



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

**Honeybone and the Department of Defence [2018] DHAAT
022 (03 October 2018)**

File Number 2018/012

Re **Mr John William Honeybone**
Applicant

And **Department of Defence**
Respondent

Tribunal Ms Jane Schwager AO (Presiding Member)
Rear Admiral James Goldrick AO CSC RAN (Retd)

Hearing Date 7 September 2018

DECISION

On 03 October 2018 the Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence, not to award the Applicant, Mr John William Honeybone, the Australian Service Medal 1945 – 1975 with Clasp “KOREA”.

CATCHWORDS

DEFENCE AWARDS – Australian Service Medal 1945-1975 with Clasp “KOREA”.

LEGISLATION

Defence Act 1903 – Part V111C – Sections 110T, 110VB (2)
Defence Amendment Regulations (No.1) 2010 Schedule 3 Part 2

Commonwealth of Australia Gazette S122, Letters Patent for the Australian Service Medal 1945-1975, dated 3 April 1995.

Commonwealth of Australia Gazette S102 dated 27 March 2001, provides for the first Determination under the Regulations for the ASM 1945-1975 with Clasp “KOREA”

REASONS FOR DECISION

Introduction

1. On 17 January 2018, the Applicant, Mr Honeybone, applied to the Defence Honours and Awards Appeals Tribunal for a review of the decision by the Directorate of Honours and Awards of the Department of Defence (the Directorate) denying his eligibility for the Australian Service Medal (ASM) 1945-1975 with Clasp “KOREA”.¹ Mr Honeybone attached a copy of his original application and the original refusal letter from Defence dated 6 April 2010.² In his application Mr Honeybone queried whether changes might have occurred since his original refusal in 2010. He also queried whether the Tribunal could consider any other medals that he might be entitled to.

2. The Executive Officer of the Tribunal received Mr Honeybone’s application for a review on 15 February 2018.³ On 2 March 2018 the Chair of the Tribunal wrote to the Secretary of the Department of Defence seeking a report on the decision of Defence to deny Mr Honeybone the ASM 1945-1975 with Clasp “KOREA”.⁴

3. On 18 April 2018 Defence provided its report to the Tribunal.⁵ While preparing its response Defence reassessed its original decision to deny Mr Honeybone the ASM 1945-1975 with Clasp “KOREA”. The Defence submission affirmed the original decision to not recommend Mr Honeybone for the ASM 1945-1975 with Clasp “KOREA” because he did not serve in a declared operational area for a total of 30 days - having only served 11 days qualifying service. Mr Honeybone was provided with a copy of the Defence Report on 20 April 2018.⁶ He was asked to provide his comments on the Report – which he did – on 26 and 30 April 2018.⁷

4. Mr Honeybone enlisted in the Royal Australian Naval Reserve on 22 May 1951. He discharged on 14 May 1957 at own request. During this period he served as a National Serviceman, completing 154 full-time days from 12 July 1954. His National Service obligation ended on 11 July 1959.⁸ For his service Mr Honeybone has been issued the Australian Defence Medal and the Anniversary of National Service 1951-1972 Medal.⁹

5. The issue in contention relates to Mr Honeybone’s service during the aftermath of the Korean War, whilst he was on board HMAS *Vengeance*, from 12 July 1954 to 12 December 1954. To be eligible for the ASM 1945-1975 with Clasp “KOREA”, a member must perform an aggregate of 30 days service in a declared operational area. The re-assessment by Defence

¹ Application for Review of decision by Mr Honeybone dated 17 January 2018.

² Letter DHA – 4939NS from the Directorate of Honours and Awards refusing Mr Honeybone’s application for the ASM 1945-75 Clasp ‘KOREA’ dated 6 April 2010.

³ Letter DHAAT/OUT/2018/080 from Executive Officer DHAAT dated 23 February 2018.

⁴ Letter DHAAT/OUT/2018/081 dated 2 March 2018.

⁵ Letter DH&A/OUT/2018/0015 dated 18 April 2018.

⁶ Letter DHAAT/OUT/2018/162 dated 20 April 2018.

⁷ Two letters from Mr Honeybone responding and accepting the Review by Defence dated 26 April 2018 and 30 April 2018.

⁸ Royal Australian Naval Reserve and Royal Australian Naval Reserve (National Service) Records of Service for John William Honeybone.

⁹ Para 11 Defence submission to DHAAT – Review of Recognition for S11145/4939NS Mr John William Honeybone.

concluded that Mr Honeybone is not eligible for the medal as he did not serve for a period of 30 days, or for periods amounting to 30 days, in a prescribed area specified in *Commonwealth of Australia Gazette S102 – Declaration and Determination under the Australian Service Medal 1945-1975 Regulations* (CAG S102).¹⁰

6. HMAS *Vengeance* sailed into the prescribed area on 9 November 1954 and left the area on 19 November 1954, providing Mr Honeybone with only 11 days eligible service. This is confirmed by the Report of Proceedings (RoP) for HMAS *Vengeance* between September and November 1954. In particular, pages 2-4 of the RoP for HMAS *Vengeance* dated 30 November 1954 cover the period encompassing *Vengeance*'s port visits to Iwakuni, Kure and Yokosuka.¹¹

Summary of the Hearing

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

8. Whilst invited to participate, the Directorate from the Department of Defence were unable to be represented.

9. At the Hearing the Tribunal confirmed with Mr. Honeybone that he had received all relevant documents and asked him to outline his submission. Mr Honeybone appeared to accept that he was not eligible and acknowledged and thanked both the Tribunal and Defence for their detailed analysis and response.

10. The Tribunal referred Mr Honeybone to his two letters sent to the Tribunal where he thanked Defence for their response (dated 26 and 30 April 2018). He confirmed that in his correspondence he stated "*I understand that to be awarded the ASM 1945-75 Clasp 'KOREA' it is necessary to serve 31 days in an active area, I served 11 days, and am very satisfied with your decision.*"¹² The Tribunal asked Mr Honeybone to confirm that he had received a telephone call from the Tribunal Secretariat on 30 April 2018 informing him that his two letters were in fact a response to the submission by Defence and that in fact the Tribunal had not conducted its review of the decision by Defence as requested by him. He was asked to confirm that he understood that this was the purpose of the Hearing. He confirmed that he understood this.

11. Mr Honeybone told the Tribunal that he thought it didn't seem fair that those who fought in Vietnam received their medal for only one day's service in action whereas the requirement for Korea was for thirty days. Rear Admiral Goldrick responded to Mr Honeybone's concern and explained the difference between the ASM and the Australian Active Service Medal (AASM) – the latter being an award for active service in warlike conditions, with the inherent immediate possibility of being at hazard from the enemy. Rear

¹⁰ Commonwealth of Australia Gazette S 102 – Declaration and Determination under the Australian Service Medal 1945-1975 Regulations – dated 27 March 2001.

¹¹ Report of Proceedings (RoP) for HMAS *Vengeance* between September and November 1954. (AWM78/353/2). Note specifically HMAS *Vengeance* RoP dated 30 November 1954, paragraphs 9-27.

¹² Two letters from Mr Honeybone responding and accepting the Review by Defence dated 26 April 2018 and 30 April 2018.

Admiral Goldrick noted that the AASM with the Clasp for the period of the Korean War was subject to the same conditions as that for Vietnam. Mr Honeybone's service was in a subsequent period in which the conditions justified the potential award of the ASM, but not the AASM. The requirement for an extended period of service in the relevant area of operations was inherent to all awards of the ASM and its associated clasps.

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

Issues for consideration by the Tribunal

Does the CAG S102 dated 27 March 2001, which provides for the first Determination under the Regulations for the ASM 1945-1975 with Clasp "KOREA" make Mr Honeybone ineligible for the award he seeks?

13. The Tribunal concluded that Mr Honeybone does not qualify for the ASM 1945-1975 with Clasp "KOREA" in accordance with the eligibility criteria as outlined in *CAG No S102* dated 27 March 2001 because he only served 11 days in the relevant prescribed operational area.

14. The Tribunal noted Mr Honeybone's acknowledgement that he understood that he was not eligible.

Can the tribunal consider any other medals that Mr Honeybone might be entitled to?

15. The Tribunal advised Mr Honeybone that it was the role of Defence to provide this advice in the first instance.

DECISION

16. The Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Mr Honeybone is not eligible for the award of the Australian Service Medal 1945-1975 with Clasp "KOREA".

Annexures:

A. *Commonwealth of Australia Gazette S122, Letters Patent for the Australian Service Medal 1945-1975*, dated 3 April 1995.

B. *Commonwealth of Australia Gazette S102 – Declaration and Determination Under the Australian Service Medal 1945-1975 Regulations* dated 27 March 2001



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SPECIAL

Elizabeth II



ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO ALL to whom these Presents shall come,

GREETING:

WHEREAS it is desirable that there be instituted an Australian medal for the purpose of according recognition to members of the Defence Force, and certain other persons, who rendered service in non-warlike military operations:

'KNOW YOU that We do by these Presents institute a medal to be called the Australian Service Medal 1945-1975:

AND WE DO ordain that the award of the Australian Service Medal 1945-1975 is governed by the Regulations set out in the Schedule.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

GIVEN under the Great
Seal of Australia at Our
Court at St James's on
22 February, 1995.

By Her Majesty's Command,

Paul Keating

Prime Minister

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SCHEDULE

REGULATIONS GOVERNING THE AWARD OF THE AUSTRALIAN SERVICE MEDAL 1945-1975

Citation

1. These Regulations may be cited as the Australian Service Medal 1945-1975 Regulations.

Interpretation

2. In these Regulations:

“declared operation” means an operation in respect of which a declaration has been made under regulation 3;

“Defence Force” has the same meaning as in the *Defence Act 1903*;

“Medal” means the Australian Service Medal 1945-1975;

“Minister” means a Minister administering the Department of Defence;

“Registrar” means the Registrar of Awards appointed under subregulation 8(1);

“Register” means the Register maintained under subregulation 8(2).

Declared operations

3. The Governor-General, on the recommendation of a Minister, may declare a non-warlike operation in which members of the Defence Force were engaged at any time during the period that commenced on 3 September 1945 and ended on 16 September 1975, to be a declared operation for the purposes of these Regulations.

Conditions for award of the Medal

4. (1) The Medal may be awarded to:

(a) a member, or a former member, of the Defence Force; or

(b) a person in a class of persons determined by a Minister for the purposes of these Regulations;

who served in connection with a declared operation.

(2) The conditions for the award of the Medal are determined by the Governor-General on the recommendation of a Minister.

(3) The Medal may only be awarded to a person who fulfils the conditions for the award of the Medal.

(4) An initial award of the Medal to a person is made in the form of the Medal with a clasp denoting the declared operation for which the Medal is being awarded.

(5) A subsequent award of the Medal to the person may only be made in the form of an additional clasp to the Medal.

Making of awards

5. An award of the Medal is to be made by the Governor-General on the recommendation of the Chief of the Defence Force or his or her delegate.

Design of the Medal

6. The design of the Medal is as determined by the Governor-General.

Wearing of the Medal

7. The manner of wearing of the Medal is as determined by the Governor-General.

Registrar of Awards

8. (1) The Governor-General must appoint a Registrar of Awards.
- (2) The Registrar must:
 - (a) maintain a Register of the names of persons to whom the Medal has been awarded; and
 - (b) keep such other records relating to the award of the Medal as the Governor-General directs.

Cancellation and reinstatement

9. (1) The Governor-General may cancel an award of the Medal and may reinstate a cancelled award.
- (2) If an award of the Medal is cancelled:
 - (a) the name of the person to whom the award was made must be erased from the Register; and
 - (b) the person must return the insignia of the award to the Register.
- (3) If a cancelled award is reinstated, the Registrar must:
 - (a) restore in the Register the entry that was erased; and
 - (b) return the insignia of the award to the person to whom the award was made.



COMMONWEALTH OF AUSTRALIA

DECLARATION AND DETERMINATION UNDER THE
AUSTRALIAN SERVICE MEDAL 1945-75 REGULATIONS

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

- (a) **revoke** the Declaration and Determination made on 6 March 1999 under regulation 3 and subregulation 4(2) respectively of the Regulations;
- (b) **declare** under regulation 3 of the Regulations, the following non-warlike operations in which members of the Australian Defence Force were engaged to be a *declared operation* for the purposes of the Regulations:
 - (i) participation in United Nations Commission activities in Korea during the period that commenced on 9 June 1950 and ended on 23 June 1950;
 - (ii) participation in British Commonwealth Forces Korea activities in Japan and Okinawa that commenced 29 April 1952 and ended on 26 August 1957;
 - (iii) participation in operations afloat and in the air off Korea to a distance of 161 kilometres seaward from the coast during the period that commenced on 28 July 1953 and ended on 26 August 1957;
 - (iv) participation in ceasefire monitoring activities in Korea during the period that commenced on 28 July 1953 and ended on 26 August 1957;
 - (v) participation in United Nations Command (Military Armistice Commission) activities on the Korean Peninsula involving the preservation of the Armistice between North and South Korea that commenced on 27 August 1957 and ended on 13 February 1975; and

- (c) **determine**, under subregulation 4(2) of the regulations that, the conditions for award of the Australian Service Medal 1945-1975 with Clasp 'KOREA' ("the Medal") for the *declared operation* are:
- (i) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member while posted to or serving as a member of the Australian element of the *declared operation* for a period of 30 days, or for periods amounting in the aggregate to 30 days or more;
 - (ii) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in the aggregate to 30 days, as part of the contribution of a foreign Defence Force to the *declared operation* while on secondment or exchange with the foreign Defence Force;
 - (iii) the Medal may be awarded to a person who rendered service as part of the Australian element of the *declared operation* for a period of 30 days or more, or for periods amounting in the aggregate to 30 days or more, and who, in accordance with a determination made by the Minister under paragraph 4(1)(b) of the Regulations, is in a class of persons who may be awarded the Medal; or
 - (iv) the qualifying periods of service as described in subparagraphs (c)(i), (c)(ii) or (c)(iii) of this Instrument may be deemed by the Chief of the Defence Force or delegate to have been established notwithstanding that the member has not met the qualifying periods described if service in relation to the *declared operation* was terminated due to the death, evacuation due to illness or injury or other disability due to service.

Dated 23rd March 2001



Governor-General

By His Excellency's Command



PETER REITH
Minister for Defence