISION UNDER REVIEW

The decision of the Department of Defence most recently made on 14 February 2012 that Mr Lindsay Northam Tiplady is not eligible for the Defence Medal.

DECISION OF THE TRIBUNAL

The decision of the Department of Defence that Mr Lindsay Northam Tiplady is not eligible for the award of the Defence Medal is affirmed.

DATE OF DECISION

13 March 2013

THE TRIBUNAL

For the purpose of this review the Tribunal was constituted by Dr Jane Harte.

REASONS FOR DECISION

Introduction

1. The Defence Honours and Awards Appeals Tribunal (the Tribunal) is established under the *Defence Act 1903*. Its functions are set out in s 110UA of the Act. Those functions include reviewing a decision refusing to recommend a person or group of persons for a defence award. After conducting an inquiry, the Tribunal may make a decision affirming the original decision, substituting a new decision or referring the matter to a person for reconsideration.

2. Mr Lindsay Northam Tiplady (Mr Tiplady) was a member of the Royal Australian Air Force (RAAF) from 6 October 1942 to 15 January 1946. Between enlistment and mobilisation Mr Tiplady trained and subsequently served as a technician, with postings to Canberra, Sydney, Mount Gambier, Melbourne, Townsville, Cairns and Bowen. Whilst attached to 12 Signals Installation Unit in Townsville in 1944, Mr Tiplady was sent to install equipment at 33 Operational Base Unit at Higgins Field in Cape York, having been transported there by sea via the Torres Strait in May of that year.

3. Mr Tiplady has applied for the Defence Medal on many occasions, namely 26 August 1993, 16 March 1995, 24 July 1997, 27 April 2000, 25 January 2004, 3 September 2004, 21 January 2005, circa September 2005, 27 October 2008, 7 January 2009, 22 July 2009, 9 October 2011 and 1 January 2012.

4. The reason repeatedly given by Defence that Mr Tiplady was ineligible for the Defence Medal is that he had not served for the qualifying period in a non-operational area subjected to enemy air attack as set out in the *Summary of the conditions of award of the Campaign Stars, the Defence Medal and the War Medal, 1948*.

5. On 18 February 2012, Mr Tiplady requested the Tribunal review the decision by Defence not to award him the Defence Medal.

6. The Tribunal's role is to conduct a merits review of Defence's decision and consider Mr Tiplady's application afresh in regard to his eligibility for the Defence Medal. In undertaking its review the Tribunal is bound by the eligibility criteria that governed the making of the reviewable decision.

Steps taken in the conduct of this review

7. On 21 March 2012 the Tribunal wrote to the Directorate of Honours and Awards of the Department of Defence (the Directorate) advising of Mr Tiplady's review application and inviting it to make a submission to the Tribunal and to provide any material on which it sought to rely. A written submission, dated 21 April, was subsequently received from the Directorate.

8. Mr Tiplady was interviewed by telephone on 7 December 2012.

The Defence Medal

9. The Tribunal notes that the eligibility criteria as set out in Part III of the *Summary of the conditions of award of the Campaign Stars, the Defence Medal and the War Medal, 1948*, clearly state that the Defence Medal is to be granted:

- (a) *to members serving for six months in non-operational areas subjected to enemy attack, or closely threatened, subject to (b) below;*
- (b) *to members who served for six months in the aggregate at any time between 3rd September 1939 and 2nd September 1945 in the Northern Territory north of 14°30' South and the Torres Strait Islands, provided they were not ordinarily resident in those areas prior to 3rd September 1939;*
- (c) *for twelve months' non-operational service in the Forces overseas from or outside Australia; and*
- (d) *to members of Mine and Bomb Disposal units of the Forces employed in the areas [specified].¹*

Defence records of Mr Tiplady's service

10. Defence records of Mr Tiplady's service in the RAAF show the following:
- (a) Mr Tiplady enlisted in the RAAF on 6 October 1942.
 - (b) He undertook initial training at 2 School of Technical Training in Canberra on 12 October 1942, 3 School of Technical Training in Sydney on 5 December 1942 and at 2 Air Observer School in Mount Gambier on 7 July 1943.
 - (c) He was posted to Air Force Headquarters in Melbourne on 6 November 1943 (where he was attached to 1 School of Technical Training) before being posted to 1 Reserve Personnel Pool in Townsville on 8 October 1943.
 - (d) He was attached to 12 Signals Installation Unit in Townsville from 27 December 1943 to 25 August 1944.
 - (e) He then moved to 41 Squadron in Cairns on 11 October 1944, followed by 1 Flying Boat Maintenance Unit at Bowen on 30 July 1945 and later to 36 Squadron in Townsville on 27 November 1945.
 - (f) He later was posted to 2 Personnel Depot at Bradfield Park on 7 January 1946 before being discharged on 15 January that same year.

Sequence of Mr Tiplady's movements to Cape York in 1944

11. During the attachment to 12 Signals Installation Unit, Mr Tiplady was sent to install equipment at 33 Operational Base Unit at Higgins Field in Cape York. To get to Higgins Field, he was most likely transported on the *SS Burwah*², which departed Townsville on 1 May 1944 and arrived at Thursday Island on 5 May 1944. A few

¹ Summary of the conditions of award of the Campaign Stars, the Defence Medal and the War Medal, issued by J. J. Dedman, Minister for Defence, 1948, p30

² Mr Tiplady's account described a ship named *SS Burrah*, which was not found by Defence in the Lloyd's Register of Shipping 1942-43.

hours after arriving at Thursday Island, it is apparent that Mr Tiplady and approximately 10 other members attached to 12 Signals Installation Unit proceeded by barge to Horn Island and the next day were taken by RAAF crash launch to Higgins Field on the mainland.

12. For his service, Mr Tiplady has been awarded the War Medal 1939-45, the Australia Service Medal 1939-45 and the Returned from Active Service Badge.

The argument of Mr Tiplady

13. In his correspondence, Mr Tiplady is seeking the Defence Medal because he served in the Torres Strait en route to Higgins Field, if only for a period of days. In his written submission of 18 February and later in conversation, he contends that his time on the mainland of Cape York, as well as time spent in Townsville should also be counted towards the six month qualifying period as these areas were potentially open to air attack as much as the designated areas in the Torres Strait.

Summary of the arguments of the Directorate

14. In its submission of 12 April 2012, Defence points out that as Mr Tiplady did not serve in the Torres Strait for a six month aggregated period in the designated area as set out in the *Summary of the conditions of award of the Campaign Stars, the Defence Medal and the War Medal, 1948*, he is not eligible for the Defence Medal.

The Tribunal's findings

15. Although Mr Tiplady believes that his service on the mainland of Cape York and in Townsville should be deemed eligible aggregated time for the Defence Medal, the regulations clearly stipulate the type and place of service to be either north of 14°30' South in the Northern Territory or in the Torres Strait.

16. Despite visiting the Torres Strait in transit to Higgins Field, Mr Tiplady's aggregated time there falls far short of the six months stipulated period. Service on the mainland of Cape York nor in Townsville does not equate to service in the Torres Strait as per the 1948 Regulations.

DECISION

17. The decision of the Department of Defence that Mr Lindsay Northam Tiplady is not eligible for the award of the Defence Medal is therefore affirmed.