



**Australian Government  
Defence Honours and Awards Appeals Tribunal**

**Crompton and the Department of Defence [2018] DHAAT 20  
20 September 2018**

File Number 2018/007

Re **Mr Gordon Crompton**  
Applicant

And **Department of Defence**  
Respondent

**Tribunal** Mr David Ashley AM (Presiding Member)  
Ms Jane Schwager AO

**Hearing Date** 7 September 2018

**DECISION**

On 20 September 2018 the Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence (the Directorate), not to award the Applicant, Mr Gordon Crompton, the Australian Service Medal 1945 – 75 with Clasp ‘SE ASIA’.

**CATCHWORDS**

DEFENCE AWARDS – Australian Service Medal 1945-75 with Clasp to the ASM ‘SE ASIA’.

**LEGISLATION**

*Defence Act 1903* – Part V111C – Sections 110T, 110VB (2)  
*Defence Amendment Regulations (No.1) 2010* Schedule 3 Part 2  
*Commonwealth of Australia Gazette (CAG) S122, Letters Patent for the Australian Service Medal 1945-75*, dated 3 April 1995.  
*CAG S220* dated 14 June 1995.  
*CAG S230, Instrument of Declaration and Determination for the Australian Service Medal 1945-75 with Clasp ‘SE ASIA’*, dated 29 June 2001.  
*CAG S102*, dated 27 March 2001.

## REASONS FOR DECISION

### Introduction

1. On 19 April 2001 the Applicant Mr Gordon Crompton, applied to the Air Force Medals Section of the Directorate for the Australian Service Medal 1945-75 (ASM 1945-75) with Clasp 'SE ASIA' for recognition for his service as a member of the Royal Australian Air Force (RAAF) at Butterworth, Malaysia from March 1970 to April 1973.<sup>1</sup>
2. Mr Crompton served in the Royal Australian Navy (RAN) from 5 February 1952 to 10 November 1958, and again from June 1959 to September 1961. During his service with the RAN he was awarded, among other awards, the ASM with Clasp 'FESR'. After his service with the RAN, he enlisted into the RAAF on 9 January 1968 and served with the RAAF, including a period at Butterworth, which is the subject of his claim, until 8 August 1978.
3. On 8 October 2001, the Directorate refused Mr Crompton's application stating in its reply, *'Confirmation with Navy Medals has revealed that your service with the Royal Australian Navy qualified you for the ASM 1945-75 with Clasp 'FESR'. In accordance with current regulations a person is not eligible for the Clasp 'SE ASIA' to the ASM 1945-75 if a separate award of the ASM 1945-75 with Clasp 'FESR' has been awarded.'*<sup>2</sup>
4. On 10 May 2011, Mr Crompton wrote to the Directorate regarding updating his Certificates of Service and asked *'could you advise of there has been any change to regulations governing the issue of a SE ASIA Clasp to my ASM awarded for service at Butterworth from 10 March 1970 to 4 April 1973'*.<sup>3</sup> On 17 June 2011, the Directorate again refused Mr Crompton's request stating the same reason as in paragraph 3.
5. On 21 January 2018, Mr Crompton applied to the Tribunal for a review of the Directorate's decision.<sup>4</sup> In this application Mr Crompton stated that *'My three years service in Butterworth should attract recognition similar to that given to other RAAF members from 1970 to 1973'*. On 1 February 2018, after it had established jurisdiction, the Tribunal accepted Mr Crompton's application for a review of the Directorate's decision not to award him the Clasp 'SE ASIA' to his ASM 1945-75, for his service with the RAAF in Butterworth from 18 March 1970 to 9 April 1973.

### Summary of the Hearing

6. The Hearing for this review was conducted in Canberra on 7 September 2018 at which Mr Crompton appeared by telephone.

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<sup>1</sup> Crompton Fax to the Directorate dated 19 April 2001

<sup>2</sup> Letter Directorate to Crompton dated 8 October 2001

<sup>3</sup> Letter Crompton to the Directorate dated 10 May 2001

<sup>4</sup> Application Crompton-DHAAT dated 21 January 2018

7. The Directorate, whilst invited to participate, were unable to be represented. The Tribunal therefore decided to put two questions to Defence prior to the Hearing<sup>5</sup>. The substance of these questions were as follows: 'What is the Defence view on a person who qualifies for the ASM, but who qualified for two different periods of eligibility in two different services?', and 'Does any precedent exist for similar medallic consideration where an award was made?' The Directorate replied on 5 September 2018<sup>6</sup>. In relation to the question of eligibility in two different services the Directorate stated that *'a member cannot be awarded both the 'SE ASIA' and 'FESR' to the ASM 45-75, regardless if the individual served in different arms of the Australian Defence Force as this would equate to issuing the same medal twice for service in the same region'*. In relation to the question on precedence the Directorate stated, *'Defence is not aware of a precedent where a member has received two awards for two eligible periods in two different arms of the Australian Defence Force. If this has occurred, it would have been done in error'*.

8. Mr Crompton received this exchange prior to the Hearing.

9. At the Hearing the Tribunal read the Directorate's response to Mr Crompton and asked him to outline his submission. Mr Crompton appeared to accept that he was not eligible and remarked, *'this is made clear in many places in my documents'*.

10. The Tribunal asked Mr Crompton, *'Do you concede that you are not eligible for the award you seek?'* Mr Crompton replied *'Yes'*.

11. The Tribunal asked Mr Crompton about the wording in his application for review, 'My three years' service in Butterworth should attract recognition given to other RAAF members from 1970 to 1973'<sup>7</sup> and invited him to talk to this. Mr Crompton replied that while not eligible he *'wished he could get something like a certificate'*.

12. With no further questions from the Applicant, the Tribunal thanked Mr Crompton for his participation and concluded the Hearing.

**Does the Instrument of Declaration and Determination for the Australian Service Medal 1945-75 relating to 'FESR' and 'SE ASIA' make Mr Crompton ineligible for the award he seeks?**

13. The Tribunal concluded that the Instrument and Declaration authorising the ASM 1945-75 expressly states that Mr Crompton is ineligible for the award of the Clasp 'SE ASIA' to his ASM 1945-75 as he has previously been awarded the Clasp 'FESR' to his ASM 1945-75. The Tribunal notes Mr Crompton's concession regarding his eligibility.

**What was the intention of the two clasps, 'FESR' and 'SE ASIA', to the ASM?**

14. The Tribunal noted the Media release regarding 'Medal Entitlements for South East Asian service 1955-75'<sup>8</sup>, where the Hon Bruce Scott, MP stated in the background information *'The Clasp 'SE ASIA' will not lead to 'double dipping' with the Clasp 'FESR' as*

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<sup>5</sup> DHAAT Correspondence to Directorate dated 31 August 2018

<sup>6</sup> Directorate to DHAAT Correspondence dated 5 September 2018

<sup>7</sup> Mr Crompton's Application for Review of Decision dated 21 January 2018

<sup>8</sup> Media Release Min 239/00, the Hon Bruce Scott MP dated 30 August 2000

*both Clasps will recognise the one period of service in South East Asia, including that with the FESR'.*

15. The Tribunal noted the Defence DEFGRAM regarding these awards<sup>9</sup>. The DEFGRAM addressed the policy aspects of the awards and *states 'a person who has been awarded the ASM 1945 - 1975 with Clasp 'FESR' will not receive an award of the ASM 1945 - 1975 or ASM with Clasp 'SE ASIA'. Although different to the 'SE ASIA' Clasp, the 'FESR' Clasp still recognises service in 'SE ASIA' for the same operation'.*

16. The Tribunal determined that Mr Crompton's first award of the ASM 1945 - 75 with Clasp 'FESR' was intended to recognise all service in 'SE ASIA', including his later service with RAAF in Butterworth.

**Should Mr Crompton, given he has been recognised for his service with the RAN in the associated non warlike service by the award of the ASM 1945-75 with Clasp 'FESR', also be recognised for his service with the RAAF at Butterworth?**

17. The Tribunal determined that the Eligibility Criteria does not allow this medallic recognition.

18. The Tribunal notes Mr Crompton's request at the Hearing regarding recognition through 'a certificate'. This matter is not within the power of the Tribunal.

## **DECISION**

19. The Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Mr Crompton is not eligible for the award of the Australian Service Medal 1945-75 with Clasp 'SE ASIA'.

20. The Tribunal acknowledges Mr Crompton's service to Australia from 1952 to 1978 in both the RAN and later the RAAF, including service with the Far East Strategic Reserve and at RAAF Butterworth; 20 years of loyal and dedicated service.

## **Annexes**

A. *Commonwealth of Australia Gazette, No. S230, Instrument of Declaration and Determination for the Australian Service Medal 1945-75 with Clasp 'SE ASIA', dated 29 June 2001.*

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<sup>9</sup> DEFGRAM 233/2001 dated 2 July 2001

**COMMONWEALTH OF AUSTRALIA****DECLARATION AND DETERMINATION UNDER THE  
AUSTRALIAN SERVICE MEDAL 1945-75 REGULATIONS**

I, **WILLIAM PATRICK DEANE**, Governor-General of the Commonwealth of Australia, pursuant to the Australian Service Medal 1945-1975 Regulations contained in the Schedule to the Letters Patent dated 22 February 1995, ("the Regulations") on the recommendation of the Minister for Defence, hereby:

- (a) **revoke** the Declaration and Determination made on 23 March 2001 under regulation 3 and subregulation 4(2) respectively of the Regulations;
- (b) **declare** under regulation 3 of the Regulations that the following non-warlike operations in which members of the Australian Defence Force were engaged with elements of the South East Asia Treaty Organisation; the Australia, New Zealand and the United States (Pacific Security) Treaty; Far East Strategic Reserve; the United Nations; the Australian, New Zealand and United Kingdom (ANZUK); Five Power Defence Arrangement; and Australian Army Survey Operations in South East Asia during the following periods to be a *declared operation* for the purpose of the Regulations:
  - (i) Defence Force activities on land in Malaysia, except those warlike operations prescribed from time-to-time by the Governor-General that occurred on the Thailand-Malaysia border, during the following periods:
    - (A) that commenced on 1 August 1960 and ended on 16 August 1964;
    - (B) that commenced on 12 August 1966 and ended on 14 March 1975;
  - (ii) Defence Force activities on land in Singapore during the following periods:
    - (A) that commenced on 1 August 1960 and ended on 16 August 1964;
    - (B) that commenced on 12 August 1966 and ended on 14 March 1975;

- (iii) Defence Force activities on land in Thailand, except those non-warlike operations prescribed from time-to-time by the Governor-General that occurred in Ubon and Ban Kok Talat, during the following periods;
    - (A) that commenced on 2 July 1955 and ended on 24 June 1965;
    - (B) that commenced on 1 September 1968 and ended on 30 October 1971;
  - (iv) Defence Force activities on land in Vietnam during the period that commenced on 2 July 1955 and ended on 30 July 62;
  - (v) Defence Force activities on land in Indonesia, Laos and Cambodia during the period that commenced on 2 July 1955 and ended on 14 March 1975;
  - (vi) participation by ships of the Royal Australian Navy in the ANZUK Forces that commenced on 30 October 1971 and ended on 14 March 1975, and during such periods those ships were formally allocated or assigned to those Forces; and
- (c) **determine**, under subregulation 4(2) of the Regulations, that the conditions for award of the Australian Service Medal 1945-1975 Clasp 'SE ASIA' ("the Medal") for the *declared operation* are:
- (i) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member while posted to or serving as a member of the Australian element of the *declared operation* for a period of 30 days, or for periods amounting in the aggregate to 30 days;
  - (ii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in aggregate to 30 days, as part of the contribution of a foreign Defence Force to the *declared operation* while on secondment or exchange with the foreign Defence Force;
  - (iii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member and who completed 30 operational sorties within the duration of the *declared operation*, where those sorties were conducted over a period of not less than an aggregate of 30 days at a rate of one sortie per day;
  - (iv) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in the aggregate to 30 days, for official visits,

inspections or other occurrences of a temporary nature with the military contribution in the *declared operation*;

- (v) the Medal may be awarded to a person who rendered service as part of the Australian element of the *declared operation* for a period of 30 days or more, or for periods amounting in the aggregate to 30 days or more, and who, in accordance with a determination made by the Minister under paragraph 4(1)(b) of the Regulations, is in a class of persons who may be awarded the Medal with Clasp 'SE ASIA'; or
  - (vi) the qualifying period of service as described in subparagraphs (c)(i), (c)(ii), (c)(iii), (c)(iv) or (c)(v) of this Instrument may be deemed by the Chief of the Defence Force or delegate to have been established notwithstanding that the member has not met the qualifying periods described if service in relation to the *declared operation* was terminated due to the death, evacuation due to illness or injury or other disability due to service.
- (d) **determine**, for the purposes of this determination, that a person is not eligible for an award of the Medal where;
- (i) a separate award of the Australian Service Medal 1945-75 with Clasp 'FESR' has been awarded;
  - (ii) a separate award of the Australian Service Medal with Clasp 'SE ASIA' has been awarded;
  - (iii) in relation to those non-warlike operations in Thailand at the Royal Thai Air Force Base at Ubon, and 2 Field Troop Royal Australian Engineers operations at Ban Kok Talat in Operation CROWN, for which the Australian Service Medal 1945-75 with Clasp 'THAILAND' has been awarded, during the period that commenced 1 May 1962 and ended on 24 June 1965; or
  - (iv) in relation to those warlike operations on the Thailand-Malaysia border as described in subparagraph (b)(i), that is, operations for which the Australian Active Service Medal 1945-75 has been awarded for service in the Federation of Malaya contained within the area bounded by a line commencing at the intersection of the western shore of the Federation of Malaya at high-water mark and the boundary between the States of Perlis and Kedah; thence proceeding generally north-easterly along that boundary to its intersection with the railway line from Arau to Penang Tunggal; thence following that railway line generally southerly to its intersection with the northern boundary between the States of Penang and Kedah; thence proceeding along the boundary between those States generally easterly, southerly and westerly to the intersection of the boundaries of the States of Penang,

Kedah and Perak to its intersection with the railway line from Penang Tunggul to Taiping, thence following that railway line generally southerly, easterly and southerly to its intersection with the parallel 4 degrees 51 minutes north latitude; thence proceeding due south in a straight line to the intersection of that line with the parallel 4 degrees 30 minutes north latitude; thence proceeding along that parallel to its intersection with the eastern bank of the Perak River; thence following that bank of that river to its intersection with the parallel 4 degrees 47 minutes north latitude; thence proceeding in a straight line to the intersection of the boundaries of the States of Perak, Kelantan and Pahang; thence proceeding along the boundary between the States of Kelantan and Pahang to its intersection with the meridian 101 degrees 48 minutes east longitude; thence proceeding in a straight line to the intersection of the eastern bank of the Raya River with the eastern bank of the Nenggiri River, thence following that bank of that river to its intersection with the western bank of the Galas River; thence proceeding in a straight line due east to the eastern bank of that river, thence following that bank of that river and the eastern bank of the Kelantan River to its intersection with the eastern shore of the Federation of Malaya at high-water mark, thence following that shore at high-water mark to its intersection with the boundary between the Federation of Malaya and Thailand; thence proceeding along that boundary to the western shore of the Federation of Malaya and Thailand at high-water mark; thence following that shore of the Federation of Malaya at high-water mark to the point of commencement, during the periods set out below:

- (A) land and air anti-terrorist operations that commenced on 1 August 1960 and ended on 16 August 1964; and
- (B) Royal Australian Air Force air operations that commenced on 17 August 1964 and ended on 30 March 1966.

Dated

*8<sup>th</sup> June*

2001



Governor-General

By His Excellency's Command



PETER REITH  
Minister for Defence