



**Australian Government**

**Defence Honours and Awards Appeals Tribunal**

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**APPEAL OF  
AIR COMMODORE JOHN PIERRE HUSQUIN TRINDER (RETD)  
INTO HIS ELIGIBILITY FOR SERVICE AWARDS**

## **DECISION OF THE TRIBUNAL**

The decision of the Tribunal is that Air Commodore John Trinder (Retd):

- (a) is not eligible for the award of the ASM 1945-75 with Clasp 'SPECIAL OPS' in respect of his service during Operation GAY;
- (b) is not eligible for the award of the ASM 1945-75 with Clasp 'SPECIAL OPS' in respect of his service during Exercise SEA LION or for specific Neptune covert surveillance operations in 1960;
- (c) is not eligible for the AASM 1945-75, the VM or VLSM in respect of his service within the Vietnam operational area.

Accordingly, the decision of the Directorate of Honours and Awards of the Department of Defence that Air Commodore Trinder is not eligible for these awards is affirmed

## **DATE OF DECISION**

1 February 2011

## **THE TRIBUNAL**

For the purpose of this appeal the Tribunal was constituted by:

Professor Dennis Pearce, AO (Chair)  
Air Commodore Mark Lax, OAM, CSM (Retd)

## 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. On 21 April 2010, Air Commodore John Pierre Husquin Trinder (Retd) (hereafter AIRCDRE Trinder) made an application to the Tribunal for the review of a decision to refuse his application for several awards. These include the Australian Active Service Medal (AASM) 1945-75 with Clasp 'VIETNAM'; the Vietnam Medal (VM); the Vietnam Logistic and Support Medal (VLSM); the General Service Medal (GSM) 1918-62 with Clasp 'MALAYA'; and the Australian Service Medal (ASM) 1945-75 with Clasp 'SPECIAL OPS'.

3. AIRCDRE Trinder lodged an application for several medals most recently on 11 May 2009. The Directorate of Honours and Awards of the Department of Defence (the Directorate) refused his application on 7 July 2009. AIRCDRE Trinder has now appealed to the Tribunal for review of this (and previous decisions) decision of the Directorate.

4. The Tribunal considered the submission and documents lodged by the Directorate, the documents supplied by AIRCDRE Trinder and his evidence given at the hearing conducted by the Tribunal on 2 September 2010. Following the hearing the Tribunal sought further information from AIRCDRE Trinder, the Department of Defence and the United States (US) Naval History and Heritage Command.

5. When considering the eligibility criteria for the awards sought, the Tribunal reviewed the basis on which the medals had been created and the circumstances in which they had been awarded. It paid heed to the integrity of the Australian system of honours and awards and the consequential impact any finding or recommendation might have on that system.

### Defence Records of AIRCDRE Trinder's Service

6. Defence Records indicate that AIRCDRE Trinder served in the Royal Australian Air Force (RAAF) between 28 January 1952 and 7 April 1988. He was commissioned on 15 December 1955 as a navigator with the rank of pilot officer. On 4 December 1958, he requalified as a pilot and was posted to fly Neptune maritime patrol aircraft.

7. During the period subject to this review, AIRCDRE Trinder served as an aircrew (pilot) member of No 11 Squadron based out of RAAF Base Richmond, NSW (5 January 1959 to 22 May 1961) and later at HQ Operational Command at RAAF Base Glenbrook, NSW (15 March 1963 to 21 November 1966).

8. AIRCDRE Trinder retired from the RAAF on 7 April 1988.

## **AIRCDRE Trinder's Claims for Recognition**

9. AIRCDRE Trinder claims five awards for three separate activities he undertook between 1960 and 1966. These are for his involvement with Operation GAY (1960), Exercise SEA LION (1960), and Exercise SEA IMP (1966).

10. AIRCDRE Trinder claims he acted as co-pilot for an aircraft deployed on Operation GAY which he states was the surveillance and shadowing of a Soviet tanker/oiler vessel, the *Arkhangelsk*, (used for amongst other duties, submarine refuelling) as it transited the Indian Ocean within Australia's agreed area of surveillance responsibility. He further claims that on 22 January 1960, they flew a covert sortie to photograph the vessel which he also alleges penetrated into Indonesian airspace without clearance. It is because of the secret and special nature of this activity that he claims he should be entitled to an ASM 1945-75 with Clasp 'SPECIAL OPS'.

11. AIRCDRE Trinder also claims he flew as co-pilot of one of four RAAF Neptune aircraft deployed on Exercise SEA LION. AIRCDRE Trinder states he and his crew conducted covert Signals Intelligence (SIGINT) activity over the Gulf of Siam (now called the Gulf of Thailand) of the Thai/Malay border region during a break in the exercise between 9 and 10 May, and further surveillance over Borneo during the return transit to Darwin on 17 May. He therefore claims he should be entitled to a GSM 1918-62 with Clasp 'MALAYA' and ASM 1945-75 with Clasp 'SPECIAL OPS'.

12. In his final claim, AIRCDRE Trinder states he was attached to the USS *Salisbury Sound* to participate in Exercise SEA IMP. He states that the ship did not participate in the exercise, but instead conducted air operations against the North Vietnamese (called Operation MARKET TIME). The ship was anchored in Cam Ranh Bay, South Vietnam between 30 May and 6 June 1966 when AIRCDRE Trinder and his colleagues were required as watch officers in the Operations Control Center aboard the ship. AIRCDRE Trinder insists this watch supported Operation MARKET TIME, the launch and recovery of the USN Marlin seaplanes for air operations against coastal shipping smuggling arms and personnel from North Vietnam, and was at no time involved in Exercise SEA IMP. AIRCDRE Trinder claims he is therefore eligible for the AASM 1945-75 with Clasp 'VIETNAM' and either the VM or the VLMS.

## **Previous Consideration of AIRCDRE Trinder's Claims**

13. AIRCDRE Trinder has applied at least twenty times for recognition for these awards since 1987, with the most recent request dated 11 May 2009. In each case, these applications have been refused. The Tribunal was able to sight the relevant correspondence and the reasons why the claim was rejected and took this documentation into its consideration.

14. AIRCDRE Trinder had previously also claimed the ASM 1945-75 with Clasp 'SE ASIA' for his involvement in Exercise SEA LION, but has since accepted that he is not eligible.

## **OPERATION GAY**

15. Operation GAY was a maritime surveillance operation conducted from RAAF Base Darwin between January and March 1960 by RAAF Neptune maritime patrol aircraft. At the time, the Soviet Union had sold/gifted a large arsenal to Indonesia, with two submarines and naval support as part of the deal. Australia and the US were gathering intelligence on the arms shipments to Indonesia, with particular attention placed on the activities of a Soviet submarine tanker/oiler known to be involved. Operation GAY was thus conducted from January 1960 to intercept and photograph the vessel and gather other possible intelligence. No 11 Squadron Unit History Sheets confirms that three Neptunes were deployed to RAAF Darwin between 17 January and 24 January 1960 to undertake this task.

16. The Tribunal accepts that AIRCDRE Trinder was attached for duty for Operation GAY and that he acted as co-pilot of a RAAF Neptune aircraft on three sorties as part of the exercise on 19, 21 and 22 January 1960.

17. The Tribunal was advised that, at the present time, there is no specific medallic recognition for Operation GAY and Operation GAY is not declared as a 'Special Operation' for the purposes of other medallic recognition or repatriation benefits.

18. The Tribunal was unsuccessful in locating any specific intelligence reports regarding AIRCDRE Trinder's actions in the tracking and photographing of the Soviet tanker during Operation GAY, but found that such a vessel did exist, that it was actually called the *Vilyujsk*, that it arrived in Jakarta on 25 January 1960 and departed on 27 January 1960. The Tribunal accepts this was the vessel that AIRCDRE Trinder claims he shadowed and photographed on 22 January 1960.

19. The Tribunal could not substantiate AIRCDRE Trinder's claims that this was a specific or covert 'special operation' conducted during Operation GAY, but was advised that such shadowing and photography of foreign vessels was the intent of the Operation, and that such shadowing and photographing of foreign vessels were regularly carried out by maritime patrol aircraft in the normal course of their duties.

### **Medallic Recognition Sought**

20. AIRCDRE Trinder seeks the ASM 1945-75 with Clasp 'SPECIAL OPS' for this exercise.

21. The ASM 1945-75 with Clasp 'SPECIAL OPS' was established on 23 March 2001 to recognise that during peacetime certain hazardous activities of a special nature are conducted outside of a formal declaration of warlike or non-warlike operation.<sup>1</sup> However, under these regulations, the Chief of the Defence Force (CDF) has the sole responsibility of specifying which Defence activities will be recognised with Clasp 'SPECIAL OPS' and only on the recommendation of the appropriate Service Chief. To date, CDF has not declared Operation GAY to be a 'Special Operation'.

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<sup>1</sup> Commonwealth Gazette No S102, 27 March 2001.

## **Findings of the Tribunal Regarding Operation Gay**

22. The Tribunal finds that AIRCDRE Trinder is not eligible for the award of the ASM 1945-75 with Clasp 'SPECIAL OPS' as in accordance with the regulations, the CDF has not made a determination that Operation GAY be recognised as a 'Special Operation' for the purpose of the award.

23. AIRCDRE Trinder is advised that he may formally request that CDF make a determination for recognition of Operation GAY as a 'Special Operation' by application through the Chief of Air Force.

## **EXERCISE SEA LION**

24. Exercise SEA LION was a multi-national South-East Asia Treaty Organisation (SEATO)<sup>2</sup> exercise conducted between 28 April and 16 May 1960 at various locations across South-East Asia<sup>3</sup>. The exercise was the 30<sup>th</sup> in a series of anti-submarine warfare tactical exercises, under the command of the Commander, Far East Fleet, a British Admiral, at that time.

25. Australia's part in the exercise involved the deployment of four RAAF Neptune long range maritime patrol aircraft. The aircraft operated out of Sangley Point, Philippines during Phase I (between 28 April and 8 May 1960), and from RAF Changi, Singapore during Phase II (between 11 and 13 May 1960). The Tribunal sighted the No 11 Squadron Unit History sheets (RAAF Form A50) which confirm that the aircraft were deployed to Sangley Point and Changi for Exercise SEA LION, and that the exercise was conducted between 28 April and 16 May 1960. The Neptunes returned to Darwin on 17 May 1960 at the end of the exercise.

26. AIRCDRE Trinder's flying log book confirms he participated in Exercise SEA LION, arriving at RAF Base Changi on 8 May 1960. AIRCDRE Trinder conducted a single 'distant support' operation on 9 May, and returned to RAAF Base Darwin on 17 May. There were no other entries in his Log Book flying out of Changi between these dates.

27. Confidential document HQ OPCOM Operations Order 4/60 – SEATO Exercise Sea Lion contains no direction about 'special operations' to be conducted during the exercise, however, the Tribunal noted that this would be expected and that any 'special operations' would have been covered under a separate, more highly classified instruction. The Tribunal could not locate any additional tasking orders for Exercise SEA LION.

## **Medallic Recognition Sought**

28. AIRCDRE Trinder seeks the GSM 1918-62 with Clasp 'MALAYA' and the ASM 1945-75 with Clasp 'SPECIAL OPS' for this exercise.

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<sup>2</sup> SEATO was the Southeast Asia Treaty Organisation, a multi-national collective defence arrangement established between 1954 and 1977. Member states included Australia, New Zealand, Thailand, France, (East) Pakistan, The Philippines, ROC (Taiwan), USA and the UK. Notably, Singapore and Malaysia were not members.

<sup>3</sup> HQ Operational Command Operations Order 4/60 – SEATO Exercise Sea Lion, dated 28 March 1960.

29. The GSM was instituted in 1923 to recognise numerous campaigns that required Commonwealth intervention, and that did not have any other medallic recognition. The GSM 1918-62 with Clasp 'MALAYA' was established in March 1950 vide Command Paper 7907. The qualifying period for Air Force (and Army) members is one day or more on the posted strength of a unit or formation in the Federation of Malaya or the Colony of Singapore since 16 June 1948. Members who served at least 30 days on official visits, inspections or similar duties also qualify. Eligibility for service in Singapore ceased on 31 January 1959, and for Malaya it ceased on 31 July 1960.

30. The Regulations for the ASM 1945-75 with Clasp 'SPECIAL OPS' are covered in paragraph 22.

### **Findings of the Tribunal Regarding Exercise SEA LION**

31. The Tribunal finds that AIRCDRE Trinder is not eligible for the award of the GSM 1918-62 with Clasp 'MALAYA' as in accordance with the Terms of the Award, he was not on the posted strength of a unit or formation in the Federation of Malaya or the Colony of Singapore between 16 June 1948 to 31 July 1960, nor did he serve for 30 days or more as a visitor, inspector or undertake similar duties during that same time period.

32. The Tribunal finds that AIRCDRE Trinder is not eligible for the award of the ASM 1945-75 with Clasp 'SPECIAL OPS' as in accordance with the regulations, the CDF has not made a determination that Exercise SEA LION or specific Neptune covert surveillance operations in 1960 be recognised as a 'Special Operation' for the purpose of the award.

33. AIRCDRE Trinder is advised that he may formally request that CDF make a determination for recognition of Exercise SEA LION and/or specific Neptune covert surveillance operations in 1960 as a 'Special Operation' by application through the Chief of Air Force.

### **EXERCISE SEA IMP**

34. The Tribunal found that in some older correspondence on file, the exercise in question is referred to as Exercise SEA DOG. For the purpose of this review, Exercise SEA DOG and Exercise SEA IMP have been regarded as synonymous, and will be referred to by the latter nomenclature for this report.

35. Exercise SEA IMP was a SEATO exercise conducted between 26 May and 6 June 1966. The exercise was the 30<sup>th</sup> in a series of anti-submarine warfare tactical exercises, under the Commander, Far East Fleet. As part of the exercise, the USS *Salisbury Sound* was nominated as the Maritime HQ vessel. The *Salisbury Sound* (designated AV-13) was a seaplane tender (also referred to as a Seadrome) operating USN Martin Marlin seaplanes which were used for maritime patrol and surveillance duties.

36. The Tribunal accepts that AIRCDRE Trinder and two RAAF colleagues<sup>4</sup> were deployed aboard the *Salisbury Sound* as air controllers between 30 May and 6 June 1966, and

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<sup>4</sup> Some material provided by AIRCDRE Trinder states a total of four RAAF officers participated, not three.

that during the period up to 3 June, the ship was anchored in Cam Ranh Bay. At question is the role the RAAF officers played.

37. In an effort to establish the activities of the *Salisbury Sound* for May and June 1966, the Tribunal reviewed the ship's logs which were provided by the Deck Logs Section, Ship's History Branch, US Naval History and Heritage Command in Maryland, USA.

Unfortunately, the logs only confirmed the *Salisbury Sound* was anchored in Cam Ranh Bay for the duration between 15 May and 3 June 1966, when she set sail for Bangkok, and do not specify the operational activities conducted. The logs also confirm that she spent a 'four day good will visit' in Bangkok between 6 and 10 June, after which she sailed for Subic Bay in the Philippines and on to other duties.<sup>5</sup>

38. The Tribunal reviewed a short extract from the exercise report for Exercise SEA IMP<sup>6</sup> and noted that under forces taking part: '... one AV (*Salisbury Sound* – MHQ for phase 4, period 3)' is specifically mentioned. MHQ stands for Maritime Headquarters and Phase 4, period 3 was between 31 May and 5 June 1966.

39. Material provided by AIRCDRE Trinder quotes the *US Naval Forces Vietnam Monthly Historical Summary* for May and June 1966 as only recording the USS *Salisbury Sound* as being involved with Operation MARKET TIME, and nothing with respect to Exercise SEA IMP. However the Tribunal was advised that this was to be expected as this Summary would only cover Vietnam War related activities, and that US Naval vessels of this class often conducted other concurrent activities which were not always reported.

40. AIRCDRE Trinder also provided a copy of correspondence from the Naval Historical Branch, UK Ministry of Defence, regarding the post-exercise report for Exercise SEA IMP.<sup>7</sup> This correspondence in part states:

The Report of Proceedings [into Exercise Sea Imp] of the Flag Officer Second in Command Far East Fleet (Rear Admiral C.P. Mills RN) states that he directed the SEATO exercise and was Commander Task Force, flying his flag in HMS *Devonshire*. His Deputy Director, for the purpose of the exercise, was Rear Admiral R M Isaman USN, COMPATFORSEVENTHFLEET, flying his flag in USS *Salisbury Sound*.

Furthermore,

...the role of the Deputy Director of the exercise appears to have remained with Rear Admiral Isaman in the USS *Salisbury Sound* until the end of the seagoing phase of Exercise 'Sea Imp' on 6 June when the *Salisbury Sound* arrived with *Devonshire* off Bangkok.

41. From this correspondence, the Tribunal concluded that the USS *Salisbury Sound* did conduct Exercise SEA IMP, that the ship acted as the exercise Maritime Headquarters for the

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<sup>5</sup> The Tribunal could not determine why the USS *Salisbury Sound* would travel to Bangkok for four days, then transit back across its route to the Philippines. It is plausible that the ship went to Bangkok at the completion of Exercise SEA IMP to debrief the exercise, as well as offload the four Australian airmen.

<sup>6</sup> Extract of Exercise Report Exercise Sea Imp SEATO 1966 Vol 1 Analysis, undated.

<sup>7</sup> SEATO Exercise Sea Imp, D/NHB/22/3[1077U] dated 9 December 2009.



exercise, and that the reason for visiting Bangkok (with HMS *Devonshire*) was to debrief the exercise at SEATO HQ before sailing for other duties.

42. In formulating its findings, the Tribunal also took into consideration that:
- a. In September 1967, the then Secretary of the Air Board advised that '[AIRCDRE Trinder's] service in Vietnam from 28 May 1966 to 6 June 1966 was on temporary duty for the purpose of an air exercise and did not constitute 'special service' in a 'special area' in accordance with the provisions of S12 of the Repatriation (Special Overseas Service Act) 1962-65'<sup>8</sup>, and
  - b. In December 2008, AIRCDRE Trinder applied to the Chief of Air Force to be given retrospective allotment for duty to Vietnam and that the application was not supported.

### **Medallic Recognition sought for Exercise Sea Imp**

43. At various times, AIRCDRE Trinder has sought the AASM 1945-75 with Clasp 'VIETNAM', the VM and/or the VLSM. For completeness, the Tribunal chose to consider the case for all three.

44. The AASM 1945-75 with Clasp 'VIETNAM' was established on 30 January 1998. The medal may be awarded to a person who, 'as a member of the Defence Force, qualified for the General Service Medal 1962 with Clasp 'SOUTH VIETNAM', the VM or VLSM'.<sup>9</sup> Eligibility criteria were later expanded on 20 February 2002 to include members of the ADF who 'rendered service as a member while allotted and posted as a member of the Australian element of the prescribed operation, or allotted as part of the contribution of a foreign defence force while on secondment or exchange'.<sup>10</sup>

45. The VM was created by Royal Warrant on 8 June 1968 by Her Majesty, the Queen. The objectives of the Medal are described in the Royal Warrant as follows:

'Whereas We have given consideration to the need for recognition of the service of members of the Australian Armed Forces ... in assisting the forces of the Republic of Vietnam to repel aggression'

46. The Royal Warrant provided that the 'Medal shall be awarded to those members of Our Australian Armed Forces who, on or after 29 May 1964, have rendered service in operations in Vietnam in accordance with the conditions specified hereinafter' (see clause 4).

47. Regulations were made in accordance with the terms of the Royal Warrant on 23 December 1968. Clause 4 of the Regulations provided that 'the medal may be awarded to members of the Australian and New Zealand Forces who have rendered *qualifying service in operations in Vietnam* on or after 29 May 64 to a date to be decided' (emphasis added). The date to be decided was eventually set at 27 January 1973.

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<sup>8</sup> 660/3/36170 dated 29 September 1967. Trinder file.

<sup>9</sup> Commonwealth Gazette No S54, 10 February 1998.

<sup>10</sup> Commonwealth Gazette No S64, 28 February 2002.

48. The VLSM was established in 1993 as a means of recognising those who served in Vietnam for relatively short periods in support of Australian operations and who had not received any recognition for that service. The medal may be awarded for service of one day or more in the area of operations of Vietnam during the period 29 May 1964 to 27 January 1973:

- 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.

### **Finding of the Tribunal Regarding Exercise Sea Imp**

49. As a SEATO exercise, Exercise SEA IMP did not involve operations in Vietnam, nor was it involved in training for or supporting Australian operations in Vietnam.

50. Being in a prescribed 'Special Area' (ie. the Area of Operations declared for the Vietnam War) does not automatically qualify a member for medallic recognition. The duty has to be directly related to the operations at hand. AIRCDRE Trinder's service was of a temporary duty nature and did not constitute 'special service' in a 'special area'.

51. Although AIRCDRE Trinder was within the Vietnam operational area, he was not engaged in, or in support of Australian operations in Vietnam, and as such his service does not qualify for the award of the AASM 1945-75 with Clasp 'VIETNAM', the VM or the VLSM.

52. AIRCDRE Trinder is not eligible for the AASM 1945-75, the VM or VLSM.

### **DECISION**

53. The decision of the Tribunal is that AIRCDRE Trinder:

- (d) is not eligible for the award of the ASM 1945-75 with Clasp 'SPECIAL OPS' in respect of his service during Operation GAY;
- (e) is not eligible for the award of the ASM 1945-75 with Clasp 'SPECIAL OPS' in respect of his service during Exercise SEA LION or for specific Neptune covert surveillance operations in 1960;
- (f) is not eligible for the AASM 1945-75, the VM or VLSM in respect of his service within the Vietnam operational area.

54. Accordingly, the decision of the Directorate of Honours and Awards of the Department of Defence that AIRCDRE Trinder is not eligible for these awards is affirmed.