



Australian Government

Defence Honours and Awards Appeals Tribunal

Claridge and the Department of Defence [2015] DHAAT 48 (1 October 2015)

File Number (s) 2014/074

Re **Mr. John Heywood Claridge**
Applicant

And **Department of Defence**
Respondent

Tribunal Mr. Mark Sullivan (Presiding Member)
Ms. Naida Isenberg

Hearing 1 October 2015

DECISION

On 1 October 2015 the Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Mr. Claridge is not eligible for the award of the Royal Navy Long Service and Good Conduct Medal.

CATCHWORDS

DEFENCE AWARDS – Imperial Awards - refusal to recommend the award of the Royal Navy Long Service and Good Conduct Medal

LEGISLATION

Defence Act 1903 ss 110V(i), 110T
Defence Force Regulations 1952 – Reg 93C and Schedule 3
Naval Defence Act 1910 (Commonwealth)
Queen’s Regulations and Admiralty Instructions 1953
Australian Navy Orders ANO 1-16/66
Australian Book of Reference (ABR) 5016

REASONS FOR DECISION

Decision under Review

1. The applicant, Mr. John Heywood Claridge (Mr. Claridge) 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 Royal Navy Long Service and Good Conduct Medal (LS&GCM) as the delegation for Imperial Awards was no longer available. On 17 June 2010 Mr. Claridge applied to the Directorate for the award of the LS&GCM. On 5 October 2010 the Directorate informed Mr. Claridge that he did not qualify for the award of the LS&GCM, as it was no longer possible to progress such Imperial Awards. On 20 May 2014 Mr. Claridge applied to the Tribunal for a review of the Directorate's decision.

The Tribunal's Jurisdiction

2. Pursuant to s.110VB (2) of the *Defence Act 1903* (the Defence Act) the Tribunal has jurisdiction to review a reviewable decision if an application is properly made to the Tribunal. *Reviewable decision* is defined in s.110V (1) and includes a decision made by a person within the Department of Defence to refuse to recommend a person for an award in response to an application. Regulation 93C of the *Defence Force Regulations 1952* defines a defence award as being those awards set out in Part 2 of Schedule 3. Included in the defence awards set out in Part 2 is the LS&GCM. Therefore, the Tribunal has jurisdiction to review the Directorate's decision.

Conduct of the Review

3. In accordance with the Tribunal's Procedural Rules, the Secretary of the Department of Defence was informed of Mr. Claridge's application for review and a report in relation to the decision under review was requested. The Directorate, on behalf of the Secretary, provided the Tribunal with a report, which was then forwarded to Mr. Claridge for comment. Mr. Claridge provided further comment on 27 October 2014.

4. On 1 October 2015 the Tribunal held a Hearing with Mr. Claridge, at which he appeared by telephone. Due to the unavailability of recording equipment the hearing was not recorded.

The Royal Navy Long Service and Good Conduct Medal legal framework

5. The legal authority for the grant of the LS&GCM is set out in the following documents:

- *The Queen's Regulations and Admiralty Instructions 1953*
- *Australian Book of Reference 5106*
- *Australian Navy Orders ANO 1-16/66 4 January 1966*

Eligibility Criteria for the Royal Navy Long Service and Good Conduct Medal

6. In summary, the eligibility criteria for the Royal Navy Long Service and Good Conduct Medal are:

- (a) have completed 15 years pensionable service with continuous Very Good conduct and with previous conduct in service over the age of eighteen years not below good;
- (b) hold three good conduct badges for the three consecutive years immediately preceding the application for the award;
- (c) be provisionally recommended by the Captain of the ship or establishment in which the sailor is serving at the time of his application for the award; and
- (d) be serving an engagement to complete 20 years service over the age of twenty years. (In the case of a sailor who re-engaged within five years of discharge, prior service after attaining the age of 20 counts).

Mr. Claridge's Service Record

7. Mr. Claridge served in the Royal Australian Navy (RAN) from 13 January 1948 to 12 January 1966. While serving, Mr. Claridge was granted three Good Conduct Medals in 1952, 1956 and 1960. His Record of Service card shows that he had Very Good Conduct from 1948 up to and including December 1963. His Record of Service Card shows that Mr. Claridge was in Darwin Hospital in September 1962 in a critical condition from burns.

8. In recognition of his service Mr. Claridge has been issued with the following medals and badge:

- Australian Active Service Medal 1945-75 with Clasp 'MALAYSIA',
- Naval General Service Medal 1915-62 with Clasp 'MALAYA'
- Australian Service Medal 1945-75 with Clasp 'FESR' and 'PNG'
- Australian Defence Medal
- Pingat Jasa Malaysia
- Returned from Active Service Badge

Consideration

9. The Directorate's submission, in summary, was that Mr. Claridge is not eligible for the award of the LS&GCM because no provision existed for the award of Imperial Awards. It further contended that Mr. Claridge was not eligible for the award, as he had not serving an engagement to complete 20 years service over the age of 20 years, as required by the regulations.

10. At the Hearing Mr. Claridge confirmed the accuracy of his service records. Mr. Claridge recounted that when he decided to re-enlist in September 1962 he was encouraged to re-enlist for five years but only wanted to serve three more years. Mr. Claridge's interest in the LS&GCM was stirred when he learned a colleague with similar service had the medal. He felt he had been caught up in changing regulations and been disadvantaged. He made the point that Defence had argued his case on the basis of 1967 Regulations when he had clearly discharged in 1966. In the course of the hearing it was pointed out to Mr. Claridge that the Regulations in place at the time of his discharge reflected the need for him serving an engagement to complete 20 years service. It appears Defence relied on the incorrect version of the Regulations but this was ultimately of no consequence as those Regulations had the same criteria; Mr. Claridge appeared to understand this.

11. The Regulation makes it is clear that a person cannot be awarded LS&GCM unless they have reengaged to complete 20 years service. Mr. Claridge does not meet this requirement

Finding

12. For the reasons set out above, the Tribunal finds that Mr. Claridge is not eligible for the Royal Navy Long Service and Good Conduct Medal, as he does not meet the eligibility criteria for the award. Accordingly the Tribunal finds that the decision of the Directorate is the correct decision.

DECISION

13. The Tribunal affirms the decision of the Directorate of Honours and Awards of the Department of Defence that Mr. Claridge is not eligible for the award of the Royal Navy Long Service and Good Conduct Medal.