



Australian Government

Defence Honours and Awards Appeals Tribunal

Delgado and the Department of Defence re: Bloomfield [2018] DHAAT 11 (16 August 2018)

File Number 2018/023

Re **Mr Bernard (John) Delgado on behalf of Mr Stephen Bloomfield**
Applicant

And **The Australian Army** on behalf of **The Department of Defence**
Respondent

Tribunal Mr M. Sullivan, AO, (Presiding Member)
Brigadier M.D. Bornholt, AM (Retd)
Ms A. Trengove

Hearing Date 7 August 2018

DECISION

On 16 August 2018, the Tribunal recommended to the Minister:

- a. that the decision by the Deputy Chief of Army to refuse to recommend a gallantry award for Lance Corporal Stephen Bloomfield for his actions with a Special Air Service Regiment patrol in Kalimantan during the Indonesian-Malaysian Confrontation in 1965 be set aside; and
- b. the Minister recommend to the Governor-General that Lance Corporal Stephen Bloomfield be awarded the Commendation for Gallantry for acts of gallantry in action as a Special Air Service Regiment medical assistant left alone for three days in enemy territory to tend to a severely wounded fellow soldier who had been gored in the abdomen by an elephant in Kalimantan during the Indonesian-Malaysian Confrontation in June 1965.

The Tribunal also recommends that the Chief of Army rescind the Bronze Commendation sent to Mr Bloomfield in 2018 and review procedures and guidance for the presentation of these awards to future recipients.

CATCHWORDS

DEFENCE HONOUR – Mention in Despatches – Commendation for Gallantry - Confrontation – Special Air Service Regiment – Rogue Elephant

LEGISLATION

Defence Act 1903 – ss 110V(1), 110VA, and 110VB(1), (6)

Defence Force Regulations 1952 – Reg 93B Sch 3

Commonwealth of Australia Gazette No. S25, Gallantry Decorations Regulations dated 4 February 1991

REASONS FOR DECISION

Background

1. On 21 February 2011, the Government requested that the Tribunal inquire into and report on *unresolved recognition for past acts of naval and military gallantry and valour* (the Valour Inquiry). As part of the Terms of Reference for the Valour Inquiry, the Tribunal was directed to receive submissions from the public supporting recognition for those thought worthy of higher recognition. A submission dated 1 August 2011 was received from the Honorary Colonel of the Special Air Service Regiment (SASR), Brigadier M.J.W. Silverstone, CSC, (Retd) seeking ‘a retrospective award of the equivalent of a Mention in Despatches for Corporal S. Bloomfield in recognition of his distinguished conduct and bravery over several days during his service with 1 SAS Squadron in Borneo in 1965’.¹ The submission sought recognition for Lance Corporal Bloomfield ‘when he was left alone over the border for several days caring for Lance Corporal Denehey who had been mortally wounded by a wild elephant’. This report will refer throughout to Mr Bloomfield as Lance Corporal Bloomfield, the rank he held at the time of the action in 1965.

2. The SASR submission was passed to Army Headquarters for consideration and on 18 May 2012, the Deputy Chief of Army (DCA) wrote to Brigadier Silverstone indicating that for reasons of consistency and ‘not wishing to question the basis for decisions by the chain of command well after the fact’, Army would not support requests for retrospective recognition.² The DCA advised Brigadier Silverstone that he should ‘consider the Tribunal’ and on 24 July 2012 Mr John Delgado wrote to the Tribunal seeking review of the DCA decision.³

3. The Tribunal decided to consider Mr Delgado and Brigadier Silverstone’s material as Submission 256 to the Valour Inquiry. On 14 March 2013, the Australian Government referred several submissions including Submission 256 to the Chief of Army seeking a determination on whether the submissions should be directed back to the Tribunal for further review.

4. On 15 July 2013, DCA agreed to an Australian Army History Unit (AAHU) proposal that further research should be conducted into recognition of Lance Corporal Bloomfield’s actions prior to making any recommendation to the Tribunal.⁴ On 5 September 2013 the Director General Personnel – Army (DGPers-A) tasked the

¹ Application for Retrospective Award – CPL Bloomfield dated 1 August 2011.

² DCA letter to Brigadier Silverstone OCA/OUT/2012/R11376462 dated 18 May 2012.

³ John Delgado letter to the Tribunal and Application for Review dated 24 July 2012.

⁴ DGPers-A Decision Brief for DCA dated July 2013.

AAHU to research ‘the circumstances’ of Lance Corporal Bloomfield’s actions and provided funding for an external research company to be employed on the task.⁵

5. On 14 January 2014 the AAHU furnished a comprehensive 58 page report ‘into the merits’ of the Bloomfield case to the DCA.⁶ The report concluded that there was evidence that Lance Corporal Bloomfield’s Squadron Commander had not followed through with an agreement to recommend Lance Corporal Bloomfield for the Mention in Despatches (MID).⁷ The report recommended that DCA ‘endorse the SASR Association bid’ for the award ‘of the MID or its equivalent’ and that the report and associated material be forwarded to the Tribunal for final consideration.⁸

6. On 27 March 2014 the Acting Deputy Chief of the Army (A/DCA) responded to the AAHU indicating that the report ‘is not sufficient to determine what if any, further action should be taken’.⁹ The A/DCA provided further guidance to the AAHU and directed that a revised research paper, which was ‘not to include recommendations’, be provided to enable the DCA to make a decision on the matter.

7. It appears that the issue causing the A/DCA concern was not the actual merits of Lance Corporal Bloomfield’s actions but whether or not there was ‘authoritative evidence to substantiate or otherwise the existence of maladministration’ during the honours and awards process at the time. Indeed, the guidance attached to the A/DCA response stated that:

*... the actions of LCPL Bloomfield are not in question nor is whether his actions were worthy of recognition ...*¹⁰

8. On 29 April 2014 the AAHU furnished an amended report to the DCA through the DGPers-A with the ‘additional information’ regarding the honours process added to the original report ‘in paragraphs 66 to 84’.¹¹ Whilst the report does not make a recommendation, it concludes that the system for nominating individuals during the Confrontation period was ‘well understood by the unit commanders’, that there was ‘no direct evidence of maladministration with HQ 1 SAS Squadron’ and:

... past members of 1 SAS Squadron have made the assumption, most likely correctly, that MAJ Alf Garland arrived at a decision not to nominate any

⁵ DGPers-A Letter to DGRES-A - DGPERS-A/OUT/2013/R15578207 dated 5 September 2013

⁶ AAHU AB16486581– *Report on Findings of Research into Submission 256* dated 14 January 2014.

⁷ Ibid. P.65.

⁸ Ibid. P.66.

⁹ A/DCA Letter to the AAHU - OCA/OUT2014/R17345432 dated 27 March 2014.

¹⁰ Ibid. Annex A, P.1.

¹¹ AAHU AB17712124 - *Report on Findings of Research into Submission 256 (ARMYLET Bloomfield 2)* dated 29 April 2014.

*members of his unit for awards in recognition of their gallantry or service in Borneo ...*¹²

9. On 20 February 2018, almost four years after the AAHU amended report was provided to the DCA, Mr Delgado contacted the Tribunal seeking advice on the status of his 2012 request to review the original DCA decision. Tribunal staff advised Mr Delgado that he should resubmit his application for review which he did on 22 February.¹³ On 3 April 2018 Brigadier Silverstone wrote to the Tribunal and asked that Mr Delgado be accepted as the Applicant in the matter as he was no longer the Honorary Colonel of the Regiment and was recuperating from extended medical treatment.¹⁴ The Tribunal acknowledged this request and agreed to Mr Delgado being the applicant.

Tribunal Jurisdiction

10. Pursuant to s110VB(1) 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 or the Minister 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 3.¹⁵ Included in the defence honours set out in Part 1 is the MID.

11. The Tribunal was satisfied that Brigadier Silverstone's submission of 1 August 2011 to the Valour Inquiry seeking the MID or equivalent recognition for Lance Corporal Bloomfield constituted an application as required by s110V(1)(c) of the Defence Act. The Tribunal also considered that the DCA's letter of 18 May 2012 to Brigadier Silverstone indicating that Army would not support requests for retrospective recognition constituted a refusal to recommend Lance Corporal Bloomfield for a gallantry award thus satisfying the requirements of s110V(1)(a) and (b) of the Defence Act. The Tribunal therefore has jurisdiction to conduct the review and was satisfied that the *reviewable decision* is the decision by the DCA on 18 May 2012 to refuse to recommend Lance Corporal Bloomfield for recognition for his actions with a Special Air Service Regiment patrol in Kalimantan during the Indonesian-Malaysian Confrontation in 1965. The Tribunal is therefore bound by the eligibility criteria that governed the making of that decision in 2012 as required by s110VB(6) of the Defence Act.

¹² Ibid. P.66, Para 88.

¹³ Application for Review of Decision by Mr Delgado dated 22 February 2018.

¹⁴ Brigadier Silverstone letter to the Tribunal dated 3 April 2018.

¹⁵ 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.

12. In accordance with s110VB(1) of the Defence 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.

Conduct of the Review

13. On 19 April 2018 the Tribunal wrote to the Secretary of Defence advising him of Mr Delgado's application and seeking a report. The Tribunal asked that the report provide all evidence considered relevant to the review, any material findings of fact relied upon by Defence and the reasons for the decision to refuse to recommend Lance Corporal Bloomfield for recognition.¹⁶

14. On 10 May 2018 the Acting Director General Personnel – Army (A/DGPers-A) wrote to the Tribunal and provided a detailed report (the Army Report) which appeared to be a compilation of the two 2014 reports and some additional research by the AAHU. The Report was 'inconclusive as to the reasons why LCPL Bloomfield was not recommended for an award'.¹⁷ The A/DGPers-A stated that the review by Army 'could find no evidence that a recommendation had been submitted' and:

... in the absence of evidence of maladministration or failure of due processes, it is Army's conclusion that the original decision to not award Lance Corporal Bloomfield the Mention in Despatches should stand ...

15. The A/DGPers-A indicated that notwithstanding the Army conclusion, it was desirable that the matter be referred to the 'Historical Honours and Awards Board' (the Board) for 'a merit (Sic) review ... prior to presentation at the Tribunal'.¹⁸

16. The Tribunal Secretariat was advised that the next available date for the Board to meet was 23 August 2018. The Tribunal decided that as the matter had apparently been in abeyance within Army for four years; further delay was not in the interests of the Applicant or Lance Corporal Bloomfield. Noting that a merits review had already been conducted as part of the original deliberation by Army, and that any consideration by the Board would in all likelihood not include the hearing of witnesses, the Tribunal elected to proceed with its review and scheduled a hearing of the matter for 7 August 2018 in Canberra.

¹⁶ DHAAT Letter to the Secretary of Defence dated 19 April 2018.

¹⁷ A/DGPers-A Letter to the Tribunal dated 10 May 2018 enclosing *Report into Category 3 Public Submission 256 – LCPL Bloomfield* – (The Army Report).

¹⁸ The 'Defence Historical Honours Review Board' was established in September 2017 to 'compile, consider and form recommendations on nominations for honours and awards for acts of gallantry, distinguished or exemplary service in historical circumstances ... it will meet quarterly'. (DEPSEC DP/OUT/2017/119 dated 6 November 2017)

17. The Army Report was sent to Mr Delgado on 23 May 2018 and he provided comments on 4 June 2018.¹⁹ A complete package of material including the first AAHU Research report of 2014 was also sent to Mr Delgado and Lance Corporal Bloomfield prior to the hearing and the Department was advised of the intention to proceed to hearing.²⁰

18. On 19 July 2018 the Chair of the Board, Air Vice Marshal Greg Evans, DSC, AM (Retd) wrote to the Tribunal indicating that the Board on 9 July 2018, ‘held an extraordinary meeting to consider the evidence it was provided with regard to LCPL Bloomfield’s actions in May and June 1965...’.²¹ The letter stated that the Board was of the ‘unanimous view that there is no clear evidence to corroborate that maladministration has occurred in this case’ and that ‘the original decision to not award LCPL Bloomfield the MID (or a contemporary equivalent) should stand’. Air Vice Marshal Evans noted that in its deliberations, ‘a separate merit review of LCPL Bloomfield’s actions in May and June 1965 was not formally conducted’.

19. The Tribunal determined that the subsequent hearing may need to discuss sensitive matters and the Chair directed that in accordance with *Procedural Rules 2011-* Rule 11(3)(a), the hearing would be conducted wholly in private. The Applicant and Lance Corporal Bloomfield were invited to provide evidence at the hearing. The Respondent and the Director of Defence Honours and Awards in the Department of Defence were also invited to attend the hearing and the Tribunal asked that a representative of Special Forces Command and Joint Operations Command attend to provide evidence.

20. The Assistant Director Policy and Tribunal Management in the Directorate of Honours and Awards informed the Tribunal on 1 August 2018 that the Chair of the Board, Air Vice Marshal Evans, ‘will have the primary Defence representative role ...’ and that:

*SOCOMD is aware of the hearing concerning Mr Bloomfield’s review of recognition, but AHQ has not invited them to attend, sought a personal opinion, or to represent their contemporary capability.*²²

21. The hearing was conducted on 7 August 2018 and attended by Air Vice Marshal Evans as well as Brigadier Mark Holmes, AM, MVO (Retd) representing the Respondent. Ms Alexandra Stewart, Assistant Director Honours and Awards and Major Phil Rutherford, Army Principal Research Officer also attended the hearing and Lance Corporal Bloomfield and Mr Delgado attended and gave evidence.

¹⁹ Mr Delgado Letter to the Tribunal dated 4 June 2018.

²⁰ DHAAT Research Package paginated from Page 1 to Page 250.

²¹ DH&A/OUT/2018/50 Letter from Chair HHRB to Tribunal dated 19 July 2018.

²² Email from DHA to the Tribunal dated 4.40pm 1 August 2018.

Lance Corporal Bloomfield's Service Record

22. The Army Report states that Lance Corporal Bloomfield enlisted in the Australian Regular Army on 5 April 1962 for a six-year engagement and was allotted to the Royal Australian Infantry Corps.²³ After postings to 2nd and 3rd Battalions of the Royal Australian Regiment, on 21 September 1963 he transferred to the 1st Special Air Service Company which was shortly thereafter re-established to form the Special Air Service Regiment. The then Private Bloomfield was employed in the 1st SAS Squadron as a rifleman. He was promoted to Lance Corporal on 4 September 1964.

23. 1st SAS Squadron arrived in Brunei on 26 February 1965 and after a period of acclimatisation and training with the British SAS, the Squadron commenced operations on 28 March 1965. On 7 August 1965 the Squadron returned to Australia. Lance Corporal Bloomfield was promoted to Corporal on 14 September 1965 and deployed to Vietnam as a patrol medic with 1 Squadron from 2 March 1967 to 6 February 1968. He was discharged from the Army at the conclusion of his period of engagement on 4 April 1968.

24. For his service in the Army Lance Corporal Bloomfield has been awarded the following defence awards and foreign awards:

- Australian Active Service Medal 1945-75 with Clasp 'MALAYSIA' and Clasp 'VIETNAM';
- General Service Medal 1962 with Clasp 'BORNEO';
- Vietnam Medal;
- Australian Defence Medal;
- Republic of Vietnam Campaign Medal; and
- Pingat Jasa Malaysia

Historical Context

25. In 1965 in response to Indonesia's escalating dispute with Malaysia, the Australian Government committed the SAS to support British and Malaysian forces undertaking operations in Borneo. Known as the Indonesian – Malaysian Confrontation (also known by the Indonesian name *Konfrontasi*), this was the first active operation undertaken by the Regiment since the unit was raised in 1957. Commanded by Major Alf Garland, the 1st SAS Squadron of approximately 100 soldiers arrived in Borneo in February 1965 and initially conducted 'hearts and minds' operations among the local people in southern Sabah and north-west Sarawak.

²³ *Report into Category 3 Public Submission 256 – LCPL Bloomfield* – (The Army Report) dated 10 May 2018, P.2, para 7-13.

26. The Squadron was under the operational control of the 51st Gurkha Infantry Brigade commanded by Brigadier Harry Tuzo of the British Army.²⁴ They were tasked by Headquarters Land Forces Borneo.²⁵ National command was exercised directly from the Squadron to Commander Australian Army Force co-located with Headquarters Far East Land Forces in Singapore.

27. In May 1965 the Squadron began reconnaissance patrols going up to 18 kilometres into Indonesian territory. These cross-border operations were known as ‘Claret’ operations. The patrols were extremely arduous as they lasted from 10 to 14 days and the four-man teams needed to carry all their provisions with no prospect of resupply. The patrols were planned in meticulous detail. Soldiers were sworn to secrecy and they were not permitted to carry anything that would identify them. The soldiers were advised that they were not to be ‘captured by the enemy – alive or dead’. The Claret operations kept the Indonesians on the defensive but their existence was kept secret and they were never mentioned in official reports.

The Action

28. The undisputed record of the action involving Lance Corporal Bloomfield is contained in the Army Report.²⁶ Whilst there are inconsistencies in the evidence regarding the subsequent recovery of Lance Corporal Denehey’s body, the Tribunal was satisfied that the Army Report is a reasonable summary of the incident as it relates to Lance Corporal Bloomfield’s actions. At the hearing the Respondent and the Applicant also agreed that this was an acceptable description of the action. An abbreviated version is repeated below:

On 24 May 1965 a four-man SAS patrol designated ‘Patrol 12’ commenced an intelligence gathering mission on a known Indonesian infiltration route about 35 kilometres south of Pensiangan along the border between Borneo and Indonesia. The patrol members were:

- *Sergeant Roy Weir – Patrol Commander,*
- *Corporal Bryan Littler – Patrol Second in Command,*
- *Lance Corporal Stephen Bloomfield – Patrol Medic, and*
- *Lance Corporal Paul Denehey – Patrol Signaller.*

²⁴ Ibid. P.10, para 58.

²⁵ The Tribunal notes from the Defence submissions and the Chair of the Board’s evidence that there is doubt about whether or not Brigadier Tuzo actually exercised operational control over the SAS Squadron however it is clear that the Squadron operated within Tuzo’s area of operations and as such he would have had influence over their activities and would have been included in their operational and administrative reporting.

²⁶ *Report into Category 3 Public Submission 256 – LCPL Bloomfield* – (The Army Report) dated 10 May 2018, P.5, para 28-41.

The patrol followed the border for a week before crossing into the Indonesian territory of Northern Kalimantan where they followed a river for a further two days. As they were crossing a ridgeline, the patrol was attacked by an elephant. Several shots were fired at the animal and the men took evasive action near a large fallen tree. The elephant continued to rampage through the Australian position and into the jungle on the other side of the ridge. When the men came out from the cover they found Lance Corporal Denehey had been badly gored in the stomach and had severe injuries.

Lance Corporal Bloomfield immediately began applying basic medical aid whilst the others built a stretcher from two poles and a poncho. Carrying Lance Corporal Denehey first by stretcher and then, when this proved impractical, on their backs, the men moved off the ridgeline and travelled for several hundred metres until they felt safe from any further attack by the elephant. Here they attempted to communicate with their headquarters but the radio which was being carried by Lance Corporal Denehey during the attack was damaged. It appeared the radio could transmit but they were unsure if it would receive. There were no acknowledgements to their calls for assistance so they were unsure if their transmissions were being heard.

The patrol remained where they were for the rest of the night and at first light commenced to move towards the border. They had not moved very far when they realised the severity of Lance Corporal Denehey's injuries and that the difficulties of the terrain meant that their progress would be limited. Sergeant Weir decided to split the patrol and instructed Lance Corporal Bloomfield as the medic to remain with Lance Corporal Denehey whilst he and Corporal Littler returned to Borneo to seek assistance. Lance Corporal Bloomfield said that he was told that if they were not back within three days he was to decide the next course of action.

The date of the incident is not clear in the evidence however Lance Corporal Bloomfield suggests that he had been able to send some messages in short bursts one or two days after the other two had left. The Squadron Operations Log records a transmission being received from Callsign 12 on 3 June at about 0915 stating 'Casevac stomach wound bad. No heli pad need troops. GR622382'. A further message a short time later reported that the signaller had been gored by an elephant.

An attempt was made a little after midnight to contact the patrol to inform them that an aircraft was searching for them and they were to throw smoke and use the SARBE emergency beacon to identify their location – this transmission from the headquarters was not answered. Lance Corporal Bloomfield indicated that a message was received but the sender was transmitting too quickly and he could not read morse code so it was not acknowledged.

The following day the Headquarters instructed two other patrols to cease their operation and commence searching for Patrol 12. At 1820 hours, Patrol 71 reported that they were in contact with two members of patrol 12 (Weir and Littler) who had been found at a predetermined Landing Zone. The patrols consolidated and teamed up with a Gurkha patrol, resolving to set out at first light to continue the search for Lance Corporal Bloomfield and Denehey.

At 0905 hours on 5 June the Operations log records a message received from LCPL Bloomfield – ‘is aid coming please when’. The radio eventually ceased functioning leaving Lance Corporal Bloomfield unsure whether his messages were being received or not.

In the meantime, Lance Corporal Denehey’s injuries were causing him to cry out and thrash around in pain and whilst Lance Corporal Bloomfield administered to him to the best of his ability, it was clear that he was suffering badly.

According to Lance Corporal Bloomfield, he remained with Lance Corporal Denehey applying what medical aid he could until midday on the sixth day and, with food and medicine all but depleted, he set out alone to seek help.

Lance Corporal Bloomfield took the patrol radio with him but found the weight was restricting his pace so he cached it with code books in a hollow log. The following day after crossing back into Borneo he came across soldiers from 2/7th Gurkha Rifles and as he was leading them back to where he had left Lance Corporal Denehey, they received word that Sergeant Weir and Corporal Littler were back in the location and had found Denehey’s body. At about 1545 hours on 7 June Patrol 71 reported that they had retrieved the body and were returning to base.

Upon return the patrol members were individually debriefed by Major Garland and Sergeant Weir and Lance Corporal Bloomfield spent several days in hospital. On 2 July Lance Corporal Bloomfield led a patrol back into Indonesia to retrieve the radio and code books from the cache.

Official Records of the Action

29. **Operations Log.** The 1st SAS Squadron Commander’s diaries for the period 1-30 June 1965 contain the Duty Officers operations log.²⁷ Extracts of this log which relate to the incident are:

²⁷ AWM95 Item 7/10/2 1 SAS Squadron Duty Officer’s Log 1-30 June 1965.

03 June 0915 12 to SAS *'Casevac stomach wound bad. No heli pad need troops. GR 622382'.
'Rogue elephant gored sig'.*

03 June 1625²⁸ SAS to 12 *'Aircraft searching area for you. Use sarbe and smoke to attract attention'.*

04 June 0930 SAS to 32 *'Move quickly to 6322382 to ground search for ptl 12'.*

04 June 0930 SAS to 71 *'Get hold of 4 trackers immediately ... lift them to ptl 32'.*

04 June 1820 71 to SAS *'Ptl 12 split up. Two members at an LZ and will be taken to join 32 ...'*

04 June 1825 71 to SAS *'Two members of Ptl 12 plus 8 Gurkhas joined up with Ptl 32. Assume they will move first light tomorrow'.*

'Evac case in bad way. A few prayers may help'.

05 June 1300 71 to SAS *'As sent yesterday Ptl split up. Two members found at an LZ by heli ...'*

'... condition of casevac unknown'.

05 June 0905²⁹ 12 to SAS *'Is aid coming please when'.*

07 June³⁰ 71 to SAS *'Casevac dead, details unknown ...'*

07 June 1547 SAS to 71 *'Who did you get info from'.*

71 to SAS *'Details not clear yet, search parties coming out. Confirmed casevac dead. Will send full details when they come to hand'.*

²⁸ Log records time as 04 June 0025 hours Zulu converts to 03 June 1625 Hotel

²⁹ This entry does not follow in a logical time order, it is preceded by an entry supposedly made at 1300 hours and this entry may have been made 4 hours earlier or is a typographical error.

³⁰ No time is on the log however it appears to be between 07 1115 and 07 1547 hours.

30. **Patrol Report.** The Patrol Report was signed by the Patrol Commander, Sergeant Weir on 11 June 1965.³¹ Relevant extracts of the report state in relation to the incident:

...

J.6. On the afternoon 2 Jun 65 one member of the patrol was gored in the stomach by an elephant. A report on this aspect is attached as "Annex A" to this report.

31. Major Garland made additional remarks as the 'debriefing officer' on the report. Extracts of his remarks include:

N.2 Every patrol should have at least two members who are competent regimental signallers. If this had been the case on this patrol the evacuation of Lcpl Denehey may have been effected in time to save his life.

3. The efforts displayed by Lcpl Bloomfield, the patrol medic, are to be praised ...

4. The patrol has been deeply affected by the loss of Lcpl Denehey. They will not be detailed off for further operations until such time as they have been completely rested.

32. **'Annex A - Report on the Incident leading to Death of LCPL P.H. Denehey'**. Annex A to the Patrol Report includes a detailed report of the incident.³² Whilst some areas of the report have been the subject of comment by the Applicant and Lance Corporal Bloomfield, including the accuracy of an included sketch map; for the purposes of this review, they are not in the opinion of the Tribunal material. Extracts of the report are below:

1. At approximately 1630 hours 2 June 1965 the patrol was moving up the side of a ridgeline... the number two man in the patrol Cpl B. Littler glanced to his left rear ... and saw an elephant on the ridge line to the rear of the patrol ...

2. For no apparent reason the elephant suddenly charged toward the patrol. Cpl Littler warned the patrol ... the patrol commander dived behind the fallen tree. The elephant bounded past both Cpl Littler and Lcpl Bloomfield knocking them down in its rush and made directly toward Lcpl Denehey.

³¹ *Patrol Report – Patrol 12, 24 May – 3 Jun 65 dated 11 June 1965.*

³² *Annex A to Patrol Report – Patrol 12, 24 May – 3 Jun 65 dated 11 June 1965.*

3. *The patrol commander and Cpl Littler saw the elephant tusk Lcpl Denehey in the stomach, lifting him clear of the ground as he was impaled on the tusk. The patrol commander, Sgt Weir, and Lcpl Bloomfield opened fire on the animal. A total of nine shots were seen to strike home in the head. This caused the elephant to stumble and in the process, Lcpl Denehey was shaken loose of the tusk.*

4. *The elephant then turned and charged back towards the log and the rest of the patrol. He then changed direction, veered away and disappeared over the ridge.*

5. *Lcpl Denehey was severely wounded in the stomach but at this stage he was still conscious. Lcpl Bloomfield administered 4 Tetracycline tablets orally, covered the wound with a shell dressing and gave Lcpl Denehey a shot of morphia. The patrol commander then constructed a temporary stretcher and the patrol carried the casualty for approximately 200 yards down a spur off the main ridge.*

6. *... the patrol stopped and the patrol commander tried to establish communications with base. Communications could not be established as the Sig with the patrol was the man who had been injured.*

7. *... the patrol moved, carrying the casualty until just on last light when it was decided to basha up. A hammock was constructed for the wounded man, further Tetracycline tablets administered by Bloomfield and the patrol then stood watch against the elephant during the hours of darkness.*

8. *At first light on 3 Jun the patrol moved again carrying the casualty who at this time, apparently still under the influence of the morphia injection, appeared to be resting easily. At about 9am the patrol stopped and once again tried to establish communications with base. By writing the message in dots and dashes, eventually a message was passed to HQ 1 AUST SAS at Brunei alerting them to the fact that Lcpl Denehey had been injured in the stomach.*

9. *However, because of the difficulties encountered, the patrol commander, not being capable of reading morse, did not know whether his message had been received and understood. The patrol commander then decided to take one member of the patrol and go back to the border in the hope that a helicopter was searching and contact could be made with his SARBE. He looked at Lcpl Denehey before leaving and he still appeared to be resting easily.*

10. ... prior to his departure he instructed Lcpl Bloomfield to listen for aircraft and if any appeared in the area to attract attention by making smoke ...

11. At about 1300 hours on 3 Jun Sgt Weir and Cpl Littler found their way onto the border ridge. ... he was about to switch on his SARBE equipment when the elephant that had attacked the party on the previous day was sighted again. Both Sgt Weir and Cpl Littler ... ran down the ridgeline ... eventually arriving at the newly constructed LZ at about 0900 hours 4 Jun 65 ... a helicopter landed at the LZ at approximately 1500-1530 hours.

12. These two members were then lifted by a second helicopter to an LZ ... where they became part of the ground party of mixed Gurkhas and Aust SAS who had been detailed off to conduct a ground search for the patrol and the injured man ...

13. At dawn on 5 Jun the party started back toward the casualty site. However because of a series of navigation mishaps two days elapsed till the ground party eventually found Lcpl Denehey. When he was located at approx. 1000 hrs on 7 Jun he was found dead.

14. ...

15. On the departure of Sgt Weir and Cpl Littler, Lcpl Bloomfield continued to administer medical treatment to the injured man. In accordance with the training he had received and on consulting his patrol medical notes he realised that a wound of this nature should not be given morphia. He commenced to administer regular doses of Tetracycline and Benedril tablets. The effects of the original dose of morphia eventually subsided and at about midday of the 3rd the casualty became conscious. From his actions it was obvious he was in great pain. His temperature was 95 degrees F and his pulse normal. His breathing was regular and on inspection of the wound no infection was apparent from the outside.

16. Lcpl Bloomfield continued to administer comfort and aid to Lcpl Denehey for the rest of the period up until midday on the 5 Jun, when, Lcpl Bloomfield thinking that an excessive time had elapsed since Sgt Weir's departure to get aid, decided to set out himself back to the border. After administering more aid to the patient and making him comfortable he set out, carrying the patrol radio set.

17. After moving for some distance back up to the main ridge line Lcpl Bloomfield decided that as he was tiring badly he could no longer carry the radio and move quickly. He cached the radio set together with the patrol code

books in a hollow log on the ridge line on which the incident with the elephant occurred.

18. *He eventually, on the 6 Jun, reached the LZ ... where he met up with a second ground party which was made up of Gurkhas of the 2/7 GR. He immediately volunteered to lead the party back to the site to locate Lcpl Denehey, however, the first party found the member on the 7th by which time he had died of the injuries he had received.*

19. *A report on the post mortem conducted on the body by BMH Singapore revealed that Lcpl Denehey died of the following causes:*

- a. Peritonitis, and*
- b. Perforating Injuries of the Abdomen.*

33. **The Official History.** The Official History of Australia's Involvement in Southeast Asian Conflicts makes passing comment about the death of Lance Corporal Denehey.³³ The history states:

...thus 12 Patrol was assigned to a stretch of the upper Sungei Selimulan to ascertain possible enemy activity in the area, to look for tracks and possible crossing places into Sabah from the direction of Labuk, and to identify enemy staging camps in the area. No signs of the enemy were found, but a member of the patrol, Lance Corporal P.H. Denehey, was gored by an elephant, an injury from which he died before he could be evacuated.

Eye Witness Accounts

34. The only eye witness accounts of the actual incident are provided by Corporal Littler and Lance Corporal Bloomfield. Whilst there are many accounts and opinions in the evidence regarding the recovery of Lance Corporal Denehey's body, the Tribunal does not consider that these are particularly relevant to any assessment of Lance Corporal Bloomfield's actions as he did not participate in the actual recovery.

35. **Corporal Littler.** Corporal Littler the patrol Second-in-Command, wrote a letter to his wife on 9 June 1965 providing a detailed description of the incident.³⁴ The account provides additional clarity to the official Patrol Report and extracts are included below:

³³ Peter Dennis and Jeffrey Grey, *Emergency and Confrontation, Australian Military Operations in Malaya and Borneo 1950-1966*, Allen & Unwin, St Leonards, 1996, pp.304.

³⁴ Letter from Corporal Littler to his wife dated 9 June 1965.

... in a second he [the elephant] was on him and threw him in the air, Roy [Sergeant Weir] and Blossom³⁵ were by this time firing, shot after shot went into its head and body, but up he got and charged past me up the ridge and away. It all took maybe 10-15 seconds. Paul had been gored in the belly, a great ugly wound. We covered it somehow and got him down off the ridge. By this time night was falling. We put Paul in his hammock and gave him morphia and he groaned and slept all night. Us other three sat up all night and shivered in fear – real stark fear ...

We managed to get the information by radio back to HQ and Roy and I decided 'Blossom' would have to stay with him whilst we went for help. At 10 am on 3rd June we started out leaving our food with Blossom. Paul was worse, the look in his eyes as we left still haunt me ...

36. The account by Corporal Littler describes his journey back to get help.³⁶ What follows is his version of what happened when he allegedly returned to discover Lance Corporal Denehey's body:

... I left the rest and ran forward. The sight that met my eyes was one of absolute horror. Paul was out of his hammock and lying face down in the mud. I will only say he had been dead for about 2-3 days and all that goes with it in the jungle ... I wrapped him up in his poncho away from the flies etc.

I guess I cried a little, he had died a horrible death ... I decided ... to lead my little party back up the river to try and find 'Blossom' who was gone. I read from the scene 'Blossom' was cracking and was now lost in the jungle somewhere ...

37. The veracity of Corporal Littler's account of his return to find the body is in some doubt as a soldier from Patrol 35 has provided evidence to the 2014 Army Research Report that his patrol had been sent to recover the body and 'at no stage did we see or hear anything of Sergeant Littler'.³⁷ As previously stated, the Tribunal does not consider that the recovery operation is material to the matter which is focussed on Lance Corporal Bloomfield's actions. Accordingly, the Tribunal gives little weight to Corporal Littler's description of the recovery.

38. Corporal Littler also provided written evidence to the Army Researcher in a letter dated 6 October 2013 wherein he described visiting Lance Corporal Bloomfield

³⁵ 'Blossom'; nickname for Lance Corporal Bloomfield

³⁶ Letter from Corporal Littler to his wife dated 9 June 1965, p.3.

³⁷ AAHU AB16486581– *Report on Findings of Research into Submission 256*, dated 14 January 2014 P.44, para.40 – Evidence of ex WO1 Les Murrell.

in hospital shortly after the patrol returned to base.³⁸ He wrote that Lance Corporal Bloomfield said:

... I did all I could, I had run out of all medicine and Paul was continually screaming and asking me to shoot him. He wouldn't stop. I thought you two had got lost. I could not stand it any longer so I went for help ...

39. Corporal Littler's evidence also suggested that he had been asked to provide a written account of the incident by the author of *Phantoms of the Jungle*, Professor David Horner. According to Corporal Littler, Horner took his account and 'put my story into the third person'.³⁹ Chapter 7 of the book is titled '*The Rogue*' I Squadron: May – June 1965'.⁴⁰ The chapter is largely consistent with the official accounts described above and elaborates on several areas. Relevant extracts include:

... the medic jumped the small end of the log and rushed to help Paul. When he arrived seconds later Paul's pack was half off and it appeared to be squashed on one side where the elephant had obviously knelt when it went down after Roy had fired. As it stood up it had gored Paul under the ribcage on his left side, leaving a hole Blossom could have put his fist into.⁴¹ One tusk on the elephant had been broken off about a third of the way down and it must have used that one to leave such a hole ...

... later they were to learn that two of his [Denehey] ribs had been torn away from his backbone and in this position [lying on his side on the stretcher] it was agony for him ...

... the elephant had completely wrecked the receiver section [of the radio] but the sender part looked serviceable ...

...by about midday on 5 June Bloomfield was running out of medication. Paul, his best mate, was begging him to shoot him because of the pain. Considering that excessive time had elapsed since Weir's departure, Bloomfield decided to set out for help. He administered more first aid, made Denehey as comfortable as possible and set out ...

³⁸ AAHU AB16486581– *Report on Findings of Research into Submission 256*, dated 14 January 2014 P.29, para 23.

³⁹ *Ibid.* P.28 para 23.

⁴⁰ Professor David Horner – *SAS – Phantoms of the Jungle*, Allen & Unwin 1989, pp110-121.

⁴¹ During the hearing Lance Corporal Bloomfield denied this was the case saying 'that is nonsense', the wound was similar to an entry wound caused by a gun shot.

40. The Tribunal notes that notwithstanding the inconsistencies in some of Corporal Littler's evidence and accounts, he wrote a letter in support of the SAS Association submission in 2011.⁴² He stated in the letter:

... I am in no doubt that L/Cpl Steve Bloomfield, the Patrol's medic, did his utmost to keep Paul Denehey alive whilst Roy and I returned to the Malaysian/Indonesian border for help.

Except for the night immediately following the 'incident' Steve had the sole responsibility to ensure his and Paul's operational security was maintained as well as attending to Paul's horrific injuries. Although Steve was the Patrol medic he had only received basic first aid training, nevertheless this did not detour him from caring for Paul under extreme emotional, physical and environmental conditions.

I've recently been informed that the British Commander, Brigadier Harry Tuzo instructed Major Alf Garland (deceased) that Steve be awarded a Mention in Despatches (MID) for his performance, which I fully support. ...

41. **Evidence of Lance Corporal Bloomfield.** The evidence available to the Tribunal included an undated letter which purported to be a contemporaneous account written by Lance Corporal Bloomfield in 1965 to Lance Corporal Denehey's sister 'Kerry', describing the incident; an audio copy of an interview with the SAS Association conducted in 2001 wherein he describes the incident, and two letters written in 2013 to the Army Researcher regarding the evidence they had gathered. Additionally, he gave oral evidence at the hearing on 7 August 2018.

42. Lance Corporal Bloomfield at hearing said that the letter to 'Kerry' supposedly attributed to him was not his work and he had no idea of its existence prior to the hearing (the typed letter was not signed by him).⁴³ The Tribunal further noted that the letter had been provided by the Applicant, apparently sourced from SAS Sergeant F.B. Standen but its origins were unknown.⁴⁴ Lance Corporal Bloomfield stated that after he returned to Australia he did visit the Denehey family however he was adamant that he had not authored the letter.⁴⁵ Accordingly the Tribunal dismissed the letter as its origins and purpose were unable to be determined and the Tribunal preferred Lance Corporal Bloomfield's evidence.

⁴² Letter from B.W. Littler in support of the SAS Association Application dated 20 January 2011.

⁴³ John Delgado letter to the Tribunal and Application for Review dated 24 July 2012, Attachment letter from Lance Corporal Bloomfield to the Denehey family, undated.

⁴⁴ See Comments by Researcher at para 14.q. of AAHU AB16486581– *Report on Findings of Research into Submission 256* dated 14 January 2014.

⁴⁵ Lance Corporal Bloomfield, Oral Evidence, Canberra hearing 7 August 2018.

43. **Oral Evidence by Lance Corporal Bloomfield at the 2001 Interview.** In the oral interview in 2001, Lance Corporal Bloomfield stated that he had been directed to remain with the casualty and that if the others were not back within three days ‘you decide for yourself what to do’.⁴⁶ He also stated that:

*... I was worried about the noise and was exhausted after listening to Paul’s groaning for two to three days ... as time goes on you get more and more desperate – are we going to die? ...*⁴⁷

... by the third day I hadn’t heard a thing, not a sign, it was really depressing, Paul started to give up and kept asking if he was going to die ...

*... by the fourth day I can see he’s going to die ... I could see he was starting to turn a pussy yellow and he was by now numb with agony, couldn’t move and was semi-conscious – I realised his chances were slim and that unless something happened really quickly he was gone ...*⁴⁸

44. **Written Evidence of Lance Corporal Bloomfield.** In a letter to the Army Researcher dated 13 October 2013, Lance Corporal Bloomfield further described his experiences waiting with the casualty.⁴⁹ He stated:

... sitting and caring for a dying man is a nightmare. He lost control of his bowel and had to be washed often and begins to moan and cry out loudly. By the fourth day (sic 5th Jun) it is obvious he will die, his colour changed from pale to a yellow/grey colour. Thinking we were not far from the RV point I decide to strike out by myself. Filled Paul’s water bottle, put his map and compass with weapon under his hammock ... and left at a jog ...

45. In a further letter to the Army Researcher dated 5 November 2013, Lance Corporal Bloomfield provides his views regarding inconsistencies in the evidence of Corporal Littler, much of which is not germane to the matter under consideration being Lance Corporal Bloomfield’s actions.⁵⁰ In the letter he clarified his view that when he first went to Lance Corporal Denehey’s aid ‘he had a small wound to his belly that looked like a bullet wound’. He also stated that:

⁴⁶ Oral History Interview with WO2 Jenkins representing the SAS Association in 2001 – time mark 23.17

⁴⁷ Ibid. time mark 37.42

⁴⁸ Ibid. time mark 42.15

⁴⁹ Letter from Lance Corporal Bloomfield to the Army Researcher dated 8 October 2013, reproduced in AAHU AB16486581– *Report on Findings of Research into Submission 256* dated 14 January 2014, p.28.

⁵⁰ Letter from Lance Corporal Bloomfield to the Army Researcher dated 5 November 2013.

... early next morning Weir and Littler left. Weir told me to give him three days, if he did not return in that time I was to do whatever I had to do (we thought we were one day from our RV) ...

... shortly after (sic 3 Jun) Paul began to feel the pain ... as Paul's pain grew worse his noise grew louder to an unbearable pitch. He once called for his mother and once asked if he was going to die. I said No! I told him if he did not shut up I would shoot him. I could not have but he shut up.

I used all the dressings and made more bandages from my bedding and gave him every bit of medication that I had, even if it did not seem proper. At about what was approaching four days he began to slip into a comma (sic) type condition and took on a yellow/grey/blue/ colour and I feared he would soon die if help did not come quickly ...

I took almost 2 days to reach a small village where we had done hearts and minds where I ran into a patrol of Brit Paras who told me that Denehey had not been found ... the Brits and a platoon of Gurkhas asked if I would take them back in to get Denehey which I did ... we reached the border ridgeline by nightfall but as we readied to move next morning received word that a patrol had found Denehey dead. I believe he was found by Stan Plater⁵¹ ...

46. **Oral Evidence by Lance Corporal Bloomfield at the Hearing.** During the hearing Lance Corporal Bloomfield presented to the Tribunal as a credible, honest and articulate witness with an excellent memory of the incident.⁵² His clarity was remarkable as was his modesty. His oral evidence was largely consistent with the written extracts previously recorded in this report. His description of the environment the patrol was operating in was convincing. He described the harsh and undulating country covered in primary jungle which precluded movement by night and was constantly wet. He described the extreme exhaustion the patrol was suffering even before the incident occurred, having been out on patrol 'for nearly two weeks', being low on rations and being continually subjected to insects, leeches and sand flies. He confirmed that prior to the incident he had never fired his weapon other than in training and that the extent of his medical training was a 'five-day crash course' in-country which he said was basically 'useless'.

47. Lance Corporal Bloomfield expressed his view to the Tribunal that notwithstanding the inadequacy of his training, he was the most appropriate person to be left behind with the casualty as he was the designated medical assistant. He said

⁵¹ Plater was a member of the Pope Patrol – see earlier Footnote related to AAHU AB16486581 – *Report on Findings of Research into Submission 256* dated 14 January 2014, p.40 – Evidence of ex WO1 Les Murrell.

⁵² Lance Corporal Bloomfield, Oral Evidence, Canberra hearing 7 August 2018.

that the decision by Sergeant Weir to split the patrol and go for help was the right decision at the time. Throughout his evidence Lance Corporal Bloomfield continued to press that he was never in fear for himself or overly concerned about the risk of the enemy discovering them or elephants returning. He stated that his priority was to Lance Corporal Denehey. He said that he was reasonably comfortable that they were in a position where their discovery by the enemy, even if they had been alerted to their presence by gunfire, was unlikely due to the hide they were occupying and the extremely rugged terrain which in his view was not conducive to enemy movement.

48. Lance Corporal Bloomfield said that even though he was not concerned about elephants returning, he was on several occasions worried by noises which turned out to be wild pigs. He described the time he spent with Lance Corporal Denehey, watching his condition deteriorate until ‘the third day when I was half starved but still okay but Paul was going yellow/blue and I’m thinking he’s going to die’. He said that he had administered all of the drugs he had, (except for his own individual morphine) and they were out of rations. He stated that he expected that the others should have been back by this time. He recalled that the Squadron had heard a story of a British SAS trooper had been wounded in both legs and ‘crawled out’. He said he described this to Lance Corporal Denehey who he thought was still lucid and then he decided to make him as comfortable as possible so that he could make an attempt to get help.

49. Lance Corporal Bloomfield said he left Lance Corporal Denehey and started back up the ridge but quickly realised that he had also deteriorated physically and was ‘not in good shape’. He elected then to lighten his equipment and cached the radio. He described the next two nights as being unbelievably bad and that he was almost overcome by sand flies before finally getting to a village whereupon he participated in a British led Gurkha patrol to find Lance Corporal Denehey. They eventually did not return to the incident site as news was received that another patrol had found him deceased.

Applicant’s Submissions

50. **The Application for Recognition.** The 1 August 2011 submission by Brigadier Silverstone sought ‘a retrospective award of the equivalent of a mention in despatches for Corporal S. Bloomfield in recognition of his distinguished conduct and bravery over several days during his service with 1 SAS Squadron in Borneo in 1965’.⁵³ The submission sought recognition for Lance Corporal Bloomfield ‘when he was left alone over the border for several days caring for Lance Corporal Denehey who had been mortally wounded by a wild elephant’. Brigadier Silverstone asserted that Corporal Bloomfield was not recommended for an award because his Squadron

⁵³ Application for Retrospective Award – CPL Bloomfield dated 1 August 2011.

Commander, Major Garland 'did not recommend any member of the Squadron for an honour or award'.

51. Brigadier Silverstone included in his submission a statutory declaration by Brigadier T.H. Holland, AM who he stated was the Second-in-Command of the Squadron at the time of the action.⁵⁴ Holland declared that he had witnessed the operational commander, Brigadier Tuzo 'instruct' Major Garland to recommend Lance Corporal Bloomfield for the MID. Brigadier Silverstone claimed that the evidence suggested that Major Garland agreed to do so, 'however it appears that he did not'.

52. Attached to the application was a draft citation co-signed by Major General P.M. Jeffery, AC, CVO, MC, a retired SASR Officer who subsequently served as the Governor-General of Australia. Major General Jeffery stated that he was serving at the time of the incident with the British SAS Headquarters in Borneo and that he was:

*aware of the incident and Lance Corporal Bloomfield's brave conduct in very difficult circumstances – I strongly support this submission.*⁵⁵

53. The recommendation by Major General Jeffery and Brigadier Silverstone concluded that Lance Corporal Bloomfield should be awarded a retrospective MID or the current equivalent for:

Distinguished conduct and protracted bravery in remaining with Denehey for three days in very dangerous conditions, for doing his best to give medical care to Denehey, for successfully managing to return through enemy held jungle terrain to the border on his own and immediately returning with rescue party.

54. The submission was supported by a number of individuals, many of whom had served in Borneo in 1965 and also the National Australian Special Air Service Association and all of its State Branches.⁵⁶

55. Mr Delgado in his 2012 letter to the Tribunal stated that:

... my research, although limited to post WW2 conflicts involving Australian Defence Forces, suggests Cpl Steve Bloomfield's distinguished conduct and bravery when given the sole responsibility to secure and care for a severely

⁵⁴ Statutory Declaration by Terrence Henry Holland declared at Mount Tamborine on 12 January 2011.

⁵⁵ Draft Recommendation for a Retrospective Award for Lance Corporal Bloomfield dated 1 August 2011.

⁵⁶ Letter from Mr Delgado to the Tribunal attached to the Application and dated 21 November 2012.

*injured comrade deep inside enemy territory is unprecedented and deserves recognition by Australia ...*⁵⁷

56. On 13 March 2013 Mr Delgado wrote about a meeting he had in 2005 with Lance Corporal Bloomfield where they discussed the incident and Bloomfield's apparent 'indifference' to the version of events as published in *Phantoms of the Jungle*.⁵⁸ Bloomfield stated that the version did not reflect what actually occurred and that he was never contacted to clarify or contribute to the article. It was following this meeting that Mr Delgado discovered the information regarding the non-recommendation for an honour by Major Garland which caused him to commence the process to have Lance Corporal Bloomfield recognised.

57. **The Applicant's Submissions and Oral Evidence.** Having received the Army Report in 2018, Mr Delgado wrote to the Tribunal on 4 June 2018 clarifying his position and emphasising that his application was focussed upon recognition for Lance Corporal Bloomfield's actions. He asserted that it appeared that Army was focussed on process and not on an assessment of the actions.⁵⁹ Relevant extracts of his comments which relate to Lance Corporal Bloomfield's actions include:

... the day following the elephant attack, two survivors headed to the border for help leaving Steve with sole responsibility to secure the immediate location as the shots fired at the elephant the previous day could attract the attention of the enemy. Defending a site relies upon each member covering his arc of fire – a task that becomes impossible for one member to maintain, but the enemy threat remained ...

... caring for a severely injured patient who repeatedly falls in and out of consciousness, screaming in pain, is an horrendous responsibility, but to do so without proper training is the reality of what Steve had to deal with ... he had attended a five-day crash course held at SAS's RAP, which provided little knowledge for his current predicament ...

... these activities were done under extreme duress, prior to the attack the patrol members were already physically exhausted, they had not eaten substantial food in days. Now the physical and psychological emotions Steve endured whilst attending to Paul and when he decided to go for help, is beyond comprehension ...

... other factors had a subconscious influence on some members. The so called 'Golden Rules' required all personal and equipment identification to be

⁵⁷ Ibid.

⁵⁸ Letter from Mr Delgado to HQ SASR dated 19 March 2013.

⁵⁹ Letter from Mr Delgado to the Tribunal dated 4 June 2018.

deleted knowing the Government would deny your presence if killed or captured inside Kalimantan was a disturbing feature to cross-border operations ...

58. During the hearing Mr Delgado said that despite his own service in similar terrain, he ‘had difficulty understanding what Lance Corporal Bloomfield would have had to endure for the 5-6 days he was alone in the jungle with his dying mate’. He said that in his view it was a clear case that called for recognition.

59. **The Bronze Commendation.** Mr Delgado noted that earlier in 2018 he was told that Army had recognised the actions of Lance Corporal Bloomfield through the award of a ‘Bronze Commendation’. He said a Commendation had been proposed in 2012 by the SAS Historical Collection staff who, in his view, had formed an opinion that Bloomfield’s actions ‘were overstated’ and ‘only warranted a Commendation’.⁶⁰ Mr Delgado said that the Bronze Commendation approved by Commander Special Forces was eventually sent to Lance Corporal Bloomfield in an envelope as it had apparently been ‘left in a drawer at the Regiment until 2018’.⁶¹ He said that in his opinion, the Commendation was ‘totally inappropriate’ recognition, that he had opposed it in 2012 and that it was ‘unacceptable now’.⁶² He also asserted the way it had been presented to Lance Corporal Bloomfield was also unacceptable. This view was supported by the Respondent at the hearing.

Other Evidence Supporting Recognition

60. **Brigadier Holland (Squadron Second-in-Command from June 1965).** Brigadier Holland who as previously mentioned was the Squadron Second-in-Command at the time of the incident made a Statutory Declaration in 2011.⁶³ He declared:

... it was, in itself, a brave act to leave the two behind and for Lance Corporal Bloomfield to remain isolated to guard his wounded and incapable comrade

...

... alone in the jungle for an indeterminate time, with a disabled and seriously wounded comrade whose condition was progressively worsening, with no

⁶⁰ Letter from Mr Delgado to Ms Vicki Curtis, HQ SASR dated 19 March 2013.

⁶¹ Mr Delgado, Oral Evidence, Canberra hearing 7 August 2018.

⁶² On 6 August 2018, DHA forwarded the nomination form for the SOCAUST Bronze Commendation signed by CO SASR in 2012 to the Tribunal. The citation accompanying the form is a copy of the citation attached to the 2011 submission to the Valour Inquiry. There is no evidence before the Tribunal which suggests that the nomination was approved and the Tribunal noted that at the hearing, the Respondent stated that recognition of Lance Corporal Bloomfield’s actions by such a Commendation was ‘inappropriate’.

⁶³ Statutory Declaration by Terrence Henry Holland declared at Mount Tamborine on 12 January 2011.

guarantee that the members of the patrol going for help would find help and be able to return in time and with the enemy possibly alerted to his presence, Lance Corporal Bloomfield was in a precarious position and one that demanded a deal of determination of him. Lance Corporal Bloomfield's medical skills, supplies and equipment were not at a level to cope with the traumatic injuries suffered by Denehey and his anxious ministrations must have caused Bloomfield some distress ...

... Lance Corporal Bloomfield's actions were brave and in the spirit of comradeship in adversity in war which has characterised Australian servicemen and women. The call upon Bloomfield's medical skills went well beyond the level that might reasonably be expected of a patrol medical orderly and his performance in this area alone is worthy of commendation.

This performance, coupled with his sustained bravery, resourcefulness, tenacity and professionalism, while coupled to a seriously wounded and incapable soldier and isolated in proximity of the enemy, should qualify Lance Corporal Bloomfield for an award at a level above that of a Mention in Despatches.

61. **Lieutenant Colonel Gollings (Squadron Second-in-Command until June 1965).** Lieutenant Colonel Gollings wrote a letter to the Army Researcher dated 24 January 2011.⁶⁴ He had been the Squadron Second-in-Command until June 1965 when he returned to Australia after handing over his duties to then Captain Holland. In his letter he stated:

... the mental pressure on Bloomfield would have been intense: he was alone with a dying comrade in enemy territory; the shots that had been fired at the elephant might have attracted enemy forces who could arrive at any moment; he had no means of communications, he had no knowledge of when or whether help would arrive; his medical training and equipment were going to be unlikely to save Denehey's life.

Lance Corporal Bloomfield's courage in exceedingly dangerous and difficult circumstances is without question. In view of Brigadier Tuzo's direction I believe it was disgraceful that Major Garland did not recommend him for an award.

I fully support the efforts now being made to rectify this situation.

⁶⁴ Letter to the Army Researcher from LTCOL Gollings dated 24 January 2011.

62. Lieutenant Colonel Gollings also co-authored a draft citation for Lance Corporal Bloomfield with Brigadier Holland dated November 2013.⁶⁵ The citation concludes:

... we are in agreement that Bloomfield's actions throughout the tragic incident was in the finest tradition of the courage and loyalty to comrades in adversity that exemplifies the Australian soldier and that his actions, over a sustained period and in a perilous situation, are well worthy of recognition by the award of a Mention in Despatches ...

The Army Reports and Submissions

63. As outlined in the introduction to this report, Army completed three separate but similar reviews of the original application submitted by Brigadier Silverstone. The first report was a research summary completed in January 2014 that recommended consideration of a retrospective award for Lance Corporal Bloomfield.⁶⁶ This report was rewritten following further guidance in April 2014 which focussed the research on the existence of maladministration during the consideration process in 1965.⁶⁷ Significantly, the guidance stated that:

*... the actions of LCPL Bloomfield are not in question nor is whether his actions were worthy of recognition ...*⁶⁸

64. The second report in April 2014 concluded that there was no direct evidence of maladministration.⁶⁹ The third report in 2018 (the Army Report) indicated that the evidence reviewed was inconclusive as to the reason Lance Corporal Bloomfield was not recommended for an award.⁷⁰ The report stated that it was reasonable to assume that the reason Major Garland did not submit a recommendation was:

*not a simple lapse in memory but as a result of other issues not apparent in the evidence, including unofficial policies to protect the release of information concerning the cross-border operations*⁷¹

65. Army concluded therefore that 'in the absence of evidence of maladministration or failure of due processes, the decision to not award Lance

⁶⁵ *Recommendation for a Retrospective Award* – Citation dated 8 and 13 November 2013 by BRIG Holland and LTCOL Gollings.

⁶⁶ AAHU AB16486581– *Report on Findings of Research into Submission 256* dated 14 January 2014.

⁶⁷ A/DCA Letter to the AAHU OCA/OUT2014/R17345432 dated 27 March 2014 – Folio #134

⁶⁸ Ibid. Annex A, P.1.

⁶⁹ AAHU AB17712124 - *Report on Findings of Research into Submission 256* (ARMYLET Bloomfield 2) dated 29 April 2014.

⁷⁰ *Report into Category 3 Public Submission 256 – LCPL Bloomfield* – (The Army Report) dated 10 May 2018, P.15, para 90.

⁷¹ Ibid. P.15, para 88.

Corporal Bloomfield the MID should stand and the matter should be referred to the [Defence Historical Honours Review] Board for a merits review prior to presentation to the Tribunal’.

66. During the hearing the Respondent conceded that the actions of Lance Corporal Bloomfield could be considered for the purposes of the Gallantry Decorations Regulations to be ‘gallant’.⁷² The Tribunal also noted that the policy underpinning honours and awards in 1960 stated that the conditions for the award of the MID was for ‘acts of bravery’.⁷³ The Respondent agreed that at the time it would have been reasonable to describe Lance Corporal Bloomfield’s actions as an act of bravery.

The Defence Historical Honours Review Board Consideration

67. The Defence Historical Honours Review Board considered the matter on 9 July 2018 and concluded that there ‘is no clear evidence to corroborate that maladministration has occurred in this case’ and that ‘the original decision ... should stand’.⁷⁴ Air Vice Marshal Evans, the Chair of the Board stated in his letter to the Tribunal that the Board had considered:

information about strategic context in which actions occurred during Operation Claret, the chain of command in place, and the honours and awards process for Australian SAS personnel in Borneo at the time. 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

68. The Chair indicated that the Board had ‘placed significance upon the context of the actions and the sensitivities associated with Operation Claret’. He said that the attack by the elephant ‘occurred within Indonesian territory and prompted immediate reactions by the patrol (gunfire)’:

however, the actions by the patrol and LCPL Bloomfield thereafter had also breached ‘the Golden Rules’ established by Major-General Walker, Director of Borneo Operations, to assist in achieving plausible deniability of these operations. Therefore, the actions of LCPL Bloomfield were assessed in the

⁷² Brigadier Holmes, Oral Evidence, Hearing, Canberra 7 August 2018

⁷³ War Office Pamphlet WO12922 *Pamphlet on Military Honours and Awards 1960*.

⁷⁴ DH&A/OUT/2018/50 Letter from Chair HHRB to Tribunal dated 19 July 2018.

broader context of Operation Claret and the likely contemporaneous principles and standards of the decision-makers at the time.

69. Air Vice Marshal Evans stated that the Board concluded that there was no clear evidence to corroborate that maladministration had occurred either by Major Garland; through indecision, mismanagement or negligence; or that a nomination or recommendation was ever submitted ‘even though there was sufficient time to do so, both in Borneo and after return to Australia’.

70. Air Vice Marshal Evans indicated that notwithstanding:

a separate merit review of LCPL Bloomfield’s actions in May and June 1965 was not formally conducted

71. During the hearing, Air Vice Marshal Evans submitted that Brigadier Tuzo may not have been Major Garland’s operational commander so the supposed ‘order’ by Tuzo may not have been one to make.⁷⁵ He also submitted that perhaps Garland’s assessment was that the actions ‘did not meet the threshold for the MID’ or that he may have not nominated to protect the deniability of cross border operations. Air Vice Marshal Evans conceded that these submissions were conjecture. The Tribunal agreed and further determined that in any event, the absence of a nomination did not preclude a merits review of the actions of Lance Corporal Bloomfield.

72. Regarding gallantry, Air Vice Marshal Evans stated at the hearing that Lance Corporal Bloomfield’s actions were gallant for the purposes of the Regulations and that in his opinion, Lance Corporal Bloomfield was ‘in action’. He stated that the Bronze Commendation awarded in 2018 was inappropriate recognition and that in his view, Lance Corporal Bloomfield’s actions demonstrated:

considerable gallantry under extreme stress and strain

73. Air Vice Marshal Evans in his capacity as Chair of the Board, said he was ‘representing Defence’, and further stated that having listened to Lance Corporal Bloomfield’s account of the action, he considered that:

appropriate recognition for the action was the award of the Commendation for Gallantry

⁷⁵ Air Vice Marshal Greg Evans, Chair HHRB, Oral Evidence, hearing, Canberra 7 August 2018

Tribunal Consideration

74. **General.** The Tribunal is required to review decisions ‘on the merits’. This requires an examination of the merits of the matter in dispute rather than the lawfulness of the decision under review.⁷⁶ The merits review revolves around the evidence and accordingly, the Tribunal conducts an independent review, with values, expertise, methods and procedures of its own, and not those of the decision-maker.

75. The facts, law and policy aspects of the decision are all considered afresh and a new decision made.⁷⁷ 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.⁷⁸ The Tribunal is bound to make what it regards as the ‘correct or preferable’ decision and must reach a decision that is legally and factually correct.

76. **The Reviewable Decision.** The Tribunal noted that the *reviewable decision* was made by the DCA on 18 May 2012 in a letter written to Brigadier Silverstone indicating that for reasons of consistency and ‘not wishing to question the basis for decisions by the chain of command well after the fact’, Army would not support requests for retrospective recognition.⁷⁹ The Tribunal was satisfied that this was in effect a refusal to recommend Lance Corporal Bloomfield for a gallantry award to recognise his actions in Kalimantan during the Indonesian-Malaysian Confrontation in 1965.

77. **The Nomination Process.** The Tribunal noted that the Army Report described the nomination process for honours and awards in 1965.⁸⁰ The policy document for the process was correctly identified as War Office Pamphlet WO12922 *Pamphlet on Military Honours and Awards 1960*. The Army Report identified that in 1965 a recommendation form (AF W3121) was not required for MID nominations and that at any time in the process, nominations could be ‘struck out’. There was also no requirement to document or provide reasons for refusals.

78. The Army Report identified that the process for nominating individuals in Borneo followed the administrative command chain; in this matter from 1st SAS Squadron to 51 Gurkha Infantry Brigade, to Land Forces Borneo for approval and then to the Commander Australian Force in Singapore. Nominations then followed

⁷⁶ *Council of Australian Tribunals Practice Manual* dated 7 April 2006 p.1.3.1.2

⁷⁷ Pearson, Linda, “Merit Review Tribunals”, in Creyke, Robin and McMillan, John, *Administrative Law – the Essentials*, AIAL 2002.

⁷⁸ *McDonald v Director-General of Social Security* (1984) 1 FCR 354.

⁷⁹ DCA letter to Brigadier Silverstone OCA/OUT/2012/R11376462 dated 18 May 2012.

⁸⁰ *Report into Category 3 Public Submission 256 – LCPL Bloomfield* – (The Army Report) dated 10 May 2018, P.7, para 42-47.

the Australian chain through Defence, Ministers and then to the Governor-General who coordinated final agreement by the Sovereign.

79. **The Operational Scale.** The Tribunal noted that the Army Report included a review of the operational scale or ‘quota’ which provided an allocation of honours and awards including the MID in 1965.⁸¹ The report concluded that had a recommendation been submitted for Lance Corporal Bloomfield to receive the MID, ‘it is likely that the imposition of a quota would not have impeded its approval through the chain of command’.

80. **Finding in Relation to the Nomination Process and the Impact of the Operational Scale.** Relying on the Army Report and having considered all of the relevant material, the Tribunal finds that there was a process in place for honours and awards to be recommended in Borneo in 1965 and that the operational scale of awards would not have impeded any nomination of individuals from 1 SAS Squadron.

81. **Was Lance Corporal Bloomfield Nominated for Recognition in 1965?** The Tribunal notes that Brigadier Holland who was the Squadron Second-in-Command at the time of the incident declared that he was present when Brigadier Tuzo ‘our local commander’ and Major Garland discussed Lance Corporal Bloomfield’s actions.⁸² The Army Report seemingly dismissed Holland’s declaration as ‘anecdotal’. The Tribunal does not agree with this view, preferring the sworn declaration from an eyewitness who was present, to be factual and, given Brigadier Holland’s subsequent career and reputation, to be reliable.⁸³ During the hearing, the Researcher conceded that Holland’s evidence was not ‘anecdotal’.⁸⁴ Brigadier Holland declared:

... Brigadier Tuzo questioned us closely for some time and then instructed Major Garland to recommend Lance Corporal Bloomfield for the award of a Mention in Despatches (MID). Major Garland agreed to do so, and the matter was left at that.

As far as I am aware, Major Garland did not recommend anyone for an award or decoration at the end of our tour of duty, despite promising Brigadier Tuzo that he would recommend Lance Corporal Bloomfield for an MID ...

82. In a letter to the Army Researcher, Lieutenant Colonel Gollings who had been the Squadron Second-in-Command prior to Brigadier Holland and returned to

⁸¹ Ibid. P.8, para 448-54.

⁸² Statutory Declaration by Terrence Henry Holland declared at Mount Tamborine on 12 January 2011.

⁸³ *Report into Category 3 Public Submission 256 – LCPL Bloomfield* – (The Army Report) dated 10 May 2018, P.12.

⁸⁴ Major Phil Rutherford, Army Researcher, Oral Evidence, hearing, Canberra 7 August 2018.

Australia to be the Adjutant of SASR, corroborated the view that no nomination had been made.⁸⁵ He stated:

... after the return of 1 Sqn I was aware that no recommendations for awards were submitted by Major Garland. As Adjutant, I would have known if any had been. Major Garland's failure to recommend Lance Corporal Bloomfield for an MID was entirely in character ...

83. Brigadier Holland, also in a letter to the Army Researcher in 2013, reiterated his view regarding the Tuzo direction and opined that perhaps the nomination 'may have been overlooked in the busy activities of completing operations and preparing to return to Australia'.⁸⁶ He further stated that Major Garland's view on decorations was that:

they were unnecessary as men should not be rewarded for just doing their job

84. The Army Report indicated that:

*Despite wide research, no evidence was found of a recommendation being submitted for Lance Corporal Bloomfield, nor is there any explanation of why, if a recommendation had not been submitted, Major Garland did not submit one.*⁸⁷

85. Other evidence and submissions including the Defence Historical Honours Review Board submission of 19 July 2018, Brigadier Holland's evidence and the Army Report, all imply that the sensitivities of cross-border operations, and the need to protect the nature of these operations at the time, may have resulted in nominations for honours and awards not being processed. These views in the opinion of the Tribunal are conjecture and given the passage of time, will probably never be substantiated. The Tribunal also notes the Army Report indicates that two members of 2nd SAS Squadron who followed 1 Squadron into Borneo in late 1965 received gallantry awards for their actions during the tour which in the Tribunal's view, indicates that awards may not have been hindered by such sensitivities.⁸⁸

86. Finding in Relation to the Nomination of Lance Corporal Bloomfield for the MID. Relying on Brigadier Holland's declaration and the Army Report, and giving significant weight to Lieutenant Colonel Gollings' evidence, the Tribunal finds that in all likelihood, Lance Corporal Bloomfield was never nominated for the MID or

⁸⁵ Letter from Lieutenant Colonel Gollings to the Army Researcher dated 24 January 2011.

⁸⁶ Letter from Brigadier Holland to the Army Researcher dated 3 October 2013.

⁸⁷ *Report into Category 3 Public Submission 256 – LCPL Bloomfield* – (The Army Report) dated 10 May 2018, P.11, para 65.

⁸⁸ *Ibid.* p. 12. Para 71.

any other form of recognition until the subject application was raised by the SAS Association in 2011. This finding was undisputed at the hearing.

87. **The Merits Review.** The Tribunal noted that the *reviewable decision* by the DCA was made out of a desire to ‘not support requests for retrospective recognition’. Subsequently, Army concluded that as there was an ‘absence of evidence of maladministration or failure of due processes’, the original decision to not award Lance Corporal Bloomfield the Mention in Despatches should stand. The Tribunal further noted that neither Army or the Board conducted a merits review of the action.

88. The Tribunal considered that whether failure to nominate could be considered to amount to maladministration or not was largely immaterial as the Tribunal is bound by legislation to conduct a merits review of Lance Corporal Bloomfield’s actions. Noting that the Applicant seeks the ‘retrospective award of the equivalent of a Mention in Despatches’⁸⁹ and that this award was a gallantry award, the Tribunal turned to an assessment of the merits of the actions against the eligibility criteria for gallantry decorations.

Gallantry Assessment

89. In conducting the merits review the Tribunal reviewed the Applicant’s claims and submissions and the evidence. The Tribunal decided that it would first review Lance Corporal Bloomfield’s actions to determine whether or not he had performed acts of gallantry in action and if this were proven, it would then proceed to consider his actions in relation to the eligibility criteria for Australian gallantry awards. The Tribunal decided that if the actions did not meet the threshold for gallantry, it would also examine distinguished service options and other forms of acknowledgement, consistent with the Applicant’s original request for recognition.

90. **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.⁹⁰ This means that the MID cannot be awarded for this action and only contemporary decorations may be considered. The eligibility criteria for gallantry awards in the Australian system are governed by Gallantry Decorations Regulations.⁹¹

⁸⁹ Application for Retrospective Award – CPL Bloomfield dated 1 August 2011.

⁹⁰ Prime Minister of Australia Media Release 111/92 dated 5 October 1992.

⁹¹ *Commonwealth of Australia Gazette No. S25 – Gallantry Decorations Regulations* - dated 4 February 1991.

91. **Gallantry Decorations.** The Star of Gallantry, the Medal for Gallantry 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 1996:⁹²

...

Conditions for award of the decorations

3. (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.*

3A. *A decoration referred to in regulation 3 may be awarded for an act of a kind mentioned in relation to the particular decoration, although the act did not occur in action, if it occurred in circumstances similar to armed combat or actual operations and those concerned were deployed under military command.*

...

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 all the gallantry decorations accord recognition for individuals ‘who perform acts of gallantry in action’. Whilst ‘in action’ is a relatively straight forward concept, ‘gallantry’ is an abstract term, which is not defined in the Regulations. Various dictionary definitions such as ‘dashing courage; heroic bravery’;⁹³ and ‘courageous behaviour, especially in battle’;⁹⁴ are largely circuitous and unhelpful. Some countries have attempted to differentiate between ‘bravery’ and ‘gallantry’; defining the later 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

⁹² *Commonwealth of Australia Gazette No. S420 – Amendment of the Gallantry Decorations Regulations* - dated 6 November 1996.

⁹³ The Macquarie Dictionary on-line accessed 20 October 2017.

⁹⁴ The Oxford Dictionary on-line accessed 20 October 2017.

of another person in the course of which they place their own life at risk.⁹⁵ Again this is largely unhelpful in defining gallantry in the context of the Australian Honours and Awards system.

94. The Tribunal considered that there is an expectation that 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.

95. 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

96. **Summary of Lance Corporal Bloomfield’s Actions.** The accounts of the incident and actions of Lance Corporal Bloomfield are generally consistent with those recorded in the official Patrol Report.⁹⁶ Whilst there are some inconsistencies, these are largely immaterial and where doubt occurs, the Tribunal preferred the oral and written evidence of Lance Corporal Bloomfield read in conjunction with the Patrol Report. The Tribunal was reasonably satisfied that the incident occurred on 2 June 1965 and the patrol split up around midday on 3 June 1965. Lance Corporal Bloomfield remained alone with the casualty for approximately 54 hours until mid-afternoon on 5 June 1965 when he left the casualty to attempt to get help as the remainder of the patrol had not returned as expected. The Tribunal was reasonably satisfied that Lance Corporal Bloomfield spent two further nights alone trying to get back to Borneo before reaching help and volunteering to immediately lead a patrol back on the morning of 7 June 1965. It is most likely that Lance Corporal Denehey succumbed to his wounds on 6 June 1965. Three weeks later Lance Corporal Bloomfield led a patrol back into Indonesia to retrieve the radio and code books he had cached.

⁹⁵ <http://medals.nzdf.mil.nz/category/d/index.html>.

⁹⁶ *Patrol Report* – Patrol 12, 24 May – 3 Jun 65 dated 11 June 1965.

97. **Findings of Fact in Relation to Lance Corporal Bloomfield's Actions.**

Having reviewed the evidence, the Tribunal was reasonably satisfied that the following facts are established relating to Lance Corporal Bloomfield's actions:

- a. Lance Corporal Bloomfield was a rifleman and at the time of the incident; he was 21 years of age, had been in the Army for three years, was on his first operational deployment and had never been in contact or fired upon or seen anyone die;
- b. Lance Corporal Bloomfield's medical training was rudimentary and had been delivered over a period of five days in Borneo during lead up training by the Squadron;
- c. the patrol members were at the boundaries of their individual physical endurance at the time of the incident, were low on rations and carried only limited medical supplies;
- d. the terrain and conditions in which they were operating was rugged, constantly wet, demanding and plagued by insects, wild pigs, elephants and parasites and the patrol had only basic protection against the elements;
- e. the patrol was operating covertly in Indonesia and were subject to the 'Golden Rules' which according to Lance Corporal Bloomfield when translated at soldier level meant that 'it was every man for himself' if they were discovered;
- f. Lance Corporal Denehey was attacked and severely wounded by an elephant and the nature of the injury was not something for which Lance Corporal Bloomfield was equipped or trained to deal with;
- g. Lance Corporal Bloomfield administered first aid to the casualty for 24 hours following the attack whilst the patrol attempted to stabilise their position and determine a suitable recovery course of action;
- h. Lance Corporal Bloomfield was ordered to remain with the casualty when the other patrol members left to seek assistance, he had an expectation that they would return with help within 48 hours and was he directed to 'take matters into his own hands' should they not return within three days;
- i. Lance Corporal Bloomfield perceived that he and Lance Corporal Denehey had been left without any form of working communication as the radio was damaged and he was not adequately trained in signals and Morse Code;

- j. Lance Corporal Denehey's condition deteriorated rapidly over the approximately 54 hours that Lance Corporal Bloomfield tended to him after the patrol split up;
- k. Lance Corporal Bloomfield was aware of the threat to the patrol and to his unit if they were discovered by the enemy as evidenced by his decision to cache his radio and code books; and
- l. on return, Lance Corporal Bloomfield immediately volunteered to participate in the recovery and guide a patrol back to the site despite his own physical degradation.

Lance Corporal Bloomfield's Eligibility for a Gallantry Award

98. To be eligible for an Australian gallantry award, Lance Corporal Bloomfield's actions would need to demonstrate that he had performed 'acts of gallantry in action'.⁹⁷

99. **Did Lance Corporal Bloomfield Perform 'Acts of Gallantry'?** Having reviewed the submissions and eye witness accounts, the Tribunal made the following observations relating to Lance Corporal Bloomfield's actions:

- a. he spent at least 54 hours on his own with a dying man under the constant threat of further attack by elephants and the risk of enemy discovery;
- b. despite the threats, he continued to tend to the casualty even when his condition became grave;
- c. he remained bound by his Patrol Commander's order that he wait for three days before 'taking matters into his own hands';
- d. his actions were above and beyond what would normally be expected of a soldier with his experience and training;
- e. Brigadier Tuzo, an experienced combat officer at the time, considered that Lance Corporal Bloomfield should have been recommended for the MID, the conditions for which required 'an act of bravery';
- f. both the Respondent and the Defence Representative Air Vice Marshal Evans, conceded that Lance Corporal Bloomfield's actions were 'gallant'; and

⁹⁷ *Commonwealth of Australia Gazette No. S25 – Gallantry Decorations Regulations* - dated 4 February 1991.

- g. an impressive list of SAS soldiers and officers provided written support that Lance Corporal Bloomfield's actions were gallant and worthy of recognition.

100. During the hearing the Tribunal repeatedly asked Lance Corporal Bloomfield about any fears he held at time and whilst alone with Lance Corporal Denehey. He steadfastly responded that he was not in fear for himself but rather was concerned for the casualty. The Tribunal therefore formed the view that Lance Corporal Bloomfield's manner during the period in question could reasonably be considered to have been 'fearless'.

101. The Tribunal also reviewed Lance Corporal Bloomfield's actions against the previously stated factors common in acts of gallantry. In summary, the Tribunal considered that Lance Corporal Bloomfield demonstrated a special and additional element of courage and fearlessness and that his actions were remarkable given the circumstances and his basic level of medical training. The Tribunal considered that Lance Corporal Bloomfield accepted the task without question and that he was acting at a level well above and beyond what was expected of an individual with his experience and training.

102. **Was Lance Corporal Bloomfield 'in Action'?** 'In action' is usually a relatively straight forward concept involving armed conflict in close proximity to or under the fire of an adversary. In this matter this is not the case as Lance Corporal Bloomfield's actions were not in contact with the enemy. The Tribunal addressed this issue with the Respondent during the hearing and noted the Army advice that despite the patrol not being in contact with the enemy, there was no question that they were on operations and that the threat of the enemy could be considered to be omnipresent.⁹⁸ Therefore, the Respondent considered that Lance Corporal Bloomfield and his patrol were 'in action' for the purposes of the Gallantry Regulations. The Tribunal reviewed the 1996 amendment to the Gallantry Decorations Regulations, which states that decorations can be given '... for an act ... in circumstances similar to armed combat or actual operations ...'. Relying on the Respondent's advice and noting that there was no dispute that Lance Corporal Bloomfield's actions occurred on operations and he was deployed under military command, the Tribunal determined that he was 'in action' for the purposes of the Gallantry Regulations.⁹⁹

103. **Finding in Relation to the Performance of Acts of Gallantry in Action.** Having considered the facts and made observations regarding his actions, the Tribunal was satisfied that Lance Corporal Bloomfield acted bravely in tending to the casualty and demonstrated fearlessness, tenacity, courage and extreme devotion to duty in the

⁹⁸ Brigadier Holmes, Oral Evidence, Hearing, Canberra, 7 August 2018.

⁹⁹ *Commonwealth of Australia Gazette No. S420 – Amendment of the Gallantry Decorations Regulations* - dated 6 November 1996.

face of high risk and danger. The Tribunal was unable to imagine what it would be like to be left to tend to a dying man in such extreme conditions and then to have to make the heart wrenching decision to leave him, in a last ditch and desperate attempt to get help. The Tribunal finds therefore that Lance Corporal Bloomfield performed 'acts of gallantry in action' as the patrol medical assistant tending to a severely wounded fellow soldier between 2 and 5 June 1965 in Kalimantan.

Consideration of The Appropriate Recognition

104. Having found that Lance Corporal Bloomfield performed acts of gallantry in action, the Tribunal turned to an assessment of his actions against the eligibility criteria for Australian gallantry awards and a consideration of other options for recognition.

105. **The Victoria Cross.** For completeness and acknowledging that the Victoria Cross for Australia is not included in the Gallantry Decorations Regulations, the Tribunal still conducted an assessment of the actions against the eligibility criteria for this decoration. The Victoria Cross Regulations 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 noted that at no time was the patrol in contact with the enemy or had found signs of the enemy, therefore the actions of Lance Corporal Bloomfield could not be considered to have been 'in the presence of the enemy'. The Tribunal did however concede that Lance Corporal Bloomfield displayed extreme devotion to duty, however, his actions were neither 'daring or pre-eminent' and, as he was also not in the 'presence of the enemy', the Tribunal could not be satisfied that he met the eligibility criteria for the award of the Victoria Cross.

106. **The Star of Gallantry.** The Tribunal noted that the Star of Gallantry '*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 Lance Corporal Bloomfield was dangerous and desperate, his own survival was in all likelihood threatened, but not in the extreme. For this reason, the Tribunal could not be satisfied that he was 'in circumstances of great peril'. The Tribunal agreed with the many witnesses that Lance Corporal Bloomfield displayed courage, bravery and tenacity, however, no evidence was tendered that his actions could be considered to be 'heroic'. For these reasons the Tribunal could not be satisfied that his actions met the eligibility criteria for the award of the Star of Gallantry.

107. **The Medal for Gallantry.** The Tribunal noted that the Medal for Gallantry '*shall be awarded only for acts of gallantry in action in hazardous circumstances*'. 'Hazardous circumstances' is not defined in the Regulations. The Tribunal in *Soldier J and the Department of Defence*, concluded 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 relevant to a combat situation.¹⁰⁰ This Tribunal agrees with this interpretation. 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.¹⁰¹ This 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. Whilst Lance Corporal Bloomfield’s situation was desperate and the conditions extremely demanding, the Tribunal could not be reasonably satisfied that he was personally ‘in hazardous circumstances’. Accordingly, the Tribunal could not be satisfied that his actions met the eligibility criteria for the award of the Medal for Gallantry.

108. **The Commendation for Gallantry.** The eligibility criteria for the Commendation for Gallantry state that it ‘*may be awarded for other acts of gallantry in action which are considered worthy of recognition*’. The Regulations also allow for awards when the act occurred on actual operations and those concerned were deployed under military command. The Tribunal noted that there was unanimous support from the Applicant, the relevant witnesses and the Respondent for ‘recognition’ of Lance Corporal Bloomfield’s actions. The Tribunal noted many descriptions of the action which of themselves could be considered to be ‘worthy of recognition’ however it preferred the evidence of Brigadier Holland, an officer in Lance Corporal Bloomfield’s chain of command in 1965 when he stated that Bloomfield was:

*... alone in the jungle for an indeterminate time, with a disabled and seriously wounded comrade whose condition was progressively worsening, with no guarantee that the members of the patrol going for help would find help and be able to return in time and with the enemy possibly alerted to his presence, Lance Corporal Bloomfield was in a precarious position and one that demanded a deal of determination of him. Lance Corporal Bloomfield’s medical skills, supplies and equipment were not at a level to cope with the traumatic injuries suffered by Denehey and his anxious ministrations must have caused Bloomfield some distress ... Lance Corporal Bloomfield’s actions were brave and in the spirit of comradeship in adversity in war which has characterised Australian servicemen and women ...*¹⁰²

¹⁰⁰ DHAAT 27/2014 *Soldier J and the Department of Defence* dated 4 July 2014 at [55]

¹⁰¹ DHAAT 02/2017 *Reid and the Department of Defence* dated 30 November 2017 at [166]

¹⁰² Statutory Declaration by Terrence Henry Holland declared at Mount Tamborine on 12 January 2011.

109. Having found that Lance Corporal Bloomfield acted bravely in tending to the casualty and demonstrated fearlessness, tenacity, courage and extreme devotion to duty in the face of high risk and danger, and noting the strong recommendations of the relevant witnesses and the Respondent, the Tribunal finds that Lance Corporal Bloomfield's actions between 2 and 5 June 1965 whilst tending to a severely wounded fellow soldier and later when seeking help, were gallant, in action and worthy of recognition. His actions therefore meet the eligibility criteria for the Commendation for Gallantry.

110. **Other Recognition.** The Tribunal notes that awards in the Distinguished Service Decorations Regulations provide for recognition of individuals for 'distinguished command and leadership in action or distinguished leadership in action or distinguished performance of duties in warlike operations'.¹⁰³ The Tribunal does not consider these decorations to be appropriate to Lance Corporal Bloomfield's situation; he was not in command nor in a leadership position and the Tribunal considered that his actions could not reasonably be considered to be 'distinguished' – as previously found, they were undeniably gallant.

111. **The Award of the Bronze Commendation.** Similarly, the Tribunal notes that the Bronze Commendation approved by the Special Operations Commander sometime between 2012 and 2018 was said by the Respondent to be 'inappropriate' recognition of Lance Corporal Bloomfield's actions. The Tribunal notes that the policy for the award of Service Commendations is contained in the Defence Honours and Awards Manual which declares that the Bronze Commendation is awarded for 'high or noteworthy achievement'.¹⁰⁴ The Tribunal does not have jurisdiction to deal with Service Commendations but agrees with the Respondent's assessment regarding the appropriateness of the award for Lance Corporal Bloomfield. 'High or noteworthy achievement' seriously understates the situation, actions and environment in which Lance Corporal Bloomfield was operating. The Tribunal recommends that the Chief of Army rescind the Bronze Commendation sent to Lance Corporal Bloomfield and, given the tawdry manner in which the Commendation was delivered, conduct a review of the processes for the actual presentation of these awards to ensure due respect is accorded to future recipients.

Finding in Relation to Lance Corporal Bloomfield's Eligibility for a Gallantry Award

112. For the reasons stated above the Tribunal finds that Lance Corporal Bloomfield's actions between 2 and 5 June 1965 whilst tending to a severely wounded fellow soldier and later when seeking help were gallant, in action and worthy of

¹⁰³ *Commonwealth of Australia Gazette No. S25 – Distinguished Service Decorations Regulations* - dated 4 February 1991.

¹⁰⁴ Defence Honours and Awards Manual, *The Defence Commendation Scheme*, Chap 39.10.c.

recognition. He therefore meets the eligibility criteria for the award of the Commendation for Gallantry.

TRIBUNAL DECISION

113. The Tribunal decided to recommend to the Minister that:
 - a. the decision by the Deputy Chief of Army to refuse to recommend a gallantry award for Lance Corporal Stephen Bloomfield for his actions with a Special Air Service Regiment patrol in Kalimantan during the Indonesian-Malaysian Confrontation in 1965 be set aside; and
 - b. the Minister recommend to the Governor-General that Lance Corporal Stephen Bloomfield be awarded the Commendation for Gallantry for acts of gallantry in action as a Special Air Service Regiment medical assistant left alone for three days in enemy territory to tend to a severely wounded fellow soldier who had been gored in the abdomen by an elephant in Kalimantan during the Indonesian-Malaysian Confrontation in June 1965.

114. The Tribunal also recommends that the Chief of Army rescind the Bronze Commendation sent to Lance Corporal Bloomfield in 2018 and review procedures and guidance for the presentation of these awards to future recipients.

115. Due to the complexities and long history of this matter, including several reviews, the Tribunal has prepared a draft citation for consideration by Army, should the recommendation be accepted.

COMMENDATION FOR GALLANTRY
16767 LANCE CORPORAL S. BLOOMFIELD
1ST SPECIAL AIR SERVICE SQUADRON

For acts of gallantry in action as a Special Air Service Regiment medical assistant left alone for three days in enemy territory to tend to a severely wounded fellow soldier who had been gored in the abdomen by an elephant in Kalimantan during the Indonesian-Malaysian Confrontation in June 1965.

Lance Corporal Stephen Bloomfield was deployed with 1st Special Air Service Squadron in Borneo as part of the Commonwealth Military Forces during Confrontation between Indonesia and Malaysia in 1965. He was the medical assistant in a four-man Special Air Service patrol conducting reconnaissance operations along the border between Borneo and Indonesia. The patrol followed the border for a week before crossing into the Indonesian territory of Northern Kalimantan where they followed a river for a further two days.

On the afternoon of 2 June 1965 as they were crossing a ridgeline, the patrol was attacked by a wild elephant. Lance Corporal Paul Denehey, who was the patrol signaller, was gored in the abdomen by the charging elephant and thrown into the air despite the elephant being fired at by the patrol. Lance Corporal Bloomfield, who had received only rudimentary medical training for five days on arrival in Borneo, immediately began applying basic medical aid with the limited resources available to him. The patrol attempted to communicate with their headquarters to seek assistance but the radio which was being carried by Lance Corporal Denehey during the attack had been damaged and they were unsure if their transmissions were being heard.

The patrol remained where they were for the rest of the night and at first light attempted to move towards the border. They had not moved very far when they realised the severity of Lance Corporal Denehey's injuries and the difficulties of the terrain meant that their progress transporting him via a rudimentary stretcher would be limited. The Patrol Commander decided that he and his Second-in-Command would return across the border to get help. They left Lance Corporal Bloomfield to care for the severely injured Lance Corporal Denehey and briefed him that if rescue parties had not arrived within three days he was to take matters into 'his own hands'.

With the two other members of the patrol striking out through dense jungle over precipitous terrain to seek help which would in all likelihood take days to return, Lance Corporal Bloomfield was left alone with his grievously wounded comrade. They were in hostile territory with the possibility that the enemy may know of their presence as a result of the earlier gunfire. There was also the threat that other wild elephants and potentially the one which had been fired upon would return.

With no signal training, a damaged radio and a lack of understanding of Morse Code, Lance Corporal Bloomfield tried to make communication but with no success. Unbeknown to him, at least one transmission had been received and a rescue attempt was being commenced.

By the next day, Lance Corporal Denehey's condition had deteriorated rapidly and he was crying out in agony, potentially attracting the enemy. Lance Corporal Bloomfield did his best to keep Lance Corporal Denehey calm and to care for him although the seriousness of his injuries was well beyond Lance Corporal Bloomfield's basic competence as a medical assistant. By the third day they had run out of rations and Lance Corporal Bloomfield had expended all of his medical supplies including drugs and bandages. It was clear to him that Lance Corporal Denehey's condition had worsened and he believed that unless help arrived he would die. Having had no indication that the rescue party would return and thinking that the other two patrol members had either been apprehended or become lost, Lance Corporal Bloomfield made the heart wrenching decision to leave the casualty and attempt to get assistance on his own. He made Lance Corporal Denehey as comfortable as possible and bravely struck out alone through enemy territory to seek help.

Lance Corporal Bloomfield succeeded in crossing the border and was guiding a patrol of Gurkhas back to the casualty two days later when word was received that another rescue patrol had located Denehey who was deceased. Several weeks later Lance Corporal Bloomfield led a patrol back to the incident site to recover equipment he had cached including the damaged radio and code books.

Lance Corporal Bloomfield's actions in tending to and protecting a seriously wounded fellow soldier, alone in the jungle, in enemy territory for almost three days at the end of a protracted and debilitating patrol were gallant and worthy of recognition. He demonstrated fearlessness, tenacity, courage and extreme devotion to duty in the face of high risk and extreme threat. His courage and gallantry set the standard for future Special Air Service troopers and were in the finest traditions of the Australian Army and the Australian Defence Force.