



Australian Government

Defence Honours and Awards Appeals Tribunal

Delaney and the Department of Defence [2016] DHAAT 40 (14 October 2016)

File Number(s) 2016/016

Re **Mr Roger Delaney on behalf of Flight Lieutenant M.D. Delaney (Deceased)**
Applicant

And **Department of Defence**
Respondent

Tribunal Brigadier M. Bornholt AM (Retd) (Presiding Member)
Mr G. Mowbray

Hearing Date 10 October 2016

DECISION

On 14 October 2016 the Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Flight Lieutenant Michael Dormer Delaney is not eligible for the award of the Pacific Star.

CATCHWORDS

DEFENCE AWARD – Pacific Star

LEGISLATION

Defence Act 1903 – ss 110T, 110V, 110VA, and 110VB(2)

Defence Force Regulations 1952 - Reg 93C

Commonwealth of Australia, Summary of Conditions of Award of the Campaign Stars, the Defence Medal and the War Medal, for Service in the War 1939-45 – December 1948

REASONS FOR DECISION

Introduction

1. On 9 June 2015 Mr Roger Delaney (Mr Delaney) made application to the Directorate of Honours and Awards of the Department of Defence (the Directorate) requesting a full medal review of his late father's eligibility for Defence medals in particular the Pacific Star.¹ He claimed that his father Flight Lieutenant Michael Dormer Delaney (Flight Lieutenant Delaney) was a crew member aboard Lancaster 'Q for Queenie' when it made a 'dangerous flight across the Pacific' to Australia in 1943 and as a result he should be eligible for the award of the Pacific Star.

2. The Directorate determined that Flight Lieutenant Delaney was not eligible for the award of the Pacific Star as there was no evidence that the flight 'was classified as an operational sortie against the enemy' or that he 'flew one operational sortie against the enemy into the qualifying areas for the Pacific Star' or that he 'landed at least three times in the qualifying areas for the Pacific Star while on transport and ferrying duties'.² On 31 March 2016 Mr Delaney applied to the Tribunal for a review of the decision to deny his father the Pacific Star.³

Tribunal Jurisdiction

3. Pursuant to s110VB(2) of the *Defence Act 1903* (the Defence Act) the Tribunal has jurisdiction to review a reviewable decision if an application is properly made to the Tribunal. 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 a defence award in response to an application. Regulation 93C of the *Defence Force Regulations 1952* defines a *defence award* as being those awards set out in Part 2 of Schedule 3.⁴ Included in the defence awards set out in Part 2 is the Pacific Star. The Tribunal was satisfied that Mr Delaney's application dated 9 June 2015 constituted an application as defined in s110V(1)(c) of the Defence Act and the decision by the Directorate on 3 November 2015 that Flight Lieutenant Delaney was not eligible for the Pacific Star satisfied the requirements of s110V(1)(a) and (b) of the Defence Act. Therefore, the Tribunal has jurisdiction to review this decision.

Steps taken in the conduct of the review

4. In accordance with its *Procedural Rules 2011*, on 21 April 2016, the Tribunal wrote to the Secretary of the Department of Defence informing him of the application for review and requested that he provide a report in relation to Flight Lieutenant Delaney's eligibility for the Pacific Star.⁵ On 7 June 2016 the Directorate, on behalf of the Secretary, provided the Tribunal with a report.⁶ In that report, the Directorate confirmed its position that Flight Lieutenant Delaney did not meet the eligibility criteria

¹ E-mail Application to Defence Honours and Awards from Mr Delaney at 2.41pm on 9 June 2015

² E-mail DH&A – 1540 to Mr Delaney dated 3 November 2015

³ R&L Delaney letter to the Tribunal dated 31 March 2016

⁴ 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.

⁵ Letter DHAAT/OUT/2016/133 to the Secretary dated 21 April 2016

⁶ Letter DH&A/OUT/2016/0109 to the Tribunal dated 7 June 2016

for the award. On 9 June 2016 the Tribunal forwarded a copy of the Directorate's report to Mr Delaney for comment.⁷ On 18 June 2016 Mr Delaney provided comment on the Defence report and stated that:

*... this Pacific Star be awarded as a unique & special case not based on the precise legalities outlined in the guidelines ...*⁸

5. The Tribunal met on 13 September 2016 to scope the review. During its meeting the Tribunal considered the material provided by Mr Delaney and the Directorate. On 10 October 2016 the Tribunal heard evidence by telephone from Mr Delaney at a hearing in Canberra which was also attended by Ms Margot Kropinski-Myers and Mr Michael Stevens as the representatives from the Directorate.

The Pacific Star

6. The Pacific Star is a campaign medal of the British Commonwealth, established to recognise service in a number of operations during World War Two and was established in May 1945.⁹ The conditions for the Pacific Star are contained in a paper, published by the Committee on the Grant of Honours Decorations and Medals in Time of War, in May 1945 (1945 Command Paper). Paragraph 9 of the 1945 Command Paper dealt with the establishment of the eligibility criteria for the award of the Pacific Star and provided, relevantly:

...

9. (i) A Pacific Star has been instituted for entry into operational service in the Pacific theatre from the 8th December, 1941, until further notice. ...

7. On 11 June 1948, administration of the Imperial World War Two campaign stars, clasps, emblems and medals for personnel from the Dominions was delegated to the Dominion Governments.¹⁰ In December 1948, The Hon. John J. Dedman, the Australian Minister of State for Defence devolved the authority to issue those Imperial awards to the individual Service medal offices through *a Summary of the Conditions of the Award of the Campaign Stars, The Defence Medal and the War Medal*. Known generally as the *Dedman Papers*, this summary creates the conditions for awards including the Pacific Star.¹¹

8. The conditions for the award of the Pacific Star as it relates to the Air Force is contained in Part 1 of the *Dedman Papers*:

...

⁷ Letter DHAAT/OUT/2016/206 to Mr Delaney dated 9 June 2016

⁸ R&L Delaney letter to the Tribunal dated 18 June 2016

⁹ Committee on the Grant of Honours Decorations and Medals in Time of War – Campaign Stars and the Defence Medal, HMSO, London, May 1945. Available at www.northeastmedals.co.uk/britishguide/hmsocampaign_stars_defence.htm

¹⁰ *Campaign Stars and Commemorative Medals Instituted for the 1939-45 War* – 68/General/8533, the War Office, dated 11 June 1948

¹¹ *Commonwealth of Australia - Summary of the Conditions of Award of the Campaign Stars, the Defence Medal and the War Medal* – issued by the authority of The Hon. John J. Dedman, MP., Minister of State for Defence – dated December 1948

36. *The Pacific Star is awarded for entry into operational service in the Pacific theatre between the 8th December 1941 and the 2nd September 1945, inclusive.*

...

38. *In the Army and the Air Force there is no prior time qualification. For air crew who have not already qualified by service on land, the qualification is one operational sortie over the appropriate land or sea area. This qualification also applies to Naval air crew.*

...

42. **Air Force.**

(a) Air crew service in operations against the enemy will qualify. One operational sortie is the qualification.

...

43. **General.** *Visits, journeys and inspections will not be a qualification unless they amount to thirty days and were specially approved by the Department concerned, or, in a Command comprising both operational and non-operational areas, by the General Officer Commanding-in-Chief or Air Officer Commanding-in-Chief.*

¹²
...

9. Part VI of the *Dedman Papers* contains the boundaries for qualifying service for the Pacific Star:

...

127. ... (i) **Central Pacific and South China Sea**

Operational service qualifies in all islands South of Latitude 40° N. in the Central Pacific and the South China Sea in the area subjected to enemy invasion during the war, and including islands occupied by the enemy up to the cessation of hostilities, for the period from the date shown below and up to the 2nd September 1945.

The area is bounded on the North by Latitude 40° N. and on the East by the 180th meridian. The southern boundary of the area runs along Latitude 12° South from the 180th meridian to Longitude 145° East. The boundary then turns North along Longitude 145° East to Latitude 9° 40' South. It runs westward along this line to Timor. It then turns due South of Latitude 12° South, runs along this westwards to the Longitude 110° and then to Christmas Island (excluding the Island). The boundary then runs northwards round the SouthEast coast of Sumatra to Singapore.

It will be seen that this line encloses, for instance, the Marshall Islands, the Gilbert and Ellice Islands, and the Santa Cruz Islands. It excludes the Phoenix Islands, the Samoa Islands, the Fiji Islands, the New Hebrides and New Caledonia.

¹³
...

¹² Ibid.

¹³ Ibid.

Flight Lieutenant Delaney's Service Record

10. Flight Lieutenant Delaney enlisted in the Citizens Air Force on 2 June 1940 as a Trainee Technical at the age of 31. He re-mustered as a Fitter on 13 September 1940 and deployed to the United Kingdom in late 1941. His service record indicates that he was posted to No. 460 Squadron, the Royal Australian Air Force (RAAF) at Molesworth airfield on 3 December 1941. 460 Squadron was an "Article XV Squadron", formed in accordance with agreements that implemented the Empire Air Training Scheme. The Squadron became part of the Royal Air Force's Bomber Command and joined the strategic bombing campaign against Germany. Equipped with Vickers Wellington bombers, it mounted its first raid, against the German city of Emden, on 12 March 1942. The Squadron was heavily committed to operations over Germany, Italy and German-occupied Europe. It began operating Avro Lancaster bombers in October 1942.¹⁴

11. On 12 January 1943 Flight Lieutenant Delaney and his Australian crew transferred from 460 Squadron to No. 156 Squadron, the Royal Air Force at Warboys in the United Kingdom. 156 Squadron was a bomber squadron in the Pathfinder Force operating Wellington bombers. The Squadron's role was to lead the main bomber force to their targets. The Squadron re-equipped to Lancaster bombers in January 1943 utilising transferred crews, including Flight Lieutenant Delaney's, as the training base for the changeover of aircraft.¹⁵ The monthly crew lists for 156 Squadron indicate that Flight Lieutenant Delaney and his Australian crew of seven other airmen, under the command of Flight Lieutenant Peter Isaacson, 'completed tours' with the Squadron on 29 March 1943.¹⁶

12. Flight Lieutenant Delaney was then posted as an 'attachment' to the RAAF Overseas Headquarters in London on 21 April.¹⁷ The record indicates that he and his Australian crew departed Scotland on 22 May 1943 flying Lancaster ED.930 bound for Australia. It was originally planned to use the aircraft as a prototype for local production (which did not eventuate), and it was subsequently used to promote sales of war savings bonds around Australia. A report titled '*Lancaster ED.930. Trip to Australia*' records the route taken by the aircraft on its journey to Australia.¹⁸ The aircraft flew from Scotland via Canada to San Francisco and arrived in Hawaii on 30 May 1943. The aircraft then traversed the South Pacific landing at the following islands:

- 31 May 1943 Hawaii - Palmyra Island
- 1 June 1943 Palmyra Island - Canton Island
- 2 June 1943 Canton Island - Fiji Island
- 3 June 1943 Fiji Island - Amberley, Australia.

¹⁴ www.awm.gov.au/unit/U59445 accessed 26 September 2016

¹⁵ www.historyofwar.org/air/units/RAF/156_wwII accessed 26 September 2016

¹⁶ www.156squadron.com accessed 26 September 2016

¹⁷ *Overseas Headquarters, RAAF Personnel Occurrence Report 29/43* dated 10 May 1943 – tendered by the Directorate on 10 October 2016 and correcting the date included in DH&A – 1540 'Statement of Reasons' dated 3 November 2015 which indicated that the attachment commenced on 22 May 1943

¹⁸ '*Lancaster ED.930. Trip to Australia*' Peter Isaacson Papers 17 Feb 15

13. After his return to Australia, Flight Lieutenant Delaney completed a number of staff and instructional appointments between 4 June 1943 and 8 August 1945 when he joined the Governor-General's Flight in Canberra. He remained posted to the Governor-General's Flight until 31 August 1948 when his appointment in the RAAF was terminated on demobilisation.

14. For his service in the RAAF, Flight Lieutenant Delaney was awarded the:

- 1939-1945 Star with Clasp 'BOMBER COMMAND';
- Air Crew Europe Star;
- Defence Medal;
- War Medal 1939-45;
- Australia Service Medal 1939-1945;
- Australian Defence Medal (ADM); and
- Returned from Active Service Badge.

15. Flight Lieutenant Delaney was also commended for his service in Europe and in support of 'Q for Queenie' during its war loan tours and in repairing the aircraft after it crashed at Evans Head in October 1943. He received the King's Commendation for Valuable Service in the Air on 1 January 1946.¹⁹ The citation to the Commendation concludes that Flight Lieutenant Delaney:

*... is possessed of unbounded energy and enthusiasm for his work, and is outstanding for his determination and devotion to duty.*²⁰

The Applicant's Submissions

16. In an e-mail to the Directorate dated 9 June 2015 Mr Delaney claimed that Flight Lieutenant Delaney:

*... was Flight Engineer aboard Lancaster Q for Queenie on a very dangerous flight across the Pacific the details of which are recorded in his log excepts ... I believe he is entitled to be awarded the Pacific Star for this flight especially having regard to that fact much of the pacific was then under the control of the Japanese ...*²¹

17. Following the refusal by the Directorate, Mr Delaney in a letter dated 9 September 2015 indicated that he still believed that his father was entitled to the award as he:

*... made at least three landings in specified areas of the Pacific theatre (Honolulu, Palmyra, Canton and Fiji) ...*²²

18. He also stated that it 'was imperative that the crew avoid any engagement with the enemy' as two VIPs were also aboard. Mr Delaney said that:

¹⁹ Commonwealth of Australia Gazette dated 10 January 1946, Page 29 Position 13

²⁰ RAAF Commendation for Meritorious Service in the Air – Flight Lieutenant Michael Dorner Delaney

²¹ E-mail Application to Defence Honours and Awards from Mr Delaney at 2.41pm on 9 June 2015

²² R&L Delaney letter to the Tribunal dated 9 September 2015

... whilst I realize there are strict guidelines for granting awards I believe that in this instance my father was well qualified to receive this medal especially as no medal was ever awarded for members of Bomber Command ... and he also never received any recognition for his time with the Governor General's flight ...

19. On 31 March 2016 in his application for review Mr Delaney acknowledged that 'if you strictly apply the criteria' for the award 'then you could disqualify the application'.²³ He restated his earlier submissions and claimed that the flight 'was quite hazardous' and could be 'gauged as a far more dangerous time period in the Pacific than one sortie or time on the ground'. He claimed that it was 'a secret mission unprotected with no back-up'. He again asked that the Tribunal:

... grant Flight Lieutenant Delaney the Pacific Star as a special case based on his unique journey in the Pacific during WW2 and his contributions in that region for many years after.

20. In a further letter to the Tribunal dated 18 June 2016 Mr Delaney restated his contentions which he summarised as being:

- *his father's flight across the Pacific was unique and the landings were sufficient justification,*
- *in 1943 the Japanese were active in 'most of the Pacific' and the flight was 'not as I know it a repatriation flight',*
- *the flight was 'precisely designed not to engage in conflict but deliver crew and VIP passengers safely to Australia',*
- *most aircrew from Bomber Command 'never received medals of any kind' and other veterans received high foreign decorations, and*
- *'most if not all of the ED 930 crew received decorations, my father received none'.²⁴*

21. During the hearing Mr Delaney confirmed that he was aware of the relevant legislation and had received a copy of the map referred to by the Directorate in their statement of reasons showing the Area of Operations for the Pacific Star as at 23 March 1942.²⁵ During the hearing Mr Delaney reiterated his previous assertions and stated that the award should be granted on the 'grounds of compassion'. He indicated that in his view many others were recognised for their service but his father 'received no recognition for what he did'. He acknowledged that his father was:

... 'technically not entitled to the Pacific Star'.

The Directorate's Submission

22. In its written submission to the Tribunal, the Directorate confirmed that there is no formal instrument to delegate the authority to make decisions for Imperial awards and that by convention, the Director and Assistant Directors are accepted as responsible

²³ R&L Delaney letter to the Tribunal dated 31 March 2016

²⁴ R&L Delaney letter to the Tribunal dated 18 June 2016

²⁵ Map - 'Area of Operations for the Award of the Pacific Star 23 March 1942' DIGO 0971-01-09

decision makers. The submission identifies the ‘*Dedman Papers*’ as the appropriate authority to rely upon for the eligibility criteria for Imperial World War Two campaign medals and stars including the Pacific Star.

23. The submission identified the eligibility criteria for Campaign Stars, specifically the Pacific Star as being Part 1 of the *Dedman Papers* and the area of qualification as Part VI. The submission also examined eligibility for award of Campaign Stars to ‘Aircrew Personnel Engaged in Transport and Ferrying Duties’ – Part II of the *Dedman Papers*.

24. The Defence submission indicated that in response to Mr Delaney’s initial application, a full assessment had been conducted which resulted in the issue of the 1939-1945 Star with Clasp ‘BOMBER COMMAND’ and the ADM.

25. The submission determined that Flight Lieutenant Delaney was not eligible for the Pacific Star as he did not meet the eligibility criteria for the award.²⁶ The Directorate’s reasons for the decision were that there was no evidence that Flight Lieutenant Delaney:

- entered into operational service in the Pacific Theatre (paragraph 36 of the *Dedman Papers*),
- flew one operational sortie in operations against the enemy, within the boundaries of the Pacific theatre (paragraph 42(a) of the *Dedman Papers*),
- flew within the boundaries of the Pacific theatre for a period that amounts to 30 days (paragraph 43 of the *Dedman Papers*),
- participated in a special operation and made three or more landings in the Pacific (paragraphs 81 and 92 of the *Dedman Papers*),
- made three landings in the areas of the Pacific in the course of his ferrying and transport duties (paragraph 91 of the *Dedman Papers*).

26. The Defence submission concluded that although Flight Delaney ‘landed in military airbases in the Pacific en-route to Australia’, these areas were not considered to be part of the Pacific theatre and were excluded from the boundaries of the theatre as specified in paragraph 91 and 127 of the *Dedman Papers*.

The Tribunal’s Consideration – the Merits Review

27. The Tribunal carefully considered all the material placed before it including written submissions and oral evidence. The Tribunal noted that the evidence is not contested and that Mr Delaney had stated that:

... ‘*the Defence Report was thorough and fair*’.²⁷

28. **Flight Lieutenant Delaney’s Service Record.** There is no dispute that Flight Lieutenant Delaney was posted from 460 Squadron to 156 Squadron on 12 January 1943 with his Australian crew. The Tribunal notes that Flight Lieutenant Delaney and his

²⁶ Letter DH&A/OUT/2016/0109 to the Tribunal dated 7 June 2016

²⁷ R&L Delaney letter to the Tribunal dated 18 June 2016

crew ‘completed tours’ with 156 Squadron on 29 March 1943.²⁸ Relying on the service record and the Personnel Occurrence Report tendered by the Directorate at the hearing, the Tribunal was reasonably satisfied that Flight Lieutenant Delaney was then posted as an ‘attachment’ to the RAAF Overseas Headquarters in London on 21 April 1943. The Tribunal was reasonably satisfied that this ‘attachment’ was an administrative expediency to account for Flight Lieutenant Delaney’s service during the period he was in transit between completion of his posting to 156 Squadron and his subsequent posting in Australia, which his service record indicates as being with 3 Personnel Depot in Brisbane commencing on 4 June 1943. The Tribunal was also reasonably satisfied that Flight Lieutenant Delaney did complete a journey as part of the aircrew for Lancaster ED.930 which was flown from Scotland to Australia via the Pacific Ocean between 22 May 1943 and 3 June 1943.

29. **The Legislation.** The Tribunal was satisfied that the Directorate decision was made by an appropriately authorised Delegate and that the correct legislation was applied in the making of the decision - the *Dedman Papers*.²⁹ The Tribunal is therefore bound by the eligibility criteria that govern the award of the Pacific Star as articulated in the *Dedman Papers*.

30. The Tribunal noted that the Directorate had used Parts I, II and VI in assessing Mr Delaney’s application. The Tribunal did not consider that Part II of the *Dedman Papers* applied to Mr Delaney’s claim as this part relates to the award of Campaign Stars to:

77. ...
(a.) *Airforce flying personnel **posted** for Transport and Ferrying duties ...* (highlight added for clarity)

31. The Tribunal was reasonably satisfied that Flight Lieutenant Delaney’s service record indicates that he was never ‘posted’ for Transport and Ferrying duties. The Tribunal therefore determined that the only parts of the *Dedman Papers* that could apply to Flight Lieutenant Delaney’s eligibility are Part I and Part VI which respectively detail the eligibility criteria and the qualifying areas for the Pacific Star.

32. **The Eligibility Criteria.** The Tribunal was reasonably satisfied that in order for Flight Lieutenant Delaney to be eligible for the award of the Pacific Star it must be established that he:

- *entered into operational service in the Pacific theatre between the 8th December 1941 and the 2nd September 1945,*
- *completed one operational sortie over the area,*
- *served in the Pacific theatre in operations against the enemy,*
- *was classified and specially approved to be on a visit or journey for thirty days,*
and

²⁸ www.156squadron.com accessed 26 September 2016

²⁹ *Commonwealth of Australia - Summary of the Conditions of Award of the Campaign Stars, the Defence Medal and the War Medal* – issued by the authority of The Hon. John J. Dedman, MP., Minister of State for Defence – dated December 1948

- *met the above criteria and in so doing entered into the qualifying area bounded on the North by Latitude 40° N.; on the East by the 180th meridian with the southern boundary running along Latitude 12° South from the 180th meridian to Longitude 145° East; turning North along Longitude 145° East to Latitude 9° 40' South and running westward along this line to Timor.*

33. The Tribunal could find no evidence that Flight Lieutenant Delaney's flight over the Pacific Ocean between 22 May 1943 and 3 June 1943 was classified as an operational sortie or that he was allocated for operational service for the flight. During the hearing Mr Delaney also confirmed that he had no evidence of the allocation. There was also no evidence that his flight was considered to be in operations against the enemy or that it was specially approved as a visit or journey, or that the duration was thirty days. Accordingly, the Tribunal finds that Flight Lieutenant Delaney's service on Lancaster ED.930 does not satisfy the eligibility criteria for the Pacific Star as specified in Part 1 of the *Dedman Papers*.

34. The Tribunal noted that the evidence indicates that Lancaster ED.930 transited Hawaii, Palmyra, Canton and the Fiji Islands between 31 May 1943 and 2 June 1943 before landing at Amberley on 3 June 1943. Having plotted the route and assuming a reasonably direct line of flight between the islands, the Tribunal was reasonably satisfied that the nearest the aircraft came to entering the qualifying area was in the proximity of 180° East; 12° South. This point is the south-eastern extremity of the qualifying area as specified in the *Dedman Papers*. The Tribunal noted that the *Dedman Papers* state that the qualifying area boundary:

*... excludes the Phoenix Islands, the Samoa Islands, the Fiji Islands, the New Hebrides and New Caledonia.*³⁰

35. The flight path of Lancaster ED.930 appears to be south-east of this point and the islands are excluded from the area. The Tribunal also noted that the map defining the Area of Operations for the Pacific Star dated 23 March 1942 excludes the route taken by Lancaster ED.930 and the islands named by Mr Delaney in his claim.³¹ Accordingly, the Tribunal finds that Flight Lieutenant Delaney did not enter the qualifying area as specified in Part VI of the *Dedman Papers*.

36. **Mr Delaney's Assertions.** The Tribunal considered Mr Delaney's assertion that the flight was 'very dangerous' and 'much of the Pacific was then under the control of the Japanese'.³² The Tribunal dismissed this assertion as the historical record suggests that by late 1942, the limit of the Japanese advance into the Pacific was limited to 180° East and 12° South.³³ As previously stated, the Tribunal was reasonably satisfied that the route that the flight took was south east of this point.

37. The Tribunal dismissed Mr Delaney's assertions that his father was entitled to the Pacific Star as he 'made at least three landings in specified areas of the Pacific

³⁰ Ibid. Para 127(i)

³¹ Map - 'Area of Operations for the Award of the Pacific Star 23 March 1942' DIGO 0971-01-09

³² E-mail Application to Defence Honours and Awards from Mr Delaney at 2.41pm on 9 June 2015

³³ www.history.army.mil/brochures/72-4/map1.JPG accessed 30 September 2016

theatre (Honolulu, Palmyra, Canton and Fiji)'.³⁴ The Tribunal could find no evidence that these islands were 'specified areas' of the Pacific theatre at the time of the flight.

38. The Tribunal noted Mr Delaney's claims that his father should be recognised for his service with the Governor-General's flight but did not consider this any further as the service record indicates that his first duty flight was to Singapore on 20 September 1945 which was after the cessation of the War on 2 September 1945.³⁵

39. The Tribunal informed Mr Delaney that it is bound by the legislation and does not have discretion to approve awards where the eligibility criteria are not met. For this reason, the Tribunal dismissed Mr Delaney's requests that 'Flight Lieutenant Delaney be considered for the Pacific Star as a special case based on his unique journey in the Pacific during WW2 and his contributions in that region for many years after'.³⁶

40. During the hearing the Tribunal discussed with Mr Delaney his claim that his father had not been recognised for his service during and after the War. The Tribunal drew Mr Delaney's attention to the citation for his father's King's Commendation for Valuable Service in the Air and in so doing, suggested to him that it was a unique award and was not given lightly. The Tribunal also noted that the wording of the Commendation clearly cited Flight Lieutenant Delaney for his service in Europe and in support of 'Q for Queenie'. The Tribunal was of the opinion that this was appropriate and well deserved recognition of Flight Lieutenant Delaney's service throughout his RAAF career.

Finding

41. For the above reasons the Tribunal finds that Flight Lieutenant Delaney is not eligible for the award of the Pacific Star and that the decision of the Directorate of Honours and Awards of the Department of Defence is correct.

DECISION

42. The Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Flight Lieutenant Michael Dormer Delaney is not eligible for the award of the Pacific Star.

³⁴ R&L Delaney letter to the Tribunal dated 9 September 2015

³⁵ *Governor General's Flight Personnel Occurrence Report 8/45* dated 25 October 1945

³⁶ R&L Delaney letter to the Tribunal dated 31 March 2016