



# Australian Government

## Defence Honours and Awards Appeals Tribunal

### **Threadgold and the Department of Defence [2018] DHAAT 012 (30 August 2018)**

File number 2018/017

Re Ian Baikie **THREADGOLD**  
Applicant

And **Department of Defence**  
Respondent

Tribunal Ms Naida Isenberg (Presiding Member)  
Ms Josephine Lumb

Appearances Mr Threadgold by telephone.  
Ms Kropinski-Myers, Directorate of Honours and Awards  
Mr Mark Jordan, Directorate of Honours and Awards

Hearing 3 August 2018 in Canberra

#### **DECISION**

On 30 August 2018 the Tribunal decided to affirm the decision under review.

#### **CATCHWORDS**

*DEFENCE AWARD – Australian Service Medal 1945-75 with Clasp ‘PNG’ – Special Air Service Regiment - Exercise WANTOK– timing of application – evidence of activities undertaken - whether evidence of “nation building”.*

#### **LEGISLATION**

*Commonwealth of Australia Gazette (CAG) No SI 22 Letters Patent and Regulations for the Australian Service Medal 1945 - 1975 dated 3 April 1995*  
*CAG No S74 Declaration & Determination under the Australian Service Medal 1945-75 with Clasp 'PNG' dated 30 April 2009*

## REASONS FOR DECISION

### Introduction

1. The Applicant, Ian Baikie Threadgold seeks the award of an *Australian Service Medal 1945-75 with Clasp 'PNG'* (ASM with Clasp PNG) in recognition of his service in Papua New Guinea (PNG) in 1971 with the Special Air Service Regiment (SASR) during Exercise WANTOK (the Exercise).

### Eligibility Criteria for the ASM with Clasp PNG

2. The Australian Service Medal 1945-75 (ASM) was instituted by Letters Patent on 22 February 1995<sup>1</sup>. The ASM is awarded to recognise military service in a prescribed non-warlike operation from 1945 to 1975. The Schedule sets out the Regulations governing the award of the ASM (the Regulations). Regulation 3 states that the Governor-General, on the recommendation of a Minister, may declare a non-warlike operation in which members of the Defence Force were engaged, during the relevant period, to be a declared operation. Regulation 4 of the Regulations specifies that the conditions for the award of the medal may be similarly determined.
3. Relevantly, on 30 April 2009 it was declared<sup>2</sup> that a prescribed operation was one during the period commencing on 3 September 1945 and extending to the independence of Papua New Guinea on 16 September 1975 and the activities in which the member engaged were nation building tasks, training and administering prospective members of the national armed forces of the Territory of Papua New Guinea and humanitarian relief in aid to the territory of Papua New Guinea (PNG). It was also determined<sup>3</sup> that the ASM with Clasp PNG may be awarded to a member who rendered assigned service as such a member of the Australian element for duty to the prescribed operation for a period of not less than 30 days. Significantly, earlier iterations of the Determination<sup>4</sup> were silent as to the activities to be undertaken to qualify for the award.
4. The Tribunal is required to undertake a merits review and is bound to apply the eligibility criteria which applied at the date of the decision under review<sup>5</sup>. In this case, the reviewable decision is that of the Assessments Manager of the Directorate of Honours and Awards (Defence) of 9 February 2018. The Tribunal acknowledges Mr Threadgold's concern that he had colleagues who had applied for, and received, the ASM with Clasp PNG while its eligibility criteria were less prescriptive, but reiterates that it has no discretion as to which eligibility criteria it must apply.

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<sup>1</sup> *Commonwealth of Australia Gazette (CAG) No S122 Letters Patent and Regulations for the Australian Service Medal 1945 - 1975* dated 3 April 1995

<sup>2</sup> per Regulation 3

<sup>3</sup> per Regulation 4(2)

<sup>4</sup> *CAG No S274 Declaration & Determination under the Australian Service Medal 1945-75 with Clasp 'PNG'* dated 18 July 1996 and *CAG No SI41 Declaration & Determination under the Australian Service Medal 1945-75 with Clasp 'PNG'* dated 9 July 1998

<sup>5</sup> Defence Act 1903: s 110VB(6)

## Issue for the Tribunal

5. There was no dispute that Mr Threadgold served in PNG for the requisite period during the Exercise. Consequently, the only issue for the Tribunal was whether Mr Threadgold, while rendering service during the Exercise, engaged in activities which were “*nation building tasks, training and administering prospective members of the national armed forces of the territory of Papua New Guinea and humanitarian relief in aid to the territory of Papua New Guinea*”.

## Did Exercise WANTOK involve activities which were ‘nation building’?

6. In the reviewable decision Defence relied on a letter from MAJGEN M Burr DSC, AM, MVO, then Deputy Chief of Army, to Mr Richard Oliver, First Assistant Secretary, Defence People Group, dated 29 June 2017<sup>6</sup>. MAJGEN Burr wrote that he had sought advice from the Army History Unit, which he noted had, in turn consulted the SASR and the SASR Research Centre. Defence Archives had also been contacted with a view to identifying files in respect of the SASR exercises in PNG. While some information was said to have been available in respect of two other exercises, no details were to hand in relation to the Exercise.
7. MAJGEN Burr provided some background into the activities of the SASR in PNG during the period 1963 to 1971:

Anecdotal evidence from members present at the time indicate that patrols provided minor medical and other support to villages they passed through. While we do not yet have the post activity reports from these exercises there is nothing to specifically suggest *nation building*. The exercises seem to have stressed long patrols in the jungle...
8. The Tribunal asked Defence to provide the post activity reports referred to, but they could not be located.
9. At the hearing Defence also relied on a letter<sup>7</sup> as a result of its enquiries with the SASR Research Centre (the Centre). The Centre was said to have advised that the Exercise aimed to:
  - Exercise 3 SAS Squadron in patrol operations in a tropical environment
  - Exercise specialist troops of the squadron in tasks associated with their roles
  - Test the physical and mental stamina of the members of 3 SAS Squadron
  - Familiarise the squadron with
    - Communications in the tropics

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<sup>6</sup> OCA/OUT/2017/R30005777

<sup>7</sup> Letter dated 31 July 2018 to the Tribunal

- The problems of mounting specialist operations in the tropics
  - The use of air support
  - Tropical hygiene
10. The Tribunal enquired as to the source of this information and was informed that it had come from ‘a Defence file’. Neither the file nor any other source material as to the aims of the Exercise nor what transpired during the Exercise were produced to the Tribunal. Consequently, the Tribunal attached limited weight to Defence’s reliance on this material to support its assertion about the aim of the Exercise.
  11. It was Defence’s submission that an “exercise” could not be classed as a “non-warlike operation” for the purposes of Regulation 3. The Exercise was not at that level of service. Because the Exercise was characterised as “an exercise”, that characterisation precluded the Tribunal from finding that activities undertaken by No 3 Squadron might be anything other than a training exercise. The Tribunal rejects that submission. The Determination requires the decision-maker (and the Tribunal on review) to examine *the activities in which the member engaged*. The Tribunal considered that it was open to it to examine the activities undertaken by the Applicant (and No 3 Squadron, of which he was part) in PNG during the Exercise because, while they may have been placed there for the purpose of an exercise, that, of itself, did not rule out having also undertaken activities in the nature of nation-building.
  12. Mr Threadgold gave evidence that No 3 Squadron had been scheduled to go to Vietnam to relieve No 2 Squadron and were being sent to PNG in preparation for that deployment. At some stage, although he could not recall if it was before or after the Exercise commenced on 18 October 1971, they learnt that they were not deploying to Vietnam after all. Bill Houston, an historian attached to the Army History Unit gave evidence that on 15 October 1971 the Australian Task Force (including No 2 Squadron) withdrew from Vietnam, leaving in place only a small contingent, e.g. those associated with logistics and training. His assessment was that, as the Exercise had been planned for some time, the decision was taken for it to proceed notwithstanding that No 3 Squadron was not being rotated to Vietnam as had been planned. Because the Army was still structured for a conflict in SE Asia, it would provide valuable training to No 3 Squadron. The Tribunal accepted that there was no change in the planned Exercise.
  13. Mr Threadgold also gave an account of the activities undertaken by No 3 Squadron during the Exercise. He said they were based at Moem Barracks, Wewak. They undertook at least 3 patrols of 4-5 or even 7 days’ duration. Usually they would patrol in groups as small as 4. Occasionally there would be larger groups. One night exercise he recalled involved a beach landing and insertion into the jungle. There were exercises involving rafting down the Sepik River and parachuting. On patrol they might go through villages, and he recalled an occasion passing a native family while on the track patrolling.

14. Mr Threadgold also recalled that because many of his unit were trained medics, some members of his squadron administered medical assistance to locals, including, one colleague who reported delivering a baby while patrolling through a remote village. Mr Threadgold could not personally recall providing any first aid, nor could he recall first aid being rendered during any of his patrols.
15. Mr Threadgold provided a copy of the student list for the Exercise which included two members of the PIR. He also provided newspaper cuttings dated 9 November 1971 which recorded that No 3 Squadron was to take part in a tactical exercise with PIR soldiers as the enemy between Wewak and the Sepik River. He could not recall though what role members of the PIR played in the course of the Exercise. He could not recall, for example, if members of the PIR were the enemy, although he recalled that the exercise was ‘pretty realistic’. Neither could he recall if members of the PIR worked side-by-side with members of No 3 Squadron. When, in his evidence, he spoke of being ‘mixed around together’, he clarified that this referred to being mixed with other members of No 3 Squadron, and not with members of the PIR; he thought it was ‘mainly just us’. He did not know what involvement senior members or the officers might have had with members of the PIR.
16. In his evidence Mr Houston said that the SAS had exercised in PNG since 1963<sup>8</sup>. He said that such exercises were a “two way street” and benefited both the Australian forces who participated and also the troops of the PIR who were involved; they learnt from each other. Defence provided the Tribunal with an extract from *To Find a Path: The PNG Defence Force and the Australians to Independence Vol II – Keeping the Peace 1950-1975* by James Sinclair. There the author wrote that the main phase of the Exercise involved the SAS and two platoons of the PIR acting as an invading force against the main body of 2 PIR. It ended with a 2 PIR attack on a strongly fortified “enemy” camp held by SAS and the two platoons, located in the thick jungle near Tring. Mr Threadgold provided no comment in relation to this record.
17. The Tribunal accepted that the main purpose in sending No 3 Squadron to PNG was to prepare its members for future conflict in SE Asia. Because the SAS had been training in PNG for some time, the Tribunal considered that it provided a reliable training location for the SAS, and it was for this reason that the training continued notwithstanding that its immediate connection to anticipated deployment no longer applied; on the available evidence, training of the PIR, to the extent that it occurred, was incidental to the primary purpose for No 3 Squadron’s presence. Mr Threadgold was unable to assist in relation to any activities that he, or No 3 Squadron generally, engaged in which could be characterised as nation-building. Some medical aid may have been provided by No 3 Squadron during the Exercise but it occurred on an *ad*

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<sup>8</sup> See also *Guarding the Periphery – The Australian Army in PNG, 1951-75* by Tristan Moss

*hoc* and entirely unstructured basis. This contrasts with the role of other units – such as those teaching PIR troops (Royal Australian Army Educational Corps)<sup>9</sup>.

18. For the reasons given above, the Tribunal could not be satisfied that Mr Threadgold, while rendering service during the Exercise, engaged in activities which were “*nation building tasks, training and administering prospective members of the national armed forces of the territory of Papua New Guinea and humanitarian relief in aid to the territory of Papua New Guinea*”.

## **DECISION**

19. The Tribunal decided to affirm the decision under review.

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<sup>9</sup> *Guarding the Periphery – The Australian Army in PNG, 1951-75* by Tristan Moss – p 126