



Australian Government

Defence Honours and Awards Appeals Tribunal

Hanuszewicz and the Department of Defence re: Cameron [2019] DHAAT 08 (23 May 2019)

File Number(s) 2018/037

Re **Mr S. Hanuszewicz** on behalf of **Lieutenant Colonel B. Cameron, MC (Retd)**
Applicant

And **The Department of Defence**
Respondent

Tribunal Mr M. Sullivan, AO (Presiding Member)
Brigadier M. Bornholt, AM (Retd)
Ms N. Isenberg

Hearing Date 13 February 2019

DECISION

On 23 May 2019 the Tribunal decided to recommend to the Minister for Defence Personnel that the decision by the Chair of the Defence Historical Honours Review Board to not support a higher tier of medallic recognition for Second Lieutenant B. Cameron, MC for his actions in South Vietnam on 25 June 1971 be affirmed.

CATCHWORDS

DEFENCE HONOUR – Victoria Cross for Australia – eligibility criteria – other gallantry decorations - Military Cross - C Squadron 1st Armoured Regiment – Vietnam - Operation Hermit Park

LEGISLATION

Defence Act 1903 – ss 110T, 110V(1), 110VA, 110VB(1)
Defence Force Regulations 1952 – Reg 93B Sch 3 Part 1
The London Gazette No 33700 dated 20 March 1931, *Royal Warrant – The Military Cross*, p1889
Commonwealth of Australia Gazette No.S25 dated 4 February 1991, *Victoria Cross Regulations*
Commonwealth of Australia Gazette No.S25 dated 4 February 1991, *Gallantry Decorations Regulations*

REASONS FOR DECISION

Introduction

1. The Applicant, Mr Stan Hanuszewicz seeks review of a decision by the Chair of the Historical Honours Review Board in the Department of Defence (the Board) to not support a higher tier of medallic recognition for Second Lieutenant Bruce Cameron who had received a Military Cross (MC) for his actions as a tank troop commander in Vietnam in June and July 1971.¹ Second Lieutenant Cameron retired from the Army as a Lieutenant Colonel however he will be referred to as a Second Lieutenant throughout this report.

2. On 13 May 2011, Mr Hanuszewicz made a submission to the Tribunal's *Inquiry into unresolved recognition for past acts of naval and military gallantry and valour* (the Valour Inquiry) seeking that Second Lieutenant Cameron receive 'a higher decoration than the MC in recognition of his disregard for his own safety on two occasions in his endeavour to protect the life of his fellow soldier, Trooper Cadge'.² The action occurred on 25 June 1971 in the course of an attack on an enemy bunker system during Operation *Hermit Park*. On 16 April 2012 Mr Hanuszewicz wrote to the Tribunal indicating that he considered that Second Lieutenant Cameron's actions on 25 June 1971 'are consistent with the criteria for the awarding of the Victoria Cross'.³

3. On 14 March 2013 the Australian Government referred several submissions including Mr Hanuszewicz's to the Chief of Army (CA) through the Chief of the Defence Force for consideration. Five years later the matter was decided by the Board who, having considered a research pack provided by Army Headquarters, concluded that 'there were no compelling reasons to alter the decisions taken at the time'.⁴ This decision was communicated to the Applicant by the Chair of the Board on 4 July 2018 and on 20 July 2018 Mr Hanuszewicz lodged his application for review of the decision with the Tribunal.⁵

4. On 23 October 2018 the Chair of the Board wrote to the Tribunal and advised that the Board's decision was actually a recommendation and had been passed to the CA whose decision was 'pending'.⁶ On 20 November 2018 the Board advised the Tribunal that:

¹ Directorate of Honours and Awards letter to Mr Hanuszewicz - DH&A OUT/2018/041 dated 4 July 2018.

² Mr Hanuszewicz Submission to the *Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour* dated 5 May 2011 – Submission 26.

³ Mr Hanuszewicz letter to the Tribunal dated 16 April 2012.

⁴ Directorate of Honours and Awards letter to Mr Hanuszewicz - DH&A OUT/2018/041 dated 4 July 2018.

⁵ Mr Hanuszewicz Application for Review of Decision dated 20 July 2018.

⁶ Directorate of Honours and Awards letter to the Tribunal - DH&A OUT/2018/0077 dated 23 October 2018.

... after careful consideration of all the available evidence, the CA has agreed with the [Board's] recommendation that no further action be taken to recognise Mr Cameron ...⁷

Tribunal Jurisdiction

5. Pursuant to s110VB(1) of the *Defence Act 1903* (the Act) the Tribunal has jurisdiction to review a reviewable decision if an application is properly made to the Tribunal. The term *reviewable decision* is defined in s110V(1) and includes a decision made by a person within the Department of Defence to refuse to recommend a person for an honour or award in response to an application. Regulation 93B of the *Defence Force Regulations 1952* defines a defence honour as being those awards set out in Part 1 of Schedule 3.⁸ Included in the defence honours set out in Part 1 is the Victoria Cross (VC).

6. The Tribunal was satisfied that Mr Hanuszewicz's submission to the Valour Inquiry seeking 'higher decoration than the MC' for Second Lieutenant Cameron and subsequently clarified as seeking the VC, constituted an application as required by s110V(1)(c) of the Act. The Tribunal noted that the Board, subsequent to the Applicant's lodgement of a request for review had indicated that the final decision had been made in the matter by the CA. However, the Tribunal determined that the Board's letter to the Applicant dated 4 July 2018 informing him that 'a higher tier of medallic recognition while considered was not supported' constituted a refusal to recommend Second Lieutenant Cameron for higher recognition, thus satisfying the requirements of s110V(1)(a) and (b) of the Act and creating the *reviewable decision*.

7. The Tribunal did not accept the Respondent's assertion at the hearing that the decision was subsequently made by the CA as the letter written to the Applicant by the Board communicated a refusal to recommend ('by a person within the Department of Defence') to which the Applicant then lodged an appeal.

8. The Tribunal is bound by the eligibility criteria that governed the making of the reviewable decision in 2018, as required by s110VB(6) of the Act. In accordance with s110VB(1) of the Act, as the Applicant seeks a defence honour, the Tribunal does not have the power to affirm or set aside the decision but may make recommendations regarding the decision to the Minister.

9. The Tribunal informed the parties at the hearing that as the application for review sought the VC, the decision and recommendation would not be published or

⁷ Directorate of Honours and Awards letter to the Tribunal - DH&A OUT/2018/0093 dated 20 November 2018.

⁸ Under Section 85 of the *Defence Regulation 2016*, the *Defence Force Regulations 1952* continue to apply to an application made under those regulations before their repeal on 1 October 2016.

provided to the parties until the outcome was determined, in accordance with the Tribunal's Procedural Rules 2011, as amended (*Procedural Rules*).

Conduct of the review

10. In accordance with the *Procedural Rules*, on 2 August 2018, the Tribunal wrote to the Secretary of the Department of Defence informing him of Mr Hanuszewicz's application for review and requesting a merits-based assessment of the actions of Second Lieutenant Cameron and a report on the material questions of fact and reasons for the decision to refuse the application for higher recognition. The Tribunal also requested that the Secretary provide copies of documentation relied upon in reaching the decision and any other relevant documents.

11. On 23 October 2018, the Chair of the Board provided a submission, on behalf of Defence. Attached to this submission was the Army Report into Second Lieutenant Cameron's actions, which had been completed in February 2018 (the Army Report).⁹ The Army Report concluded that there was no failure in due process or evidence of maladministration in the awarding of the MC to Second Lieutenant Cameron and in the absence of new evidence, there was no requirement for a merits review.

12. The Chair of the Board stated that the Board had considered the matter at a meeting on 24 May 2018 and although a merits review of the action was not conducted, it had concluded that there was no compelling reason to alter the decision to award the MC to Second Lieutenant Cameron.¹⁰

13. The Defence submission was forwarded to Mr Hanuszewicz for comment on 26 October 2018.¹¹ Mr Hanuszewicz responded on 16 November 2018 reiterating his view that the decision to award the MC to Second Lieutenant Cameron was made without a complete account of the action and if the evidence which he, Mr Hanuszewicz, had provided was known, 'a different decision as to the level of recognition would have been made'.¹²

14. The Tribunal met on 29 November 2018 and confirmed the scope of the review, the decision under review and jurisdiction. The Tribunal noted that in accordance with its *Procedural Rules* the hearing into the matter would be conducted in public and accordingly, a hearing was listed to be held in Canberra on 13 February 2019. The hearing was attended by Mr Hanuszewicz, who gave evidence and Second Lieutenant

⁹ Report into Category 2 Public Submission 26 to the *Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour* - 312785 Second Lieutenant Bruce Cameron dated February 2018.

¹⁰ Directorate of Honours and Awards letter to the Tribunal - DH&A OUT/2018/0077 dated 23 October 2018.

¹¹ Tribunal letter to Mr Hanuszewicz - DHAAT OUT/2018/622 dated 26 October 2018.

¹² Mr Hanuszewicz letter to the Tribunal dated 16 November 2018.

Cameron. Evidence by telephone conference was also provided by Trooper Bayly who was an eye witness to the action. The Respondent was represented at the hearing by Air Vice Marshal Evans, the Chair of the Board, and Colonel Thomas, the Director Personnel Policy – Army. The Defence representatives were afforded the opportunity to cross examine the witnesses.

Second Lieutenant Cameron’s Service Record and Recognition

15. The Army Report indicates that Second Lieutenant Cameron graduated from the Officer Cadet School Portsea on 14 June 1969 and was allocated to the Royal Australian Armoured Corps. Following basic officer training he was posted to the 1st Armoured Regiment as a Tank Troop Commander in C Squadron. He deployed to South Vietnam on 21 January 1971 as the Commander of 5 Troop, C Squadron. Second Lieutenant Cameron returned to Australia in September 1971. In 1972 he undertook training in the United Kingdom and the United States before returning to Australia where he was employed in a variety of staff, instructional and regimental appointments until he retired from the Army in 1987 with the rank of Lieutenant Colonel.

16. For his service in the Army, Second Lieutenant Cameron has been awarded the:

- Military Cross;
- Australian Active Service Medal 1945-75 with Clasp ‘VIETNAM’;
- Vietnam Medal;
- Defence Force Service Medal;
- Australian Defence Medal; and
- Republic of Vietnam Campaign Medal.

17. **The Award of the Military Cross.** Second Lieutenant Cameron’s MC was initiated by Commander 1st Australian Task Force on 15 September 1971 and approved by the Adjutant General.¹³ Second Lieutenant Cameron was cited:

in recognition of his sound leadership and courage under fire while serving as a Troop leader with C Squadron, 1st Armoured Regiment during active service in South Vietnam

18. The citation for the award states:

On 7th June, 1971, during Operation 'Overlord', Second Lieutenant Cameron was deploying his tank troop to give support to an infantry company when the troop was engaged by fire from an enemy bunker system. He immediately gave orders for his troop to launch an attack against the well defended bunker complex. In the course of the attack, Second Lieutenant Cameron was wounded by the heavy fire which the enemy was directing against the tank troop, but

¹³ Recommendation for Honours dated 15 September 1971.

despite his wound, he remained calm and resolutely pressed on with the troop attack. His determined leadership and swift action forced the enemy's withdrawal from the forward bunkers and contributed greatly to the defeat of the entire enemy force.

Later in June, 1971 during an assault on another bunker system, his tank was hit by enemy fire and his driver received head injuries and collapsed across the front of the tank. Ordering his crew to continue firing, Second Lieutenant Cameron dismounted and moved his driver to safety thus saving him from further serious injury.

Again in July, 1971 Second Lieutenant Cameron moved his tank troop to give support to an infantry platoon which had taken casualties from, and was pinned down by, enemy fire from a bunker complex. However, due to the position of one of the platoon's casualties, his troop was unable to give effective fire support. At the request of the platoon commander, Second Lieutenant Cameron moved his tank forward to crush a bunker from which enemy fire was being received. As a result of this action, the remainder of his troop was able to be moved between other bunkers and the casualty and give the covering fire needed to allow evacuation of the wounded.

Second Lieutenant Cameron's sustained personal courage and determined leadership reflect great credit upon himself, his Regiment and the Australian Army.¹⁴

Report of the Action on 25 June 1971

19. The Army Report indicates that the action on 25 June 1971 took place in Phuoc Tuy Province, Vietnam during Operation *Hermit Park*.¹⁵ The operation was a joint infantry/armoured clearance conducted between 14 and 27 June 1971 in thick jungle near the De Courtenay Rubber Plantation. The record of the action that day is contained in the After-Action Report submitted on 15 July 1971 by the Officer Commanding C Squadron, Major P.W. Bourke who commanded the attack in which Second Lieutenant Cameron was a troop leader.¹⁶

20. The After-Action Report indicates that intelligence had found that an unidentified enemy force was occupying a bunker system and a plan was developed to conduct a quick attack with two troops of tanks in the assault, supported by armoured personnel carriers, with an infantry platoon in a blocking position and artillery

¹⁴ Text of Citation for the Award of the Military Cross to Second Lieutenant Bruce Cameron.

¹⁵ Report into Category 2 Public Submission 26 to the *Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour* - 312785 Second Lieutenant Bruce Cameron dated February 2018, P.18-26.

¹⁶ *C Sqn Combat Operations After Action Report Operation Hermit Park* – R569-1-27 dated 15 July 1971.

providing supporting fire. Orders were issued and the group crossed the start line with Second Lieutenant Cameron's 5 Troop the right forward troop in the assault. His troop consisted of three tanks with his tank, Callsign 5 in the centre, Callsign 5B was to his left and Callsign 5C, commanded by Corporal Hanuszewicz, was to his right.

21. After moving 150 metres, 3 Troop on the left discovered two unoccupied bunkers and destroyed them; after another 350 metres the group changed direction and during this change, Second Lieutenant Cameron's driver was injured by falling timber and evacuated. The driver was replaced by Trooper Cadge during the evacuation. The group continued the assault and after another 50 metres, first contact with the enemy was made by 3 Troop who were engaged with Rocket Propelled Grenades (RPG). Callsign 5 discovered the fire-lane used by the enemy and immediately returned fire. The position was consolidated and the wounded from 3 Troop evacuated.

22. The After-Action Report states that:

The assault was recommenced and a second adjustment of the axis was made. Immediately following the change of axis, Callsign 5 was engaged by RPG fire. The round struck the gun barrel and the driver received head wounds from the splash. The area was saturated with fire and the enemy returned small arms fire over a frontage of 150 metres. The whole group returned heavy fire. The small arms fire ceased. Callsign 5C was fired on by three RPGs, two of which hit the tank. The first struck the muzzle damaging it. The second struck down low on the running gear. Callsign 5C destroyed the source of the fire with an APCBC round that removed [several] inches of the damaged muzzle. He followed this up with five cannister rounds and MG fire. The position was consolidated and the casualty evacuated ...¹⁷

Official Accounts of the Action

23. **The Official History.** The Official History – *Fighting to the Finish, the Australian Army and the Vietnam War, 1968-1975* contains a description of the action taken from extensive after-action reports and commander's diaries as well as individual accounts from Major Bourke, Second Lieutenant Cameron and Corporal Hanuszewicz.¹⁸

24. The history indicates that the combined force started their assault with five tanks 'in line abreast' with the Centurions leading, followed by the infantry. One hour after commencing the assault a tank driver was seriously injured by a falling tree branch. He was evacuated and a replacement driver was installed. Five minutes later the first contact occurred. The history states that:

¹⁷ Ibid. P.7, Para15.

¹⁸ Ashley Ekins with Ian McNeil, *Fighting to the Finish, the Australian Army and the Vietnam War, 1968-1975*, Allen & Unwin in conjunction with the Australian War Memorial, 2012, p.578-583.

Second Lieutenant Cameron moved his tank around to the left of the stricken tank. 'I saw smoke about 50 metres to my front and pushed forward through some jungle to engage it and found myself sitting right in the middle of a fire lane. He immediately fired cannister rounds back along the lane, silencing the enemy.

25. The history records that the assaulting force then waited while the wounded soldiers were evacuated by helicopter and their tank was recovered. The group resumed the assault at 4.50pm with Cameron now commanding the composite group of four remaining tanks. Second Lieutenant Cameron said:

we'd gone another 10 metres and my tank took an RPG. It was lucky the explosion and blast angled past me, though it was a couple of seconds before I could see again

26. The history states that:

The round detonated on the underside of the barrel of the tank's 20-pounder main armament, close to the turret and just above the driver's hatch. It penetrated the turret for 15 centimetres and 'splash' fragments struck the driver, Trooper Peter Cadge, severely wounding him in the head. With the canvas mantlet cover ablaze above him, Cadge collapsed. The crew could not reach him from inside the tank as nearby trees on either side of the tank prevented the turret with its long-barrelled gun from traversing to allow access to the driver's compartment. Cameron decided he 'had to get to him from the top'. Ordering his crew to continue firing, he climbed down from the tank and went to free his wounded driver, armed with nothing more than his 9mm automatic pistol.

Cameron's crew continued to fire cannister rounds from the main gun although the barrel was damaged and potentially unsafe to fire. Cameron pulled the driver to safety at the rear of the tank assisted by Lieutenant Peter Goldman, commander of 4 Troop, who had come forward on foot from the squadron headquarters. Corporal 'Stan' Hanuszewicz, crew commander of the tank on the right flank watched from 15 metres away. He was awed by Cameron's action and believed 'the North Vietnamese must have been awed by it too'.

27. The history indicates that the enemy then attempted to outflank the attacking vehicles and it was soon apparent that the assaulting force had run into a well-prepared, newly constructed bunker system. It records that:

within minutes, Corporal Hanuszewicz's tank on the right was hit by several RPGs. The first round struck the muzzle of the tank's main gun barrel, leaving

the barrel slightly bent to the left and obstructed ... the crew continued to use the main armament, firing five cannister rounds until Cameron was safely back inside his tank.

28. The history then records that having remounted his tank with a replacement driver, Second Lieutenant Cameron and his Troop renewed the assault.

29. **The C Squadron Commander's Diary.** The C Squadron Commander's diary makes only a brief reference to the action in 1st Australian Task Force Intelligence Summary 176/71 attached to the diary.¹⁹ Describing ground activity in Area of Operations *Birdsville*, the summary states:

3.a.(1)(c) (251730H), at YS419854, elms of A Sqn 3 Cav Regt whilst supporting 2 Pl V Coy 4 RAR/NZ(ANZAC) Bn in contact sustained 2 Aust WIA as a result of an explosion caused by either an RPG rd or a Claymore. At 251810H 1 Pl V Coy 4 RAR/NZ(ANZAC) with tanks and APCs received SA fire while DUSTOFF was in progress. There were no friendly casualties. Total Aust casualties: 3 WIA (incl one who was struck with dead fall during move to contact area). En casualties unknown.

Eye Witness Accounts of the Action and Evidence

30. **Second Lieutenant Cameron.** Second Lieutenant Cameron provided a written account of the action in a statutory declaration dated 8 May 2011.²⁰ Relevant extracts of that account follow:

I was commanding three tanks during an attack on an enemy defensive position, my tank being in the middle (two tanks had been lost earlier in the attack, one to enemy fire and one due to mechanical breakdown). An infantry platoon and APC troop were providing support, the attack being under command of the tank squadron OC.

An RPG struck the front of my tank badly wounding the driver. The tank stopped between two trees, which severely limited the traverse of the turret. This meant that the driver couldn't be reached from inside and the tank couldn't engage the area from which the fire was coming. A further complication was that the dazed driver started to get up out of the driver's compartment, making him very vulnerable.

I was very conscious of my conflicting obligations (i) as the Troop Leader, for the control of the attack; and (ii) as the Crew Commander, for the safety of my

¹⁹ C Squadron 1 Armoured Regiment Commander's Diary, *Narrative Duty Officer's Log 1-30 June 1971* – AWM95 2/3/32.

²⁰ Statutory Declaration by Bruce Cameron declared at Canberra on 8 May 2011.

driver. I resolved to act as responsibly as possible (there being no place for recklessness which would put others at risk). The main enemy threat was from the right and I tasked the tank on that side to suppress the area to his front with fire. I then handed responsibility for the commander's machine gun to my gunner. There was no question that the driver could be left exposed as he was.

Before jumping down from the commander's station on the right hand side I said to myself 'I'll either get an MC or be killed'. (I was not aware until many years later that this was a literal alternative, i.e. the MC can't be awarded posthumously.) When I landed beside the tank I felt very vulnerable and pulled out my 9mm pistol. Quickly realising how inadequate a weapon it was, I returned it to my shoulder holster and moved forward to my driver.

When I got to Trooper Cadge he was relieved to see me, not because he was being helped, but because he thought that the tank was on fire (canvas above him was set alight by the RPG) and, despite his wounds, he had been trying to go to our aid, which was why he was getting out of his driver's compartment. (I subsequently recommended that he be Mentioned in Despatches for 'his concern for the remainder of his crew and his coolness under fire'. This was approved.)

I told him we'd get him 'dusted off' as quickly as possible, emphasising that he had to get back into the driver's compartment for his own safety. The proximity of the enemy meant that there was no possibility of him being extracted and taken to the rear at that moment. (I now know that an RPG was fired at us, but hit the muzzle of the tank on the right.) I then returned to the turret to control the fire of the other tanks.

The intense weight of fire produced by the tank troop meant that it was not long before the enemy defences were neutralized. SHQ sent another officer forward with a replacement driver. Together, that officer and I lifted Cadge out of the driver's compartment and moved him to the rear of the tank. The ARV commander took over from me and I returned to the turret. The Troop then exploited through the position, allowing it to be secured.

31. **Second Lieutenant Cameron's Evidence at Hearing.** Second Lieutenant Cameron gave a compelling first-hand description of the action during the hearing. He read from a prepared statement which included a document that he labelled the 'Six Minutes' of the action under review. He described the close proximity of the tanks and the thick, almost impenetrable jungle and bamboo that enveloped the vehicles as they advanced. He said that as his tank broke through from the vegetation at 1800 hours into an 'open' area, there was an explosion and the tank stopped. He said there was no response from the driver (Trooper Cadge) on the tank's internal communication system and the crew tried to reach him from inside the turret. The tank, however, had stopped

between two trees and it was impossible to traverse the turret to either access the driver's compartment or bring the main gun to bear on the area where the enemy fire seemed to have come from.

32. He said that he ordered the tank on the right to move forward and engage the area to his front and right front with canister whilst he engaged the same area with the commander's machine gun. Second Lieutenant Cameron said that the crew were not able to get to the driver, but could see that he was wounded and unresponsive. He said that he informed his headquarters in the hope that a Recovery Vehicle could come forward and tow his tank to the rear, thereby allowing the driver to be evacuated and replaced.

33. He said that at 1803 hours his gunner (Trooper Bayly) yelled out for him to stop firing as he had seen Trooper Cadge through his gunner's sight getting out of his driver's station. Second Lieutenant Cameron said that it was obvious that Cadge was exposed and that he had to be moved out of the line of fire.

34. Second Lieutenant Cameron said that a troop leader's main duty at all times, is to ensure the safety of his troop. He said that he could not order any of his crew to go forward [to assist Cadge] as 'it would have placed them at an unacceptable risk', nor could he spontaneously dismount himself. He said that if the enemy had enough RPGs, it was conceivable that they could 'knock out' the other two tanks and gain ascendancy over the infantry.

35. He ordered Callsign 5C to saturate the area to the front and right front with as much fire as they could and at 1804 hours, he told the turret crew what he was going to do and ordered the gunner to take over the commander's machine gun after he dismounted. He said he launched himself up and out of the turret, onto the hull engine decks behind the turret and down to the ground to the right of the tank. He described being in dense vegetation, not able to see more than about one metre and needing both hands to move the vegetation aside. He said he quickly worked his way along the side of the tank towards Cadge for about four metres.

36. Second Lieutenant Cameron said that the crew commander of Callsign 3A 'tried to alert us on the radio that Cadge was standing on his seat trying to get onto the turret'. He said Cadge then fell forward onto the glacis plate. He said he was under the impression Cadge had been shot by the gunner who was using the commander's machine gun. He said that at 1805 hours when he got level with the front of the tank, he found Trooper Cadge had managed to get out of the driver's compartment and was trying to get up on the front of the turret. He said that Cadge was relieved to see him and despite his very serious head wound, said:

I thought the tank was on fire and wanted to make sure that you blokes were OK

37. Second Lieutenant Cameron said that he told Trooper Cadge to 'get back inside and stay there until we [are] able to evacuate [you] safely'. He said that he recalled having some physical contact with Cadge, but did not remember if he got up on the front of the tank to help him back into the driver's compartment. He said he could well have had to do so, as Cadge had trouble co-ordinating his movements because of his wound.

38. He said that while he was thus engaged, and unbeknown to himself at the time (as he was scrambling back into the turret), the end of 5C's barrel was hit by an RPG fired from a bunker to the right front and aimed at himself and Trooper Cadge.

39. He said that during his interaction with Trooper Cadge he didn't remember having any thought for the enemy as all of his attention was focussed on Cadge, and 'the enemy was out of mind'.

40. Second Lieutenant Cameron said that with Cadge back in the driver's compartment, he engaged the enemy position with machine gun fire, while ordering the other tanks to continue to dominate the battleground by fire. He said that while helping Trooper Cadge, he had seen that an RPG had struck the underside of the tank's barrel.

41. Second Lieutenant Cameron noted that whilst this was occurring, Callsign 5C was being targeted by the enemy and was hit by two RPGs. The crew commander, Corporal Hanuszewicz, was wounded in the face and neck. Despite this, he continued to bring fire to bear on the enemy position and shortly afterwards, the enemy ceased firing and were seen withdrawing. He said that the opportunity was then available to evacuate Trooper Cadge. He said that Second Lieutenant Goldman came forward on foot and he dismounted and together they 'walked' the driver some distance back from the tank where he was helped into an Armoured Personnel Carrier and evacuated.

42. Second Lieutenant Cameron noted that the citation for his MC does not include much of this detail or mention him having helped Trooper Cadge, simply stating that he 'dismounted and moved [his] driver to safety'.

43. Second Lieutenant Cameron emphasised in response to questions at the hearing that during the interaction with Trooper Cadge, he was not aware of enemy fire as he was concentrating on Cadge. He said that whilst Mr Hanuszewicz claimed the action had lasted an hour, he was of the view that it went for six to nine minutes 'before the enemy withdrew'. In response to questions regarding threat and risk, Second Lieutenant Cameron said that he thought at the time:

there was a fair chance I would be killed but I thought it was the right thing to do

44. He stated that he was confident that if he had become a casualty, the remainder of the group would not have been adversely impacted as the Squadron Commander was

in a position to continue the assault. He said that he 'knew that if I was killed, the Squadron Commander was well placed to take over'.

45. In relation to recognition, Second Lieutenant Cameron said at the hearing that he had 'never formed the view that the award of the Military Cross was inadequate'. He said that he now felt that 'there was some justification for the matter to be considered independently'. He emphasised to the Tribunal that he was 'not acting spontaneously' in deciding to go to Trooper Cadge's aid.

46. Subsequent to the hearing, Second Lieutenant Cameron wrote to the Tribunal seeking to clarify that the three separate actions which are described in the citation for his MC were in his view each separately and of themselves 'deserving of recognition'.²¹

47. **Corroborative Evidence.** At the hearing, Second Lieutenant Cameron referred to corroborative evidence in the form of a letter he had written to his father two days after the action.²² This letter described the lead up to the action and then the engagement:

... the infantry reported a lot of movement on the left flank and when we pushed forward we turned left, we'd gone another 10 when my tank took an RPG. I was lucky the explosion and blast angled past me, though it was a couple of seconds before I could see again. The RPG hit the 20 pounder barrel underneath, just above the driver, he received serious shrap wounds to the head and speaking to John Muir today (the Brig came out) he said he may have brain damage. I tried to get to him through the turret but the tank was stopped in such a position that we had very little traverse so I had to get to him from up top. 5C the right hand tank received two hits RPG and another 1 exploded close, and possibly a Claymore to its right side. The crew comd got a couple of pieces of shrap and the end of his barrel (20 pounder) was shot off. Anyway finally I managed to get a tank in front of me, my driver by this time was staggering out of his compartment and I got him out to the rear of the tank and another driver came forward and we moved forward. I saw the bunker from which the RPGs were coming and fired two shot rounds into it. We remained here and were resupplied ...

48. Second Lieutenant Cameron also provided a letter written to him by Mr Hanuszewicz which he received on 5 April 2002.²³ The letter stated:

... my tank had come into a fire zone when I saw your tank get hit and I saw you get out of the turret and help your driver ... it was then my gun barrel was hit by an RPG and was somewhat bent to the left. I had just finished firing a

²¹ Email from Mr Cameron to the Tribunal dated 4.53pm on 13 February 2019.

²² Letter to Second Lieutenant Cameron's father dated 27 June 1971.

²³ Letter from Mr Hanuszewicz to Bruce Cameron received on 5 April 2002.

cannister round and had another one up the chamber. I saw the barrel and decided it would be more prudent to use 20 pounder shot than cannister so I blew it off! That shut up the first bunker. We then laid down more cannister rounds till you got back safely inside your tank ...

49. **Corporal Hanuszewicz.** Corporal Hanuszewicz was the crew commander of Callsign 5C on the right of Second Lieutenant Cameron's tank. He provided a written account of the action in a statutory declaration dated 13 May 2011.²⁴ Relevant extracts of that account follow:

...as the commander of the tank located to the right and slightly to the rear of Second Lieutenant Cameron's tank, I was in a position to observe what was happening at the time. I saw Second Lieutenant Cameron dismount from his vehicle and under intense enemy fire and in full view of the enemy bunkers that were located approximately eight metres to his front, move along the side of the tank to provide assistance to his wounded driver, Trooper Cadge.

... Trooper Cadge who was suffering from a serious head wound was disorientated and unaware of the full situation he was in. Having informed Trooper Cadge of the full situation and having persuaded him to resume his position in the driver's seat, Second Lieutenant Cameron returned, again under fire, to re-enter his vehicle. I observed him doing this. To do this he had to climb onto the tank and to re-enter via the turret in a totally exposed position eleven feet from the ground. The terrain had been cleared of all vegetation in front of the bunkers thereby affording Second Lieutenant Cameron no protection whatsoever.

While this was happening, my role as ordered by Second Lieutenant Cameron was to bring to bear suppressive fire onto the enemy. Whilst doing so, an enemy RPG, aimed at Second Lieutenant Cameron and Trooper Cadge, fired from my right, was intercepted by striking the barrel of my vehicle. This had been lowered to bring it to bear on the closest bunker to my front. Had it not been for this fortunate interception, there is no doubt in my mind that Second Lieutenant Cameron and Trooper Cadge would have been killed. Once he was back in his tank, Second Lieutenant Cameron resumed contact with the enemy.

Later Second Lieutenant Goldman and two others ... arrived on foot to assist in removing the wounded driver. I continued to provide saturating fire to my front, removing the end of my damaged barrel in the process. Second Lieutenant Cameron dismounted his vehicle for a second time and, with the assistance of Lieutenant Goldman and the other two soldiers, one of whom took on the role of replacement driver, moved Trooper Cadge to safety enabling him to receive

²⁴ Statutory Declaration by Stanislaw Hanuszewicz declared at Lauderdale on 13 May 2011.

a Casevac. Second Lieutenant Cameron remounted his vehicle for a second time and continued to engage the enemy until the enemy was forced to evacuate the bunker position entirely.

50. Corporal Hanuszewicz described the enemy force as elite, well trained and disciplined who had used aggressive tactics to engage the tanks. He concluded his statement by stating that:

Second Lieutenant Cameron should be awarded a higher decoration than the Military Cross in recognition of his disregard for his own safety on two occasions in his endeavour to protect the life of his fellow soldier, Trooper Cadge.

51. **Mr Hanuszewicz's Evidence at Hearing.** During the hearing Mr Hanuszewicz gave evidence and elaborated on the material he had provided in his application. He emphasised that in his view, the fact that Second Lieutenant Cameron had dismounted twice from the relative protection of his tank whilst under fire was new evidence and proved that the actions were 'most conspicuous'.

52. He said that the various accounts of the action and the citation for the MC failed to accurately reflect what had occurred and understated the bravery of Second Lieutenant Cameron. He said that the actions met the criteria for the VC as in his opinion, Second Lieutenant Cameron was prepared to 'give his own life to save his driver'. He said that if Second Lieutenant Cameron had not dismounted and encouraged Trooper Cadge to return to his compartment, Cadge 'may have gone off and bled to death'.

53. Mr Hanuszewicz concluded his evidence by stating that there was no question in his mind that Second Lieutenant Cameron 'deserved the VC for his actions'.

54. **Trooper Cadge.** Trooper Cadge provided a written account of the action in a statutory declaration dated 18 October 2012.²⁵ Relevant extracts of that account follow:

... the Troop went in leaving two tanks at the rear in case the enemy tried to come at us from behind, I was the driver of one of them. After the assault had been in progress for a while an APC came back to the rear, Trooper Jones had been injured by a tree branch and one of us had to go forward to take his place. The other driver didn't appear to want to go so I jumped on the APC and went up.

I can't say how long I was in the tank when we had to prop because the tank I believe was on my left had been hit by an RPG, how long after that I don't know, my tank was apparently hit also. They hit the barrel just above my head, I could

²⁵ Statutory Declaration by Peter Cadge declared at Greensborough on 18 October 2012.

only just see, I put my hand on my head and could see blood. I saw the front of the turret on fire so I tried to get my pistol and stand up to see if the rest of the crew was OK. I heard someone call out sit down so I knew they were OK, by this time I couldn't see.

The next thing I can remember was someone telling me to try and walk and I could hear a helicopter. I woke up about ten days later in an American hospital.

55. Trooper Cadge was later told that Second Lieutenant Cameron had come to his aid. He was not aware of Cameron's actions. Trooper Cadge was subsequently recommended for the Mention in Despatches (MID) for his actions by Second Lieutenant Cameron.

56. **Trooper Bayly.** Trooper Bayly was the gunner in Second Lieutenant Cameron's tank. He provided a written account of the action in a statutory declaration dated 23 June 2011.²⁶ Relevant extracts of that account follow:

... Second Lieutenant Cameron's tank was hit by an RPG as it was leading an advance into a well defended NVA bunker system. The tank received serious damage to the main gun and life threatening injuries to the driver, disabling the vehicle.

His driver had been knocked unconscious by the blast and had serious shrapnel wounds to his head and shoulders. The driver's compartment was also on fire with burning sections of the mantle cover and could not be accessed from inside the tank. After a period of time with the enemy still engaged, his driver (Peter Cadge) regained consciousness, and was trying to exit the burning tank into enemy fire in a state of deliriousness.

Without regard for his own safety, or protection, and under fire, Second Lieutenant Cameron initiated and carried out the rescue of his driver externally of the tank and in full view of the enemy's position.

57. Trooper Bayly concluded with the statement that:

I believe this act of bravery has never been recognised and request it be reviewed.

58. **Trooper Bayly's Evidence at Hearing.** Trooper Bayly also gave evidence by conference telephone at the hearing. He emphasised that the terrain in which the action occurred was extremely thick jungle which was difficult to access and constrained the manoeuvre of the tank and its armaments. He said that his vision was restricted to the lens of his site which looked immediately over the driver's compartment. He said he

²⁶ Statutory Declaration by Kim Bayly declared at Victor Harbour on 23 June 2011.

knew the tank had been hit and could see Trooper Cadge's limp hand covered with blood. He said that when Cadge 'came to and stood up' he could not recognise him as 'his whole head was a mass of blood and he appeared to be in great pain'. He said he was 'an horrific sight and appeared delirious'.

59. Trooper Bayly said that he stopped firing and told Second Lieutenant Cameron about Cadge before he tried to move the barrel of the tank gun to force Cadge to get down. He said that he then saw Second Lieutenant Cameron, 'exposed to enemy fire' exit the tank and 'extricate' Trooper Cadge, while he, Bayly, took over Cameron's position. Trooper Bayly then recommenced firing at the enemy. He said that he did not see Second Lieutenant Cameron dismount from the tank on the second occasion and did not know if this second dismount was under fire.

Mr Hanuszewicz's submission in relation to the Victoria Cross

60. On 16 April 2012 Mr Hanuszewicz wrote to the Tribunal indicating that in reference to his original submission for higher recognition, he now considered that the actions of Second Lieutenant Cameron were 'consistent with the criteria for the awarding of the Victoria Cross'.²⁷ He stated that the VC award criteria 'pre 1991' was for:

most conspicuous bravery, or some daring or pre-eminent act of valour, or self sacrifice, or extreme devotion to duty, in the presence of the enemy.

61. Mr Hanuszewicz submitted that:

Second Lieutenant Cameron without any thought for his own safety, climbed out of his tank in full view of the enemy and exposed to enemy fire, went to the aid of his badly wounded driver, Trooper Cadge. Trooper Cadge who thought the tank was on fire had been seen through the gunner's sight climbing out of his driver's compartment in full view of the enemy. Without regard for his own safety Second Lieutenant Cameron immediately dismounted and told him that they did not have to bail out. By getting his driver to return to the driver's compartment, Second Lieutenant Cameron undoubtedly saved his life.

Due to C Squadron's pressing tasks and the urgency to get the tank troops back into the field, the history of this event were not fully put on paper and the above mentioned event was unrecorded.

²⁷ Mr Hanuszewicz letter to the Tribunal dated 16 April 2012.

The Army and the Historical Honours Review Board Submissions

62. **The Army Report.** The Army Report was prepared in February 2018 in response to Mr Hanuszewicz's 2011 application.²⁸ The report purported to aim to 'examine the circumstances of Second Lieutenant Cameron's actions and his subsequent award'.

63. The Report identified that the policy for honours and awards at the time of the action was based on *Military Honours and Awards 1953* with wider guidance contained in the *Pamphlet on Military Honours and Awards 1960*. The Report summarised the conditions for the award of the VC, MC and Distinguished Conduct Medal and outlined the 'method of submission' within and from the Australian Task Force. The Report also addressed the Operational Scale of Awards (Quota) for the period July – December 1971 and noted that the quota was over-subscribed for the period. The Report stated that:

*Second Lieutenant Cameron was recommended for, and subsequently awarded, the MC. This allocation was contained in the quota for the period.*²⁹

64. The Report also addressed the citation for Second Lieutenant Cameron's award and concluded that the award of the MC was based upon a recommendation that was 'not for one specific incident but for service over a wide period'. The Report stated that the recommendation for the award had been completed and submitted in accordance with extant policies and guidelines, noting that it was signed initially by the Task Force Commander and not the Squadron Commander. The Report concluded that it was unclear why this had occurred, opining that the recommendation was given to the Headquarters in draft and then prepared for signature after the Squadron Commander had returned to Australia. The Report stated that this was not 'out of line with practices of the time'.

65. The Army Report concluded that there was no failure in due process or evidence of maladministration in the awarding of the MC to Second Lieutenant Cameron and in the absence of new evidence, there was no requirement for a merits review. Importantly, the Report specifically concluded that, 'not only are the actions of Second Lieutenant Cameron not in question, they have been accurately and fairly described in all of the official and unofficial reports and Statutory Declarations' submitted by Mr Hanuszewicz to the Valour Inquiry.³⁰

²⁸ Report into Category 2 Public Submission 26 to the *Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour* - 312785 Second Lieutenant Bruce Cameron dated February 2018.

²⁹ Ibid. P.40.

³⁰ Ibid. P.69.

66. **Historical Honours Review Board Submissions.** The Board considered the application on 24 May 2018.³¹ Minutes of the meeting record its assessment of the matter:

... the MC citation reflects broader actions than those just on 25 June 1971 and while more could have been made of this single event, they have not been and the event is succinctly captured along with a range of other brave/distinguished conduct to justify the award of the MC ...

While others may consider the conduct to be at a level above the MC, I assess there is no basis to reconsider the informed and considered decision making at the time.

67. The Chair of the Board stated in his letter to the Tribunal of 23 October 2018 that the Board was ‘very conscious to consider this case with due regard to the contemporaneous principles and standards applied by the decision makers at the time of the actions under review’.³² He said that the award of the MC ‘recognised three separate actions and the citation reflects the broader actions of Second Lieutenant Cameron rather than just those of 25 June 1971’. The Chair stated that a separate merits review of the action had not been conducted and the Board concluded that:

there were no compelling reasons to alter the decisions made to recognise Second Lieutenant Cameron at the time and agreed that a higher tier of medallic recognition would not be recommended

68. At hearing the Chair was asked to comment on Mr Hanuszewicz’s contention that the witness statements which indicated that Second Lieutenant Cameron had dismantled twice constituted new evidence and should have caused Defence to conduct a merits review. The Chair said that in the Board’s view this did not constitute new evidence but ‘reiterated and reinforced the facts that are known of Second Lieutenant Cameron’s actions and these facts have been accurately and fairly recorded in the official histories and are included within the citation of Second Lieutenant Cameron’s Military Cross’. He said that the application did not provide any new evidence or known facts that were not available to the chain of command at the time.

69. The Chair said that the Board considered that the MC was the appropriate recognition for Second Lieutenant Cameron’s actions. He said that the citation’s wording was ‘flat as was typical of these sorts of citations’. He said that there was no doubt that Second Lieutenant Cameron placed himself in ‘personal peril and exposed himself to the enemy to save his driver’. He said that the Board, whilst not having

³¹ Honours Review Board Meeting Minutes dated 24 May 2018.

³² Directorate of Honours and Awards letter to the Tribunal - DH&A OUT/2018/0077 dated 23 October 2018.

conducted a merits review but ‘having conducted informal discussion’, reached a view that Second Lieutenant Cameron’s actions justified:

an extremely strong MC

70. Mr Hanuszewicz contested this view asking the Chair that if Second Lieutenant Cameron’s actions justified a ‘very good’ MC what would justify a ‘lesser MC’? The Chair stated that perhaps a MID would be classified as a ‘lesser’ MC.

Imperial Awards Available During the Vietnam War

71. The MC was instituted as an Imperial award in 1914 to recognise distinguished and meritorious services in time of war. The Royal Warrant was cancelled and reissued in an instrument dated 5 February 1931 and was the Warrant in place when Second Lieutenant Cameron’s nomination was made. The MC was awarded to officers and warrant officers for:

*gallant and distinguished services in action*³³

72. The *Pamphlet on Military Honours and Awards 1960* was the guidance in place for the Vietnam War and is consistent with the Royal Warrant in that it provides the same conditions for the MC but adds ‘against the enemy’.³⁴

73. The only other awards available for gallantry in the presence of the enemy by officers during the Vietnam War were the Distinguished Service Order for ‘conspicuous gallantry and leadership under fire ...’, and the Victoria Cross.³⁵ Although not specified as a gallantry award, the MID was also available for officers for ‘an act of bravery or for continuous good work over a long period’.

74. Guidance for the award of the VC was contained in the 1960 Pamphlet which stated that it could be awarded:

For most conspicuous gallantry of the highest order in the presence of the enemy. (A guide as to the standard required may be taken as a 90% possibility of being killed in performing the deed).

Tribunal Consideration

75. **General.** The Tribunal is required to review decisions ‘on the merits’ and this requires an examination of the merits of the matter in dispute rather than the lawfulness of the decision under review.³⁶ The merits review necessitates consideration of the

³³ *The London Gazette* No 33700 dated 20 March 1931, p 1889.

³⁴ *Pamphlet on Military Honours and Awards 1960*, WO12922 dated July 1960.

³⁵ *Ibid.*

³⁶ *Council of Australian Tribunals Practice Manual* dated 7 April 2006 p.1.3.1.2.

evidence and accordingly, the Tribunal conducts an independent review, with values, expertise, methods and procedures of its own, and not those of the original decision-maker. In making its decision, the Tribunal considers afresh the relevant facts, law and policy.³⁷ The Tribunal reviews the decision, and not the reasons for the decision. In doing so, there is no legal onus of proof, and there is no presumption that the decision was correct.³⁸ The Tribunal is bound to make what it regards as the ‘correct and preferable’ decision.

76. **The Action.** The description of the action on 21 September 1971 as recorded in the Official History is not in dispute as to the events leading up to Second Lieutenant Cameron dismounting from his tank to go to assist Trooper Cadge.

77. **Second Lieutenant Cameron’s Dismount from his Tank.** Although the history records that Second Lieutenant Cameron ‘pulled the driver to safety at the rear of the tank assisted by Lieutenant Peter Goldman’, this is not supported by the evidence of the eye witnesses. Corporal Hanuszewicz and Trooper Bayly claim that Second Lieutenant Cameron initially dismounted however on that occasion he did not evacuate Trooper Cadge but persuaded him to return to the protection of the driver’s compartment. Similarly, Second Lieutenant Cameron’s oral evidence was that he ‘encouraged’ Cadge to return to the driver’s compartment and then returned himself to his turret. The eye witnesses claim that Second Lieutenant Cameron then dismounted a second time to evacuate Trooper Cadge, assisted by Second Lieutenant Goldman.

78. The Tribunal notes that in the letter Second Lieutenant Cameron wrote to his father two days after the action, he does not mention dismounting twice but indicates that he:

... managed to get a tank in front of me, my driver by this time was staggering out of his compartment and I got him out to the rear of the tank and another driver came forward ...

79. The contents of this letter contradict the evidence of the witnesses and Second Lieutenant Cameron’s oral evidence. The Tribunal considered that the letter, while contemporaneous with the events in question, was a brief recitation of what had occurred and did not purport to be a detailed analysis of the actual contact. The Tribunal therefore prefers the witness statements and the uncontested oral evidence. On balance, the Tribunal is reasonably satisfied that he did dismount a second time.

80. **Was Second Lieutenant Cameron Under Fire?** The Tribunal notes that the evidence of the eye witnesses is that Second Lieutenant Cameron was under fire on the

³⁷ Pearson, Linda, “Merit Review Tribunals”, in Creyke, Robin and McMillan, John, *Administrative Law – the Essentials*, AIAL 2002, p. 68.

³⁸ *McDonald v Director-General of Social Security* (1984) 1 FCR 354.

two occasions that he dismounted. However, Second Lieutenant Cameron's letter to his father suggests that the (first) dismount occurred when he had directed another tank to shield his own vehicle. The Tribunal also notes that Second Lieutenant Cameron gave evidence that he could not recall being under fire whilst he tended to Trooper Cadge and he gave no evidence of being required to return fire with his personal weapon while he was out of the vehicle. This is consistent with him having directed Callsign 5C to move forward so as to provide cover while he was dismounted.

81. The Tribunal notes that none of the witnesses actually described what they meant by '[Cameron] being under fire'. Relying on Second Lieutenant Cameron's oral evidence, the Tribunal was of the view that during the first dismount he was not directly under fire, although he was in the presence of the enemy. Accordingly, the Tribunal could not be reasonably satisfied that Second Lieutenant Cameron was directly under fire when he dismounted the first time.

82. In relation to the second dismount, Second Lieutenant Cameron's oral evidence was that the enemy had ceased firing and were seen withdrawing and that provided the opportunity to evacuate Trooper Cadge. It was then that he dismounted a second time. He was not under fire at this time.

83. The Tribunal also notes that the Applicant, in support of higher recognition, placed weight upon a claim that 'an enemy RPG, aimed at Second Lieutenant Cameron and Trooper Cadge, fired from [his] right, was intercepted by striking the barrel of [his] vehicle.' The Applicant claimed that this incident justified higher recognition than the MC as the round could have killed Cameron and Cadge thus indicating that Second Lieutenant Cameron was prepared to sacrifice his life to save his driver. The Tribunal noted that the Applicant conceded during the hearing that there was no evidence other than his own speculation, that the round would have actually hit Second Lieutenant Cameron.

84. The Tribunal finds that Second Lieutenant Cameron dismounted in the presence of and exposed to the enemy and encouraged Trooper Cadge to return to the protection of his driver's compartment before resuming his position in the turret. He then dismounted a second time, not under fire, and assisted Trooper Cadge to an evacuation area to the rear of the vehicle.

85. **The Merits Review.** The Tribunal noted that the Respondent stated that the award of the MC to Second Lieutenant Cameron 'recognised three separate actions and the citation reflects the broader actions of Second Lieutenant Cameron rather than just those of 25 June 1971'. Further, despite the application seeking a VC, the Respondent stated that a separate merits review of the action had not been conducted and it had found that there were no compelling reasons to alter the decisions made to recognise Second Lieutenant Cameron at the time. The Tribunal acknowledges that there is no legislative requirement for such a review by the Respondent but finds it difficult to

understand how a conclusion can be reached about the appropriateness of the award without a merits review having been undertaken.

86. The Tribunal however is bound by the Act to conduct a merits review of Second Lieutenant Cameron's actions. The Tribunal noted that the Applicant claimed that the action 'was consistent with the criteria for the awarding of the Victoria Cross', and the Respondent had decided that 'a higher tier of medallic recognition while considered was not supported'.³⁹ The Tribunal decided that, consistent with its statutory obligations, it would first determine whether Second Lieutenant Cameron's actions were gallant and, if such a finding was made, it would then assess what the most appropriate gallantry award should be to recognise that gallantry. Should the Tribunal find that his actions were not gallant, the Tribunal decided it would then review the circumstances which resulted in the award of the MC to Second Lieutenant Cameron.

87. The Board noted that the award was 'in recognition of his sound leadership and courage under fire while serving as a Troop leader with C Squadron, 1st Armoured Regiment during active service in South Vietnam'; and he was cited for three separate actions during the period including this one on 25 June 1971.⁴⁰

Gallantry Assessment

88. **Contemporary Gallantry Awards.** Australian service personnel received honours and awards under the Imperial system until February 1975 when the Government introduced the Australian system. The two systems – the Imperial and the Australian; then operated in parallel until October 1992 when the Government announced that Australia would no longer make recommendations for Imperial awards.⁴¹ This means that only contemporary decorations may be considered by the Tribunal. The eligibility criteria for the Victoria Cross for Australia is governed by the Victoria Cross Regulations.⁴² Gallantry awards in the Australian system are governed by Gallantry Decorations Regulations.⁴³

89. **Victoria Cross Regulations.** The Victoria Cross for Australia was established by Letters Patent on 15 January 1991 as the highest decoration for the purpose of:

'according recognition to persons who, in the presence of the enemy, perform acts of the most conspicuous gallantry, or daring or pre-eminent acts of valour or self-sacrifice or display extreme devotion to duty'.

³⁹ Directorate of Honours and Awards letter to Mr Hanuszewicz - DH&A OUT/2018/041 dated 4 July 2018.

⁴⁰ Text of Citation for the Award of the Military Cross to Second Lieutenant Bruce CAMERON.

⁴¹ Prime Minister of Australia Media Release 111/92 dated 5 October 1992.

⁴² *Commonwealth of Australia Gazette No. S25 – Victoria Cross Regulations* - dated 4 February 1991.

⁴³ *Commonwealth of Australia Gazette No. S25 – Gallantry Decorations Regulations* - dated 4 February 1991.

90. The honour is governed by Regulations set out in the Schedule:

Conditions for award of the decoration

3. *The decoration shall only be awarded for the most conspicuous gallantry, or a daring or pre-eminent act of valour or self-sacrifice or extreme devotion to duty in the presence of the enemy.*

...

Making of awards

7. *Awards of the decoration shall be made, with the approval of the Sovereign, by Instrument signed by the Governor-General on the recommendation of the Minister.*

91. **Gallantry Decorations Regulations.** The Star of Gallantry (SG), the Medal for Gallantry (MG) and the Commendation for Gallantry were established as Gallantry Decorations by Letters Patent on 15 January 1991 for the purpose of:

‘according recognition to members of the Defence Force and certain other persons who perform acts of gallantry in action.’

92. The honours are governed by Regulations set out in the Schedule, as amended in 1996:⁴⁴

Conditions for award of the decorations

4. (1) *The Star of Gallantry shall be awarded only for acts of great heroism or conspicuous gallantry in action in circumstances of great peril.*

(2) *The Medal for Gallantry shall be awarded only for acts of gallantry in action in hazardous circumstances.*

(3) *The Commendation for Gallantry may be awarded for other acts of gallantry in action which are considered worthy of recognition.*

...

Making of awards

7. *Awards of a decoration shall be made by the Governor-General on the recommendation of the Minister.*

93. **What is Gallantry?** The Tribunal noted that the gallantry decorations accord recognition for individuals ‘who perform acts of gallantry in action’ and the Victoria Cross for Australia is the highest decoration beyond the gallantry decorations. It recognises acts of ‘the most conspicuous gallantry’.

⁴⁴ *Commonwealth of Australia Gazette No. S420 – Amendment of the Gallantry Decorations Regulations* - dated 6 November 1996.

94. 'Gallantry' is an abstract term, which is not defined in the Regulations. Various dictionary definitions such as 'dashing courage; heroic bravery';⁴⁵ and 'courageous behaviour, especially in battle';⁴⁶ are largely circuitous and unhelpful. Some countries have attempted to differentiate between 'bravery' and 'gallantry'; defining the latter as recognition of military personnel who carry out acts which put their lives at risk while involved in operational service; whilst 'bravery' is defined as saving or attempting to save the life of another person in the course of which they place their own life at risk.⁴⁷ Again this is largely unhelpful in defining gallantry in the context of the Australian Honours and Awards system.

95. The Tribunal considered that there is an expectation that all soldiers in battle conducting themselves in accordance with their training, will be acting bravely. The Tribunal considered that gallantry requires a higher standard of conduct than bravery and usually a special and additional element of courage, fearlessness, daring or heroism will have been demonstrated. What amounts to an 'act of gallantry', necessarily varies according to the individual circumstances of each action, and depending on many factors, including the level of threat, the person's training, role and responsibility, the risk to the individual and/or the group, and the consequences of undertaking, or not undertaking, the particular act.

96. The Tribunal considered that the concept of gallantry is greater than collective or individual acts of bravery and above and beyond what was expected of an individual or group who were bravely doing what they were trained to do or expected to do as part of a role, rank or responsibility.

Evidence and Findings from the Accounts of the Action

97. **Second Lieutenant Cameron's Actions on 25 June 1971.** On 25 June 1971 during a deliberate attack on an enemy defensive position, Second Lieutenant Cameron's Centurion tank was struck by an RPG as the vehicle broke from the vegetation into an 'open' area. The round struck the tank on the turret immediately below the main armament and caused serious head injuries to the driver, Trooper Cadge. Unable to reach Cadge from within the vehicle, Second Lieutenant Cameron made a deliberate decision to dismount from his turret and go to the driver's assistance. Directing his Troop to suppress the enemy and handing control of his vehicle and its weapons to his gunner, Second Lieutenant Cameron climbed down from the tank whilst exposed to enemy fire and made his way to the front of the vehicle on foot. He reassured Trooper Cadge and persuaded him to return to the cover of the driver's compartment for protection. Second Lieutenant Cameron then made his way back to the turret and resumed command. Whilst he was out of the vehicle the Troop continued to receive

⁴⁵ The Macquarie Dictionary on-line accessed 20 October 2017.

⁴⁶ The Oxford Dictionary on-line accessed 20 October 2017.

⁴⁷ <http://medals.nzdf.mil.nz/category/d/index.html>.

enemy fire including RPG rounds, one of which struck the vehicle adjacent to Second Lieutenant Cameron's tank. Once back in his turret, Second Lieutenant Cameron continued to control the Troop and suppress the enemy until they withdrew. He then dismounted a second time and assisted in the physical evacuation of Trooper Cadge before recommencing the assault with a replacement driver.

98. Findings of Fact in Relation to Second Lieutenant Cameron's Actions on 25 June 1971. Having reviewed the evidence, the Tribunal was reasonably satisfied that the following facts are established relating to Second Lieutenant Cameron's actions:

a. Second Lieutenant Cameron was the crew commander of his vehicle and also the commander of his Troop. He was trained to perform that role and had been under enemy fire before this action.

b. Second Lieutenant Cameron's tank was struck by an RPG round and his driver suffered a serious head injury. The crew were unable to get to the driver as the turret was restricted by vegetation and was not able to be rotated to allow internal access.

c. Second Lieutenant Cameron made a deliberate decision to dismount from the tank and go on foot to the driver's assistance.

d. Second Lieutenant Cameron was exposed to the enemy whilst he was assisting the driver although he does not recall being fired upon or directly threatened.

e. The adjacent tank to Second Lieutenant Cameron's vehicle was struck by an RPG round whilst he was dismounted.

f. Second Lieutenant Cameron persuaded the driver to return to the relative protection of his driver's compartment before remounting the vehicle and resuming command in the turret.

g. Second Lieutenant Cameron's Troop suppressed the enemy and forced their withdrawal thus allowing Cameron to dismount again and assist in the evacuation of the driver.

h. The Troop recommenced the assault after the driver was evacuated and replaced.

Second Lieutenant Cameron's Eligibility for a Gallantry Award

99. Was Second Lieutenant Cameron in Action? There is no dispute that Second Lieutenant Cameron, for the purposes of the Regulations, was in action and in the presence of the enemy.

100. **Was Second Lieutenant Cameron Gallant?** Turning to a consideration of whether or not he was gallant, the Tribunal noted that the common view of the witnesses to the action was that Second Lieutenant Cameron's actions were 'brave', that he 'saved the driver' and that he acted 'without regard for his own safety'.

101. The Tribunal noted that Defence stated during the hearing that 'there was no doubt that Second Lieutenant Cameron placed himself in 'personal peril whilst saving his driver'.

102. The Tribunal reviewed Second Lieutenant Cameron's actions against the previously stated factors common in acts of gallantry. The Tribunal formed the view that Second Lieutenant Cameron's Troop was in difficult circumstances when they came under fire from the enemy although they were afforded some protection from small arms fire whilst mounted. The close proximity of the vehicles to each other and to the enemy, combined with the thick vegetation, limited manoeuvre and increased the threat to the individual vehicles. The Tribunal considered that there was clear evidence that the soldiers in the Troop conducted themselves bravely and in accordance with their training.

103. The Tribunal considered that Second Lieutenant Cameron was also acting bravely and in the best interests of the Troop and his own crew. The Tribunal formed the view that Second Lieutenant Cameron, whether consciously or otherwise, weighed up the risk to the Troop and to Trooper Cadge, and understood the consequences of not going to his assistance. The Tribunal noted his evidence that he was confident that if he were to be injured, the remainder of the group would not have been adversely impacted and the assault would have continued.

104. The Tribunal considered that his decision to dismount and go to the aid of his driver when it was likely that he would be exposed to the enemy, demonstrated personal courage. Second Lieutenant Cameron's evidence also suggested that he had considered other options including ordering others to go to Trooper Cadge's aid but, having quickly reviewed the situation, he unselfishly decided that he was best placed to provide assistance and acted accordingly. The Tribunal noted that Second Lieutenant Cameron's evidence was that he took a deliberate and calculated decision to dismount from his vehicle.

105. The Tribunal was therefore reasonably satisfied that his actions in dismounting when exposed to the enemy demonstrated a special and additional element of courage. In the Tribunal's view, Second Lieutenant Cameron had gone above and beyond what was expected of him as an individual or as a leader. His act was gallant.

106. **Finding in Relation to Gallantry.** Having considered the facts and reviewed Second Lieutenant Cameron's actions against the previously stated factors common in

acts of gallantry, the Tribunal finds that he did perform an act of gallantry in action on 25 June 1971 when he dismounted from his tank whilst exposed to the enemy to go to the assistance of his wounded driver.

Consideration of the Appropriate Recognition

107. Having found that Second Lieutenant Cameron performed an act of gallantry in action, the Tribunal turned to an assessment of his actions against the eligibility criteria for Australian gallantry awards, including the VC.

108. **The Victoria Cross.** The conditions for the award of the VC require *‘the most conspicuous gallantry, or a daring or pre-eminent act of valour or self-sacrifice or extreme devotion to duty in the presence of the enemy’*. The Tribunal notes that the Applicant based his contention on the conditions for the VC which were in place at the time of the action and require the ‘most conspicuous gallantry’. The guidance further states that the standard required was ‘a 90% possibility of being killed in performing the deed’.⁴⁸ The Tribunal however, is bound by the eligibility criteria for contemporary decorations and is not able to apply the guidance which was in place at the time of the action.

109. The Tribunal noted that the Applicant and Trooper Bayly gave evidence that Second Lieutenant Cameron’s actions were not accurately recorded at the time, and submitted that he should have received a higher level of award. The Applicant also asserted that the second dismount by Second Lieutenant Cameron was significant as he therefore ‘disregarded his own safety on *two* occasions’, with the later dismount allegedly not previously acknowledged. The Applicant stated that this ‘new evidence’ of a second dismount proved that Second Lieutenant Cameron’s actions were ‘most conspicuous’ and that this demonstrated that he was prepared to ‘give his own life to save his driver’.

110. The Tribunal did not agree that the second dismount was significant, finding that whilst Second Lieutenant Cameron did dismount a second time, he was not under fire, and the enemy at that time had withdrawn from the engagement creating the conditions for the evacuation and replacement of Trooper Cadge. For this reason, the Tribunal could not be reasonably satisfied that Second Lieutenant Cameron ‘disregarded his own safety on two occasions’.

111. **The Most Conspicuous Gallantry?** There is no dispute that for the purposes of the Regulations, Second Lieutenant Cameron’s actions were performed ‘in the presence of the enemy’. Turning to the eligibility criteria for the VC and noting that the Applicant had not made detailed submissions about these criteria, the Tribunal firstly considered ‘most conspicuous gallantry’. The Tribunal considered that to be

⁴⁸ *Pamphlet on Military Honours and Awards 1960*, WO12922 dated July 1960.

‘most conspicuous’, in the circumstances, his actions would have needed to have directly drawn the attention of the enemy in which case there would have been no question that he was under direct fire from them. As previously stated, there was no evidence that he was fired upon directly by the enemy and Second Lieutenant Cameron could not recall being under fire whilst he tended to Trooper Cadge.

112. The Tribunal also previously dismissed the claim that an RPG round which struck the barrel of an adjacent tank *would* have hit Second Lieutenant Cameron and the Tribunal noted that despite his proximity to the incident, Second Lieutenant Cameron was unaware it had happened at the time. The Tribunal therefore was not reasonably satisfied that Second Lieutenant Cameron’s gallantry could be considered as ‘most conspicuous’.

113. **A Daring or Pre-eminent Act of Valour or Self-Sacrifice?** The Tribunal considered that to be ‘pre-eminent’, the act should surpass other comparable acts of valour and to be daring in these circumstances, his actions should be bold and have an element of audacity. The Tribunal considered that whilst the act of dismounting from the tank in the presence of the enemy and potentially exposed to their fire was gallant, it was an act consistent with his role as a crew commander. He was, in the Tribunal’s view, doing what was expected of him or any other commander placed in a similar circumstance. The Tribunal therefore was not reasonably satisfied that his actions could be considered to be ‘a daring or pre-eminent act of valour’, and as he was not killed or wounded, he could not be considered to have carried out an act of self-sacrifice.

114. **Extreme Devotion to Duty?** As to whether his actions were in the nature of ‘extreme devotion to duty’, the Tribunal was satisfied that Second Lieutenant Cameron was bravely doing his duty as a Troop and Crew Commander. The Tribunal noted that Second Lieutenant Cameron’s evidence suggested that his course of action was well considered and he had thought through the risks to his personal safety and the risk to the group and to Trooper Cadge of him not taking action. Second Lieutenant Cameron was trained to lead the Troop and reacted bravely after weighing his options, deciding on a course of action and mitigating the risk. In the Tribunal’s view, Second Lieutenant Cameron was doing his duty. He did not go above and beyond what was expected of him as a leader and commander, so the performance of his duty in the view of the Tribunal could not reasonably be considered as *extreme* devotion to duty.

115. **Finding in Relation to the Victoria Cross.** The Tribunal was reasonably satisfied that Second Lieutenant Cameron’s actions were gallant and performed in the presence of the enemy, however it could not be satisfied that his actions could be considered to be the most conspicuous gallantry, or a daring or pre-eminent act of valour or self-sacrifice, or that he displayed extreme devotion to duty. The Tribunal therefore finds that Second Lieutenant Cameron is not eligible for the VC.

116. **The Star of Gallantry.** The Tribunal noted that the SG *'shall be awarded only for acts of great heroism or conspicuous gallantry in action in circumstances of great peril'*. The Tribunal considered that whilst the situation confronting Second Lieutenant Cameron was dangerous, as a crew commander of an armoured vehicle, this was something which was to be expected. In fact, on the same day, his previous driver was wounded when struck by deadfall. In the situation confronting him with Trooper Cadge, as the crew commander, he was best positioned to take action to either order assistance to Cadge, continue the assault/suppression, provide no assistance to Cadge, or to provide assistance himself. He chose the latter option, having considered the alternatives.

117. **Was Second Lieutenant Cameron in Circumstances of Great Peril?** The Tribunal noted that Defence had stated during the hearing that Second Lieutenant Cameron had placed himself in 'personal peril'. The Tribunal however, considered that whilst the situation confronting Second Lieutenant Cameron was dangerous in that he was exposed to the enemy when he went to Trooper Cadge's assistance, it was not 'circumstances of great peril'. Second Lieutenant Cameron had emplaced mitigation for his own protection through the shielding provided by another vehicle and he had ordered suppressive fire from the remainder of the Troop before he dismounted.

118. The Tribunal considered that 'circumstances of great peril' are likely to occur when both the individual and the group are threatened to such an extent that there is a distinct probability that the group would be overwhelmed by the enemy.

119. There was no evidence in this matter that the enemy had the upper hand, in fact, before Second Lieutenant Cameron's second dismount, the enemy had withdrawn. Furthermore, the Troop had significant firepower including 20 pounder guns and machine guns and the individuals were protected from small arms fire by the tank's armour. By comparison, the enemy were relatively lightly armed as evidenced in the After-Action Report which describes the collection during battlefield clearance of only small arms, RPGs and rifle ammunition.⁴⁹

120. The Tribunal considered that there was little chance that the Troop or the Squadron would be defeated once they were able to identify and suppress the enemy. Further, using Second Lieutenant Cameron's own timeline, the Tribunal was reasonably satisfied that the vehicles were under fire from the enemy for approximately six minutes and shortly after he remounted, the enemy withdrew. Whilst Second Lieutenant Cameron may have personally been in a potentially dangerous situation whilst he was out of the turret of his vehicle, the group, and he individually, were not 'in circumstances of great peril'.

⁴⁹ C Sqn Combat Operations After Action Report Operation Hermit Park – R569-1-27 dated 15 July 1971, P.27.

121. As the Tribunal has found that Second Lieutenant Cameron's actions did not occur in circumstances of great peril it was unnecessary to consider whether his actions might be properly assessed as being of 'great heroism'.

122. **Finding in Relation to the Star of Gallantry.** The Tribunal was reasonably satisfied that for the purposes of the Gallantry Decorations Regulations, Second Lieutenant Cameron was not in circumstances of great peril and accordingly finds that his actions do not satisfy the eligibility criteria for the award of the SG.

123. **The Medal for Gallantry.** The Tribunal noted that the MG '*shall be awarded only for acts of gallantry in action in hazardous circumstances*'. The Tribunal has found that Second Lieutenant Cameron performed an act of gallantry in action. It therefore remains that, should he be found to have been in 'hazardous circumstances', he would meet the eligibility criteria for the award of the MG.

124. Hazardous circumstances' is not defined in the Regulations. In *Soldier P (re Soldier J) and the Department of Defence*, the Tribunal considered that the term 'hazardous circumstances' was intended to take into account the particular circumstances of a soldier in action and required that the hazardous circumstances be considered in the context of the relevant combat situation.⁵⁰ This Tribunal agrees with this interpretation.

125. The Tribunal in *Reid and the Department of Defence* found that Private Reid, as a platoon medical assistant, was in hazardous circumstances when he tended casualties whilst exposed to enemy fire before, during and after treating the wounded and that he was personally in danger.⁵¹

126. The Tribunal notes that 'hazardous circumstances' for the purposes of application of the Gallantry Awards Regulations are usually related to direct combat with the enemy and are differentiated by the risk and the threat to the individual and the group. In *Delgado and the Department of Defence re: Bloomfield*, the Tribunal found that Lance Corporal Bloomfield was not personally 'in hazardous circumstances' as he was not directly threatened by the enemy.⁵²

127. There is no dispute that Second Lieutenant Cameron's tank had been struck by an RPG round, his driver had suffered a serious head injury and the crew were unable to get to him. Second Lieutenant Cameron made a deliberate decision to dismount from the relative protection of the tank and go on foot to the driver's assistance. He was exposed to the enemy once he dismounted. Second Lieutenant Cameron remained

⁵⁰ *Soldier P and the Department of Defence* [2014] DHAAT 27 (4 July 2014) at (application brought on behalf of Soldier J).

⁵¹ *Reid and the Department of Defence* [2017] DHAAT 02 (30 November 2017) at [166].

⁵² *Delgado and the Department of Defence re: Bloomfield* [2018] DHAAT 11 (16 August 2018) at [107].

outside the tank, exposed to the enemy for at least three minutes. The Tribunal considered that during the time he was out of the tank assisting Trooper Cadge he was exposed to and potentially threatened by enemy fire and was personally in danger. An adjacent tank in close proximity to him was struck by an RPG round during this time. The Tribunal was therefore reasonably satisfied that Second Lieutenant Cameron was in hazardous circumstances when he was out of his tank and providing assistance to Trooper Cadge.

128. **Finding in Relation to the Medal for Gallantry.** The Tribunal was reasonably satisfied that for the purposes of the Gallantry Decorations Regulations, Second Lieutenant Cameron performed an act of gallantry in action in hazardous circumstances when he went to the assistance of his driver, Trooper Cadge on 25 June 1971. The Tribunal therefore finds that his actions meet the eligibility criteria for the award of the MG.

129. **The Commendation for Gallantry.** The conditions for the Commendation for Gallantry state that it *'may be awarded for other acts of gallantry in action which are considered worthy of recognition'*. Having found that Second Lieutenant Cameron was eligible for the award of the MG, it is not necessary for the Tribunal to consider in detail his eligibility for the Commendation. However, given that he was originally recognised with the award of the MC for three separate actions, the Tribunal considered that in isolation, had it not found that he was eligible for the MG for this action on 25 June 1971, it would have found that his actions were most definitely *'worthy of recognition'*.

The Appropriateness of the Award of the Military Cross

130. Second Lieutenant Cameron was recommended for the MC on 15 September 1971.⁵³ He was cited in recognition of his sound leadership and courage under fire as a tank Troop leader during active service in South Vietnam. The citation refers to his determined leadership in an action on 7 June 1971, his prevention of further injury to Trooper Cadge on 25 June 1971 and his support to an infantry platoon under fire in July 1971. The nominating officer stated that Second Lieutenant Cameron displayed *'sustained personal courage and determined leadership'* during these actions.

131. The Tribunal noted that the Army Report had identified that Second Lieutenant Cameron's MC was *'not for one specific incident but for service over a wide period'* and that the recommendation *'had been completed and submitted in accordance with extant policies and guidelines'*. Additionally, the Board had also concluded that:

the MC citation reflects broader actions than those just on 25 June 1971 and while more could have been made of this single event, they have not been and

⁵³ Recommendation for Honours dated 15 September 1971.

the event is succinctly captured along with a range of other brave/distinguished conduct to justify the award of the MC

132. The Tribunal was reasonably satisfied that these findings were open to the Board and Army to make. The Tribunal agreed with the Board view that perhaps the citation could have more accurately reflected the action on 25 June 1971. However, in the circumstances, and potentially constrained by word count, the citation still reflects a number of actions which when considered collectively, reflect the undisputed view that Second Lieutenant Cameron displayed sound leadership and courage under fire throughout his service in Vietnam and most particularly during the three cited occasions.

133. The Tribunal formed the view that the sum of these three actions met the conditions of the award of the MC for ‘gallant and distinguished services in action against the enemy’ and that the award was therefore appropriate recognition of Second Lieutenant Cameron’s service, particularly whilst in action.

134. The Tribunal noted that the Valour Inquiry compared Imperial and Contemporary Gallantry awards and determined that the MC was a ‘third level award’, equivalent to the MG for ‘acts of gallantry in action in hazardous circumstances’.⁵⁴ The Tribunal had no reason to have reservations about this comparison. The Tribunal was therefore reasonably satisfied that having found that Second Lieutenant Cameron met the eligibility criteria for the MG, and that the MC was an equivalent decoration, that it was the appropriate award to recognise not only his gallantry on 25 June 1971, but also his sustained personal courage and determined leadership throughout his deployment.

135. **Finding in Relation to the Appropriateness of the Award of the Military Cross.** The Tribunal was reasonably satisfied that Second Lieutenant Cameron’s actions as a tank Troop leader in Vietnam in 1971 in action were gallant and distinguished and finds that the award of the MC for these actions was appropriate.

Conclusion

136. The Tribunal finds that Second Lieutenant Cameron performed an act of gallantry in action in hazardous circumstances on 25 June 1971 in Vietnam when he dismounted from his tank during an engagement with the enemy to assist his wounded driver. Whilst the Applicant claims that Second Lieutenant Cameron’s actions met the threshold for the award of the VC and that higher recognition should have been accorded to him, the Tribunal does not agree. The Tribunal finds that Second Lieutenant Cameron’s actions throughout his deployment were gallant and distinguished and that the award of the MC for these actions was appropriate.

⁵⁴ *Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour* dated 5 May 2011, Appendix 6, p. 404.

TRIBUNAL DECISION

137. The Tribunal decided to recommend to the Minister for Defence Personnel that the decision by the Chair of the Defence Historical Honours Review Board to not support a higher tier of medallic recognition for Second Lieutenant B. Cameron, MC for his actions in South Vietnam on 25 June 1971 be affirmed.

138. This means that the Tribunal finds that the Military Cross that Second Lieutenant Cameron received for the action and the deployment was appropriate recognition.