



Australian Government

Defence Honours and Awards Appeals Tribunal

**APPLICATION BY MR JOHN CAMPBELL YOUNG
SEEKING REVIEW OF A REVIEWABLE DECISION
OF THE DIRECTORATE OF HONOURS AND AWARDS**

DECISION UNDER REVIEW

The decision of the Directorate of Honours and Awards of the Department of Defence made most recently on 7 March 2012 that Mr John Campbell Young is not eligible for the Naval General Service Medal 1915-1962 with Clasp 'MALAYA'.

DECISION OF THE TRIBUNAL

The decision of the Directorate of Honours and Awards of the Department of Defence that Mr John Campbell Young is not eligible for the award of the Naval General Service Medal 1915-62 with Clasp 'MALAYA' is affirmed.

DATE OF DECISION

22 February 2013

THE TRIBUNAL

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

Mr John Jones AM (Chair)
Mr Kevin Woods CSC, OAM

REASONS FOR DECISION

Introduction

1. The applicant, Mr John Campbell Young (Mr Young), seeks review of the decision of the Directorate of Honours and Awards of the Department of Defence (the Directorate) that he is not eligible for the award of the Naval General Service Medal 1915-62 (NGSM) with Clasp 'MALAYA'. Mr Young lodged his application for the award of the NGSM with Clasp 'MALAYA' on 20 February 2012. His application was based on his service in HMAS *Vendetta* in 1961 and 1962.
2. The Directorate wrote to Mr Young, on 7 March 2012, and informed him of its decision. In that letter the Directorate explained that the NGSM with Clasp 'MALAYA' is awarded for 28 days service afloat, between 16 June 1948 and 31 July 1960, on RAN Ships patrolling off the Malayan coast in support of operations. As he did not serve in the required area during this period he does not qualify for the award.
3. Mr Young lodged his application for review with the Tribunal on 18 April 2012. In his application for review, Mr Young said *both 1961 and 1962 I was aboard HMAS 'Vendetta' which, as I stated in my application, clearly shows 'Vendetta's' involvement, around the Malay Peninsula and Borneo, not 28 days as required but for 91 days of patrolling in both areas, including the training of Malay sailors.*
4. Subsection 110V(1) of the *Defence Act 1903* gives the Tribunal jurisdiction to review a 'decision' of the Directorate that is made in response to an application. A 'decision' is defined in paragraph 110V(1)(a)(ii) to mean a decision that '*is or was a refusal to recommend a person for ... a defence award.*' A 'defence award' is defined in section 110T of the *Defence Act 1903* to have the meaning that is given to this term in the *Defence Force Regulations 1952*. Regulation 93C of the *Defence Force Regulations 1952* provides that a 'defence award' is an award mentioned in Part 2 of Schedule 3 of the Regulations. The NGSM 1915-62 with Clasp 'MALAYA' is mentioned in that Part of Schedule 3.
5. The Directorate's decision that Mr Young is not eligible for the NGSM 1915-62 with Clasp 'MALAYA' is clearly a decision the Tribunal has jurisdiction to review.

Steps taken in the conduct of the review

6. On 7 June 2012, in accordance with the Tribunal's Procedural Rules, the Chair of the Tribunal, Mr A. Rose wrote to the Directorate advising it of Mr Young's application for review and invited it to make submissions and provide the Tribunal with any material on which it sought to rely. A written submission, dated 13 June 2012 was received from the Directorate. .
7. Mr Young was provided with a copy of the Directorate's written submission and he was invited to respond to this and submit any further material he might have in support of his claim for the award of the NGSM 1915-62 with Clasp 'MALAYA'. Mr Young provided a written response to the Directorate's submission on 5 August

2012. Mr Young was also invited to give oral evidence (by telephone) to the Tribunal on a date that was suitable to him and the Tribunal panel members.

8. The Tribunal met on 21 February 2012. During its meeting the Tribunal considered the material provided by Mr Young and the Directorate. It also heard oral evidence from Mr Young, by telephone, on that morning.

Naval General Service Medal 1915-62 with Clasp ‘MALAYA’

9. The NGSM 1915-62 with Clasp ‘MALAYA’ was established in 1950 under Command Paper 7907. Paragraph 3 states:

- i) *Naval Service Afloat.* – The qualifying service will be twenty-eight days since 16th June, 1948, inclusive, in ships or craft patrolling off the Malaya coast in support of operations against bandits.
- ii) *Naval Service Ashore.* – The qualifying period will be service of one day or more on duty ashore in the Federation of Malaya attached to other eligible Forces or Police since 16 June, 1948, inclusive.

10. Admiralty Fleet Order 2466/1960 amended these conditions and confirmed the terminal date of 31 July 1960. It states:

‘The Queen has now approved that the terminal date for the qualifying service for the award of the Naval General Service Medal for service in Malaya shall be 31st July, 1960, and that no service after that date shall be a qualification for the medal’

2. The conditions of award are as set forth below:-

- (a) *Service Afloat.* The qualifying service will be 28 days *between* 16th June, 1948 *and* 31st July 1960, inclusive, in ships or craft patrolling off the Malayan coast in support of operations against bandits, or one journey between 16th June, 1948, *and* 31st July 1960, inclusive, in a Harbour Defence Motor Launch or other small craft, up a river or creek in the Federation of Malaya, in close support of operations against bandits.’

Defence records of Mr Young’s service

11. Defence records of Mr Young’s service state he enlisted in the Royal Australian Navy on 12 January 1959. He discharged on the 11 January 1968 after serving a nine year engagement. Mr Young then served in the Royal Australian Fleet Reserve from 12 January 1968 to 26 February 1968, and later with the Royal Australian Navy Emergency Reserve from 27 February 1968 to 26 February 1975. Mr Young had sea going service with HMAS *Anzac* from January 1960 to February 1961 and HMAS *Vendetta* from March 1961 to March 1963.

Mr Young's case

12. In his written submissions Mr Young said:

'On page 1 of 1 of the Department of Defence, the Naval General Service Medal clearly states the period involved is from 1915-62 not 60 as your letter states. Both 1961 and 1962 I was aboard HMAS Vendetta which, as I stated in my application, clearly shows Vendetta's involvement, around the Malay Peninsula and Borneo, not for 28 days as required, but for 91 days of patrolling in both areas, including the training of Malay sailors, (Seamanship and engine operations) for several weeks, out of Penang.'

13. The essence of Mr Young's written and oral submission was that he believed he was entitled to the NGSM 1915-62 with Clasp 'MALAYA' because he served in the area of operations in 1961 and 1962. In discussion following Mr Young's oral evidence, the Tribunal explained to Mr Young that the terminal date for that particular award was 31 July 1960 as directed in the Admiralty Fleet Order 2466/1960 and that his service in the area of operations was after the terminal date. Mr Young appeared to accept the Tribunal's explanation.

The Directorate's case

14. In its written submissions, the Directorate pointed out that the Naval General Service Medal 1915-62 with Clasp 'MALAYA' was established in 1950 under Command Paper 7907. The medal is awarded for 28 days qualifying service between 16 June 1948 and 31 July 1960. Admiralty Fleet Order 2466/1960 confirms the terminal date of 31 July 1960.

15. Movement sheets that record the ports of call of each ship show that Mr Young's period of service in HMAS *Anzac* show that the ship operated in Australian waters except for a short deployment to visit South Pacific nations in May 1960.

16. During Mr Young's period of service in HMAS *Vendetta*, the ship conducted two deployments to the Far East Strategic Reserve from March to October 1961, and from March to June 1962. As this service occurred after 31 July 1960, it is not eligible service for the award of the NGSM 1915-62 with Clasp 'MALAYA'.

The Tribunal's Findings

17. In conducting this review, the Tribunal is bound by the eligibility criteria that govern the award of the NGSM 1915-62 with Clasp 'MALAYA'. These criteria, referred to in the above paragraphs 9 and 10, are found in Command Paper 7907 and Admiralty Fleet Order 2466/1960.

18. As Mr Young's service fails to meet the eligibility criteria he does not qualify for the NGSM 1915-62 with Clasp 'MALAYA'. This finding does not in any way diminish the contribution Mr Young made to his country for the period he did serve.

DECISION

19. The decision of the Directorate of Honours and Awards of the Department of Defence, that Mr John Campbell Young is not eligible for the award of the Naval General Service Medal 1915-62 with Clasp 'MALAYA', is affirmed.