



## Australian Government

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### Defence Honours and Awards Appeals Tribunal

#### **Paget and the Department of Defence [2019] DHAAT [05] (16 May 2019)**

File Number(s) 2015/012

Re **Dr John R Paget** obo  
**Wing Commander Terrance Brockwell Paget**  
Applicant

And **Department of Defence**  
Respondent

**Tribunal** Air Vice-Marshal John Quaipe AM (retd) (Presiding Member)  
Ms Anne Trengove

**Hearing Date** 15 January 2019

#### **DECISION**

On 16 May 2019 the Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Wing Commander Terrance Brockwell Paget is not eligible for the award of the Arctic Star.

#### **CATCHWORDS**

FOREIGN AWARD – refusal to recommend the award of the Arctic Star.

#### **LEGISLATION**

*Defence Act 1903* – ss 110T, 110V(1), 110VB(2)

*Defence Force Regulations 1952* - Reg 93C and Schd 3

*United Kingdom Ministry of Defence Medal Office, Arctic Star Eligibility Criteria* – February 2013.

## **REASONS FOR DECISION**

### **Introduction**

1. The applicant, Dr John Paget, seeks review of the decision by the Directorate of Honours and Awards of the Department of Defence (the Directorate) that his father, the late Wing Commander Terrance Brockwell Paget, is not eligible for the award of the Arctic Star.

2. Dr Paget lodged an application in respect of his father's eligibility for the award of the Arctic Star on 7 August 2017. On 21 February 2018, the Directorate advised Dr Paget by letter that his father was not eligible for the Arctic Star as there is no evidence to show that he had flown at least one sortie north of the Arctic Circle or conducted escort missions that would have brought him north of the Arctic Circle. The letter also advised Dr Paget that his father was not with No 455 Squadron when that squadron relocated to Vaenga, Russia from September to October 1942. Dr Paget sought review of this decision in his application to the Tribunal dated 5 March 2018.

### **The Tribunal's Jurisdiction**

3. Pursuant to s110VB(2) of the *Defence Act 1903* (the Act) the Tribunal has jurisdiction to review a reviewable decision if an application is properly made to the Tribunal. The term *reviewable decision* is defined in s110V(1) and includes a decision made by a person within the Department of Defence to refuse to recommend a person for a foreign award in response to an application. The Directorate made a decision to refuse to recommend Wing Commander Paget for the Arctic Star following Dr Paget's application of 7 August 2017. Section 110T of the Act defines a foreign award as being an honour or award given by a government of a foreign country, or by an international organisation.

4. Until recently, the campaign medal for service associated with the Arctic Convoys of World War II was the Atlantic Star. Following a broad review of military medals conducted by Sir John Holmes GCVO KBE CMG in 2012, the British Government announced the introduction of a new award, the Arctic Star, to recognise operational service north of the Arctic Circle. Under s110V(1)(a)(iii), the Tribunal has jurisdiction to review the Directorate's decision.

### **Steps taken in the conduct of the Review**

5. In accordance with the Tribunal's Procedural Rules, the Secretary of the Department of Defence was informed of Dr Paget's application for review and a report requested. The Directorate, on behalf of the Secretary, provided the Tribunal with a report dated 24 May 2018, which was then forwarded to Dr Paget for comment. Dr Paget provided a written response to the Tribunal on 8 June 2018.

6. Dr Paget was invited to provide evidence at a hearing held in Canberra on 15 January 2019. Mr Geoffrey Raebel, author of the book *The RAAF in Russia*<sup>1</sup> was invited to give evidence. The Tribunal also invited expert evidence from Mr David Sutton, Australian War Memorial historian and author of the article *Aussies in the Arctic*,<sup>2</sup> and Mr Martin James, the Air Force historian. Defence was further represented by Ms Jo Callaghan and Mr Brett Mitchell of the Directorate.

### **The Arctic Star Eligibility Criteria**

7. The authority for eligibility for the Arctic Star is contained in the *United Kingdom Ministry for Defence Advice*, dated February 2013. The authority relevant to Wing Commander Paget's service is covered by the following provisions:

*For operational service of any length north of the Arctic Circle (66 degrees, 32 minutes North) from the 3<sup>rd</sup> September 1939 to the 8<sup>th</sup> May 1945 inclusive. The Arctic Star is intended to commemorate the Arctic Convoys and is designed primarily for the ships of the convoys to North Russia and their Escorts. Eligibility is defined as follows:*

*Air Force – Aircrew of the Royal Air Force will be eligible if they landed north of the Arctic Circle or served in the air over this area. Non-aircrew on operational service in the area, for example ground crew or those sailing with Catapult Aircraft Merchant Ships (CAM ships), are also eligible.*

### **The Question for the Tribunal**

8. On 13 August 1942, ground crew from No 455 (RAAF) Squadron were embarked upon the USS *Tuscaloosa* bound for Vaenga in Northern Russia. They were followed three weeks later by 16 Hampden aircraft of the squadron. The No 455 Squadron mission was to protect the Allied shipping convoy PQ18 as it made its voyage via the North Sea to the Russian port of Murmansk.

9. After an eventful transit that included the loss of two crews and three aircraft, the Squadron was established at Vaenga where a single patrol operation was flown without result. At the end of the six-week deployment, the aircraft were gifted to the Soviet Union and the bulk of the deployed personnel returned to the UK on HMS *Argonaut*. The final party sailed for the UK in November 1942 on HMS *Intrepid*.

10. No 455 Squadron was a RAF Squadron deployed for operational service north of the Arctic Circle. Accordingly, the service of members of this deployment meets the eligibility criteria for the award of the Arctic Star. The Tribunal therefore sought to establish if Wing Commander Paget deployed with No 455 Squadron to Russia.

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<sup>1</sup> Geoffrey W. Raebel, *The RAAF in Russia – 455 RAAF Squadron – 1942*, Australian Military History Publications, Editions 1997 and 2010.

<sup>2</sup> David Sutton, 'Aussies in the Arctic', *Wartime*, Issue 81, Summer 2018, p 52.

## **Wing Commander Paget's Service Record**

11. Wing Commander Paget's service record shows that he enlisted in the Citizen's Air Force on 30 January 1940 and discharged as an Airman on 16 August 1944 on being granted a commission. Wing Commander Paget was trained as an Aircraft Hand, transferring on 4 November 1940 to be trained as an Electrician. On 1 February 1941, Wing Commander Paget undertook duty as an electrician with RAAF Headquarters, Williamtown NSW and then with No 455 Squadron also at RAAF Williamtown.<sup>3</sup>

12. During World War II, Wing Commander Paget served in the United Kingdom from 2 September 1941 until 28 October 1945. His relevant overseas service was with No 455 Squadron between 13 September 1941 and 8 May 1942 and with No 461 Squadron between 9 May 1942 and 28 August 1944. There is no record of any service in Russia in Wing Commander Paget's service documents.

### **Applicant: Dr Paget's Submission**

13. In his application for the review of decision, Dr Paget records his recollection of his father speaking with him about his experiences in Russia. Dr Paget also refers to a photograph published by Mr Geoffrey Raebel in his book *The RAAF in Russia*. The published photograph shows a group of six men from No 455 Squadron standing in what appears to be patchy snow. The photograph is captioned '*Electricians*' and the caption includes the names of those depicted. *Terry Paget* is identified on the left of the group.

14. At the hearing Dr Paget told the Tribunal that he had no other evidence of his father serving in Russia, other than he had confirmed his recollection with his sister who told him that she also recalled her father talking of his time in Russia. Dr Paget could not recall any detail of his father's conversations regarding the Russia deployment.

### **Respondent: The Directorate's Submission**

15. The Directorate submission includes detailed background information drawn from the available records. Given the significance of the photograph appearing in Mr Raebel's book, the Directorate examined service records for each of the airmen depicted. For Wing Commander Paget, the Directorate stated that they had not been able to identify any information that might suggest that he served in North Russia with No 455 Squadron. Rather the submission notes that his *Airmen's Record Sheet (Active Service – Overseas)* and his *Record of Service – Airmen* show that he was posted to No 461 Squadron at the time of the No 455 Squadron deployment.

16. The Directorate also noted an entry in Wing Commander Paget's *Record of Service – Airmen* that shows that he attended *No 11 Mark IV Auto Control Course* from 13 August to 16 September 1942. His *Airmen's Record Sheet (Active Service – Overseas)* also shows that he was on leave from 4 to 10 October 1942.

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<sup>3</sup> NAA: A12372, R/35806/H & R/35806/P – Service Record, Terrence Brockwell PAGET.

17. From the examination of records of the other airmen appearing in Mr Raebel's photograph, the Directorate was able to confirm that four of the six were granted 14 days leave in keeping with the instructions received by No 455 Squadron that members returning from Russia were to be granted leave. One of those four men is also recorded as having travelled to North Russia as a passenger on board one of the No 455 Squadron Hampden aircraft.

18. A fifth airman in the photograph is Aircraftman Kevin Tangey. Like Wing Commander Paget, the Directorate was unable to find any information to suggest Aircraftman Tangey served in North Russia. The Directorate noted that Tangey was also posted to No 461 Squadron at the time of the Russia deployment and that his records include a trade test examination that he undertook on 24 October 1942 for reclassification to Leading Aircraftman.

19. By correlating the service records of the individuals in Mr Raebel's photograph, the Directorate concluded that the photograph does not depict those six airmen in North Russia, but is more likely to have been taken at a time when those six men all served together with No 455 Squadron. That time would have been after 13 September 1941 but no later than 9 May 1942 when Wing Commander Paget and Aircraftman Tangey were posted out of No 455 Squadron.

### **Evidence presented at the Hearing**

#### **Dr Paget (Applicant)**

20. At the hearing Dr Paget confirmed that he was unable to provide any further information other than that presented by Mr Geoffrey Raebel in his book *The RAAF in Russia*. Dr Paget did talk of the novelty of a group of young men from Western Australia finding themselves up to their knees in snow near Murmansk but he could not provide any detail of his father's experience.

#### **Mr Raebel**

21. Mr Raebel gave evidence to the Tribunal. He explained his background research for his book *The RAAF in Russia* and described the general maintenance arrangements for No 455 Squadron where a group of ground crew were typically assigned to each aircraft. He drew the distinction that the Squadron electricians were not assigned to individual aircraft but were employed in a hangar workshop providing electrical services for the entire unit. For this reason and also given the large number of personnel within No 455 Squadron, when the detachment of airmen was assembled to travel to Russia, Mr Raebel said that the airmen of the squadron were not necessarily known to each other. Mr Raebel told the Tribunal that despite his father being the senior airman on the Russia deployment, his father would not have known the names of all the participants.

22. Mr Raebel described the photograph of the six electricians as being provided to him by Mr Eddie Lukes, one of the No 455 Squadron electricians that appear in the photograph. But Mr Raebel was unable to shed any light on its provenance and there was nothing written on the back of the photograph. Mr Raebel spoke of assembling the list of names of those who participated in the deployment that appears as an

appendix to his book, from those who were there. The list is drawn from his interviews with veterans of the Squadron and not their service records. Mr Raebel did not have the opportunity to interview Wing Commander Paget. Wing Commander Paget and Aircraftman Tangey do not appear in the list that Mr Raebel included in the first edition of his book published in 1997, but their names were added for the second edition published in 2010.

### **Mr Sutton (expert)**

23. Mr David Sutton, Australian War Memorial historian, gave expert evidence. He gave the Tribunal a historical overview of the No 455 Squadron deployment to Russia. He was of the view that if Wing Commander Paget had participated in the deployment he would have travelled to Russia on the USS *Tuscaloosa*. He was not able to provide any additional information from Australian War Memorial records or comment on the photograph or list of names in Mr Raebel's book.

### **Mr James (expert)**

24. Mr Martin James, the Air Force Historian also gave expert evidence. Together with Mr Brett Mitchell and Ms Jo Callaghan of the Defence Directorate of Honours and Awards, he took the Tribunal through the available Defence records and the entries on Wing Commander Paget's and Aircraftman Tangey's files that indicate that neither of them deployed to Northern Russia. Rather, their respective service file entries show they were posted within the United Kingdom at the relevant time. Mr James stated that during World War II, units kept detailed records on member files particularly regarding to pay, travel and leave and that in his expert opinion, they were likely to be correct.

25. Noting the evidence, at the conclusion of the hearing the Tribunal indicated that would endeavor to source records of the USS *Tuscaloosa*, HMS *Argonaut* and HMS *Intrepid* to assist in determining whether Wing Commander Paget went to Russia. Both Dr Paget and the Directorate consented to the proposed course of action.

### **Additional Evidence sourced after the Hearing**

26. After the hearing, the Tribunal obtained a copy of the Log Book of the USS *Tuscaloosa*<sup>4</sup> covering the relevant period. In the 'Remarks' section dated 12 16 August 1942, the names of RAF personnel embarked for transport to Russia have been recorded by Lieutenant B.K. Lloyd, USN. Wing Commander Paget's name is not listed. Aircraftman Tangey's name is also absent from the list.

27. The reports of proceedings and logs from HMS *Argonaut*<sup>5</sup> for the relevant period do not contain a list of RAF personnel embarked for transport from Russia. The Tribunal was not able to locate relevant records from HMS *Intrepid*, possibly because those records may have been lost in her sinking in in 1943.

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<sup>4</sup> Log Book, USS *Tuscaloosa*, August 1942, National Archives and Records Administration, Washington, DC.

<sup>5</sup> TNA: ADM 53/115356.

28. The Tribunal's research was able to locate some RAF records that discussed the deployment of personnel to Russia.<sup>6</sup> Some of this material confirmed that the photograph of the electricians that appears in Mr Raebel's book does not include all of the electricians that deployed to Russia, however none of the records identified by the Tribunal made any mention of Wing Commander Paget that would confirm his participation in the deployment.

29. Copies of the above research material were provided to Dr Paget and the Directorate on 30 April for their response. Neither party chose to make additional submissions in respect of this material.

### **Tribunal Consideration**

30. The Tribunal accepted the information on the service file of Wing Commander Paget as evidence that he was being actively administered by No 461 Squadron during the period of the No 455 Squadron deployment. His record clearly shows that administration included Personnel Occurrence Reporting, Training, Travel and Leave. The precision of this detail, as noted by Mr James, strongly suggests that Wing Commander Paget could not have been in Northern Russia at that time.

31. The Tribunal also gave weight to the absence of Wing Commander Paget's name appearing in the nominal roll of RAF personnel embarked on the USS *Tuscaloosa* as recorded by Lieutenant Lloyd. Similarly, the Tribunal noted the absence of any administrative records to support a hypothesis that Wing Commander Paget was somehow attached back to No 455 Squadron for the deployment. The Tribunal noted that such an attachment would have required substantial administrative support to move Wing Commander Paget from No 461 Squadron's location in the south of England to Scotland in time to join the deployment party.

32. With respect to the photograph appearing in Mr Raebel's book, the Tribunal was not able to draw any conclusions from the photograph itself, or from its limited provenance, that would confirm the location and date that it was taken. The Tribunal was unable to draw any conclusion from Wing Commander Paget's name being included in the list that appears in the second edition of Mr Raebel's book.

33. The Tribunal preferred the documentary evidence to the limited recollections of Dr Paget concerning his father's said experiences in Russia. Accordingly, the Tribunal could not be reasonably satisfied that Wing Commander Paget had any operational service north of the Arctic Circle, which would satisfy the eligibility criteria for the award of the Arctic Star.

### **DECISION**

34. The Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Wing Commander Terrance Brockwell Paget is not eligible for the award of the Arctic Star.

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<sup>6</sup> TNA: AIR 15/380, AIR 15/381, AIR15/604, AIR 15/606, AIR 15/671.