



Australian Government

Defence Honours & Awards Tribunal

**INQUIRY INTO ELIGIBILITY CRITERIA FOR THE AWARD OF
THE AUSTRALIAN DEFENCE MEDAL**

LETTER OF TRANSMISSION

Inquiry into Eligibility Criteria for the Award of the Australian Defence Medal

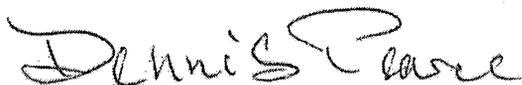
The Hon Dr Mike Kelly AM MP
Parliamentary Secretary for Defence Support
Parliament House
Canberra ACT 2600

Dear Dr Kelly

I am pleased to present the report of the Defence Honours and Awards Tribunal on the Eligibility Criteria for the Award of the Australian Defence Medal.

The inquiry was conducted in accordance with the Terms of Reference. The panel of the Tribunal that conducted the inquiry arrived unanimously at the findings and recommendations set out in its report.

Yours sincerely

A handwritten signature in black ink that reads "Dennis Pearce". The signature is written in a cursive style with a large, looped initial 'D'.

Professor Dennis Pearce AO
Chair

11 February 2009

Contents

LETTER OF TRANSMISSION	2
TERMS OF REFERENCE	5
EXECUTIVE SUMMARY	7
SUMMARY OF RECOMMENDATIONS.....	9
REPORT ON THE TRIBUNAL'S INQUIRY AND EXAMINATIONS	11
ESTABLISHMENT OF INQUIRY AND TERMS OF REFERENCE	11
CONDUCT OF THE INQUIRY	13
ESTABLISHMENT OF THE ADM	14
Introduction	14
The 2006 Regulations	15
Determinations by the Chief of the Defence Force	16
THE INTENT OF THE ADM	16
APPEAL CASES.....	17
ELIGIBILITY CRITERIA	17
TERM OF REFERENCE (A).....	19
Category (a): Defence Force personnel, who meet the minimum period of service as prescribed under the Regulation, but the period of service commenced prior to 3 September 1945.....	19
Category (b): Mobilised wartime naval reservists who, in or about 1947, accepted a two year engagement in the Royal Australian Navy and exercised their right to opt for a free discharge after the first 12 months of service.....	20
Category (c) i: Defence Force personnel who were women and who were discharged prior to 1969 on grounds of marital status	21
Category (c) ii: Defence Force personnel who were women and who were discharged prior to 1974 on grounds of pregnancy.....	21
Category (d): National Servicemen, who do not meet the minimum period of service as prescribed under the Regulation and who elected to be discharged under the provisions of the National Service Termination Act 1973.....	22
Category (e) i: Defence Force personnel who were discharged with a non-compensable illness or injury.	24
Category (e) ii: Defence Force personnel who were discharged as a result of the application of a discriminatory policy.....	27
Category (e) iii: Defence Force personnel who were discharged on compassionate grounds.....	28
Category (f) i: Defence Force personnel who were discharged from the Citizen Military Forces (CMF) or Reserve unit voluntarily, due to a civilian posting where no reasonable alternative means to continue that service existed (e.g. residence in a remote rural or regional area).	29
Category (f) ii: Defence Force personnel who were discharged from the Citizen Military Forces (CMF) or Reserve unit due to a CMF or Reserve unit having been disbanded and no reasonable alternative means to continue that service existed.....	29
Category (g): Defence Force personnel who have performed active service and who were discharged voluntarily before they had four years of service (e.g. Vietnam veterans).....	30
Category (h): Members of the British services on exchange duties with the Australian defence services.	31
Category (i): Cadet officers and instructors.....	31
Category (j): Other categories of persons identified by the Tribunal during the course of this inquiry.	32
TERM OF REFERENCE (B).....	32
TERM OF REFERENCE (C).....	33
OTHER ISSUES	33
WAR SERVICE AS A MULTIPLIER.....	33

THE AWARD OF THE ANNIVERSARY OF NATIONAL SERVICE 1951-1972 MEDAL FOR THE REGULAR FORCES	34
CLASPS	35
APPENDICES	36
APPENDIX 1 - APPEAL CASES.....	37
APPENDIX 2 - SUBMISSIONS	38
APPENDIX 3 - TRIBUNAL HEARINGS.....	39
APPENDIX 4 - MEDIA RELEASE, DATED 26 JUNE 2004, <i>MEDAL TO RECOGNISE SERVICE IN DEFENCE OF AUSTRALIA</i>.....	41
APPENDIX 5 – AUSTRALIAN DEFENCE MEDAL REGULATIONS 2006.....	44
APPENDIX 6 – EXTRACT OF TRANSCRIPT OF PRIME MINISTER’S PRESS CONFERENCE, CANBERRA, 5 DECEMBER 1972.....	50
APPENDIX 7 – CDF DETERMINATIONS UNDER SUBSECTION 4(2) OF THE <i>ADM REGULATIONS 2006</i>	52

SECTION 1: TERMS OF REFERENCE

On 29 August 2008, the Parliamentary Secretary for Defence Support, The Hon Dr Mike Kelly AM MP, requested the Tribunal to inquire into the eligibility criteria for the award of the Australian Defence Medal (ADM).

The Terms of Reference for the inquiry read:

‘The Defence Honours and Awards Tribunal shall inquire into and report on the eligibility criteria for the Australian Defence Medal.

The Australian Defence Medal, instituted by Letters Patent, dated 8 September 2005 and as amended on 20 March 2006 by the *Australian Defence Medal Regulations 2006*, recognises efficient Australian Defence Force (ADF) service since 3 September 1945.

Having regard to the purposes for which the Australian Defence Medal was instituted and the terms of the *Australian Defence Medal Regulations 2006* (‘the Regulation’), the Tribunal is to:

- (A) conduct an inquiry into decisions of the Chief of the Defence Force, or his delegate, concerning the eligibility of ADF personnel, as specified in these terms of reference (‘the specified ADF personnel’), to be or not to be eligible to be awarded an Australian Defence Medal and make findings and recommendations in regard to that review;
- (B) examine any other circumstance, arising since 3 September 1945, where the services of ADF personnel have been, or could be, involuntarily terminated and the eligibility of such personnel to be awarded an Australian Defence Medal;
- (C) examine the powers of the Chief of the Defence Force, to determine whether an ADF person ‘has given qualifying service that is efficient service’ and is therefore eligible to be awarded an Australian Defence Medal;
- (D) report to the Parliamentary Secretary for Defence on its findings in regard to the above and any recommendations that arise from the inquiry.

The specified ADF personnel for the purposes of (A) above are:

- (a) Defence Force personnel, who meet the minimum period of service as prescribed under the Regulation, but the period of service commenced prior to 3 September 1945;
- (b) Mobilised wartime naval reservists, who, in or about 1947, accepted a two year engagement in the Royal Australian Navy and exercised their right to opt for a free discharge after the first 12 months of service;
- (c) Defence Force personnel who were women and who were discharged:

- i. prior to 1969 on grounds of marital status;
 - ii. prior to 1974 on grounds of pregnancy;
- (d) National Servicemen, who do not meet the minimum period of service as prescribed under the Regulation and who elected to be discharged under the provisions of the *National Service Termination Act 1973*;
- (e) Defence Force personnel who were discharged:
 - i. with a non-compensable illness or injury;
 - ii. as a result of the application of a discriminatory policy;
 - iii. on compassionate grounds;
- (f) Defence Force personnel who were discharged from the Citizen Military Forces ('CMF') or Reserve unit:
 - i. voluntarily, due to a civilian posting where no reasonable alternative means to continue that service existed (e.g. residence in a remote rural or regional area);
 - ii. due to a CMF or Reserve unit having been disbanded and no reasonable alternative means to continue that service existed;
- (g) Defence Force personnel who have performed active service and who were discharged voluntarily before they had four years of service (e.g. Vietnam veterans);
- (h) Members of the British services on exchange duties with Australian Defence services;
- (i) Cadet officers and instructors; and
- (j) other categories of persons identified by the Tribunal during the course of this inquiry.

The Tribunal is to determine its own procedures, in accordance with the general principles of procedural fairness, when conducting its inquiry as set out in these Terms of Reference.

In making its findings and formulating its recommendations the Tribunal is required to maintain the integrity of the Australian honours system and identify any consequential impact any finding or recommendation may have on that system.'

SECTION 2: EXECUTIVE SUMMARY

1. The Defence Honours and Awards Tribunal was established administratively in July 2008. It inquires into, and in its present role makes recommendations to the Government on, matters referred to it by the Government relating to the granting of honours and awards to serving and former members of the Australian Defence Force (ADF).

2. The Tribunal may consider individual claims to medals that have been refused by the relevant awarding authority. It may also consider issues of principle relating to Defence service honours and awards.

3. On 29 August 2008, the Parliamentary Secretary for Defence Support, The Hon Dr Mike Kelly AM MP, requested the Tribunal to inquire into the eligibility criteria for the award of the Australian Defence Medal (ADM).

4. This reference was undertaken by the following members of the Tribunal:

Professor Dennis Pearce (Chair)
Ms Sigrid Higgins
Air Commodore Mark Lax (Retd)
Warrant Officer Kevin Woods

5. The Tribunal considered 77 submissions from members of the public and various organisations and reviewed 46 cases of members who had appealed to the Department of Defence against a rejection of a claim for the ADM.

6. The Tribunal found two cases in which it considered that the claimants qualified for the ADM. It referred these cases to the Directorate of Honours and Awards in the Department of Defence.

7. When considering the eligibility criteria for the award of the ADM as required by Terms of Reference (A) and (B), the Tribunal carefully examined the basis on which the medal had been created and the circumstances in which it has been awarded. It paid heed to the integrity of the Australian system of honours and awards and the consequential impact any finding or recommendation might have on that system.

8. The Tribunal recommends that there be one change made in the exceptions to the required period of service for a member to qualify for the award. It considers that a discretionary exception should be introduced where a member has been discharged as medically unfit for service due to a non-compensable impairment. The discretion would be exercised by the Chief of the Defence Force (CDF) or his delegate under regulation 4(2) of the *Australian Defence Medal Regulations 2006* in circumstances where a member or former member was discharged as being medically unfit to serve due to a non-compensable injury or disease. The CDF could determine that the period of service of that member or former member, while less than that prescribed under regulations 4(1)(a) to (c), was efficient service for the purposes of the award of the medal because of the particular circumstances of the case. The Tribunal recommends that CDF develop and publish guidelines on the matters relevant to the exercise of this

discretion. These would include the length and quality of the member's service prior to discharge, the nature of the injury or disease leading to discharge, the circumstances in which it was sustained, medical reports, and the recommendation of the member's Commanding Officer.

9. The Tribunal is of the view that none of the other categories of service referred to in its terms of reference should be eligible for the award or should be adopted as exceptions to the existing requirements for the award of the medal.

10. The Tribunal makes no recommendation in regard to Term of Reference (C).

SECTION 3: SUMMARY OF RECOMMENDATIONS

CATEGORY (a): Defence Force personnel, who meet the minimum period of service as prescribed under the Regulation, but the period of service commenced prior to 3 September 1945.

Recommendation: the Tribunal recommends that the Regulations not be changed to include members who fall within category (a).

CATEGORY (b): Mobilised wartime naval reservists, who, in or about 1947, accepted a two year engagement in the Royal Australian Navy and exercised their right to opt for a free discharge after the first 12 months of service.

Recommendation: the Tribunal recommends that the claimant be awarded the ADM. There is no need to change the Regulations to deal with persons within category (b).

CATEGORY (c): Defence Force personnel who were women and who were discharged:

- i. prior to 1969 on grounds of marital status;
- ii. prior to 1974 on grounds of pregnancy.

Recommendation: the Tribunal recommends that no change be made in the Regulations relating to members who fall within category (c).

CATEGORY (d): National Servicemen, who do not meet the minimum period of service as prescribed under the Regulation and who elected to be discharged under the provisions of the *National Service Termination Act 1973*.

Recommendation: the Tribunal recommends that the Regulations not be changed to include members who fall within category (d).

CATEGORY (e): Defence Force personnel who were discharged:

- i. with a non-compensable illness or injury;
- ii. as a result of the application of a discriminatory policy;
- iii. on compassionate grounds.

Recommendation: (i) in respect of category (e) i, the Tribunal recommends that CDF make a determination under regulation 4(2) of the *Australian Defence Medal Regulations 2006* that where a member or former member was discharged as being medically unfit to serve due to a non-compensable injury or disease and the period of service of that member or former member is less than that prescribed under regulations 4(1)(a) to (c), that lesser period may, subject to the individual circumstances, be considered as being efficient service.

(ii) in respect of category (e) ii, the Tribunal recommends that the Regulations not be changed in relation to members who fall within this category.

(iii) in respect of category (e) iii, the Tribunal recommends that the Regulations not be changed to include members who fall within this category.

CATEGORY (f): Defence Force personnel who were discharged from the Citizen Military Forces ('CMF') or Reserve unit:

- i. voluntarily, due to a civilian posting where no reasonable alternative means to continue that service existed (e.g. residence in a remote rural or regional area);
- ii. due to a CMF or Reserve unit having been disbanded and no reasonable alternative means to continue that service existed.

Recommendation: the Tribunal recommends that the Regulations not be changed to include members who fall within category (f).

CATEGORY (g): Defence Force personnel who have performed active service and who were discharged voluntarily before they had four years of service (e.g. Vietnam veterans).

Recommendation: the Tribunal recommends that the Regulations not be changed to include members who fall within category (g).

CATEGORY (h): Members of the British services on exchange duties with Australian Defence services.

Recommendation: the Tribunal recommends that the Regulations not be changed to include members who fall within category (h).

CATEGORY (i): Cadet officers and instructors.

Recommendation: the Tribunal recommends that the Regulations not be changed to include members who fall within category (i).

CATEGORY (j): other categories of persons identified by the Tribunal during the course of this inquiry.

Recommendation: the Tribunal recommends that the Regulations not be changed to include any other categories of members.

OTHER ISSUES ARISING DURING THE INQUIRY

Recommendation: The Tribunal does not support the implementation of war service having a multiplier effect in determining length of service qualification for the ADM.

Recommendation: The Tribunal does not support the award of the ANSM to members of the Regular Defence Forces during the two prescribed periods of National Service between 1951 and 1972.

Recommendation: The Tribunal does not support the implementation of clasps for the ADM.

SECTION 4: REPORT ON THE TRIBUNAL'S INQUIRY AND EXAMINATIONS

ESTABLISHMENT OF INQUIRY AND TERMS OF REFERENCE

1. The Defence Honours and Awards Tribunal was established administratively in July 2008. It inquires into, and in its present role makes recommendations to the Government on, matters referred to it by the Government relating to the granting of honours and awards to serving and former members of the Australian Defence Force (ADF).
2. The Tribunal may consider individual claims to medals that have been refused by the relevant awarding authority. It may also consider issues of principle relating to Defence service honours and awards.
3. On 29 August 2008, the Parliamentary Secretary for Defence Support, The Hon Dr Mike Kelly AM MP, requested the Tribunal to inquire into the eligibility criteria for the award of the Australian Defence Medal (ADM).
4. The Terms of Reference for the inquiry read:

‘The Defence Honours and Awards Tribunal shall inquire into and report on the eligibility criteria for the Australian Defence Medal.

The Australian Defence Medal, instituted by Letters Patent, dated 8 September 2005 and as amended on 20 March 2006 by the *Australian Defence Medal Regulations 2006*, recognises efficient Australian Defence Force (ADF) service since 3 September 1945.

Having regard to the purposes for which the Australian Defence Medal was instituted and the terms of the *Australian Defence Medal Regulations 2006* (‘the Regulation’), the Tribunal is to:

- (A) conduct an inquiry into decisions of the Chief of the Defence Force, or his delegate, concerning the eligibility of ADF personnel, as specified in these terms of reference (‘the specified ADF personnel’), to be or not to be eligible to be awarded an Australian Defence Medal and make findings and recommendations in regard to that review;
- (B) examine any other circumstance, arising since 3 September 1945, where the services of ADF personnel have been, or could be, involuntarily terminated and the eligibility of such personnel to be awarded an Australian Defence Medal;
- (C) examine the powers of the Chief of the Defence Force, to determine whether an ADF person ‘has given qualifying service that is efficient service’ and is therefore eligible to be awarded an Australian Defence Medal;

- (D) report to the Parliamentary Secretary for Defence on its findings in regard to the above and any recommendations that arise from the inquiry.

The specified ADF personnel for the purposes of (a) above are:

- (a) Defence Force personnel, who meet the minimum period of service as prescribed under the Regulation, but the period of service commenced prior to 3 September 1945;
- (b) Mobilised wartime naval reservists, who, in or about 1947, accepted a two year engagement in the Royal Australian Navy and exercised their right to opt for a free discharge after the first 12 months of service;
- (c) Defence Force personnel who were women and who were discharged:
 - i. prior to 1969 on grounds of marital status;
 - ii. prior to 1974 on grounds of pregnancy;
- (d) National Servicemen, who do not meet the minimum period of service as prescribed under the Regulation and who elected to be discharged under the provisions of the National Service Termination Act 1973;
- (e) Defence Force personnel who were discharged:
 - i. with a non-compensable illness or injury;
 - ii. as a result of the application of a discriminatory policy;
 - iii. on compassionate grounds;
- (f) Defence Force personnel who were discharged from the Citizen Military Forces ('CMF') or Reserve unit:
 - i. voluntarily, due to a civilian posting where no reasonable alternative means to continue that service existed (e.g. residence in a remote rural or regional area);
 - ii. due to a CMF or Reserve unit having been disbanded and no reasonable alternative means to continue that service existed;
- (g) Defence Force personnel who have performed active service and who were discharged voluntarily before they had four years of service (e.g. Vietnam veterans);
- (h) Members of the British services on exchange duties with Australian Defence services;
- (i) Cadet officers and instructors; and
- (j) other categories of persons identified by the Tribunal during the course of this inquiry.

The Tribunal is to determine its own procedures, in accordance with the general principles of procedural fairness, when conducting its inquiry as set out in these Terms of Reference.

In making its findings and formulating its recommendations the Tribunal is required to maintain the integrity of the Australian honours system and identify any consequential impact any finding or recommendation may have on that system.'

CONDUCT OF THE INQUIRY

5. The inquiry commenced on 30 August 2008 with advertisements being placed in the major newspapers nationally giving notice of the inquiry and calling for submissions.

6. At about the same time, the Tribunal wrote to key organisations advising of the inquiry and inviting them to make a submission. The Tribunal also wrote to unsuccessful applicants for the ADM who had previously appealed the decision of the Directorate of Honours and Awards, Department of Defence, to advise that the Tribunal would review their applications for the medal ('the appeal cases').

7. On 16 September 2008 the Tribunal met to consider the 46 appeal cases. Following this meeting the Tribunal wrote to all applicants advising of the outcomes of the Tribunal's initial consideration of their appeals, advising that they could provide additional information to the Tribunal in writing or as a witness at a hearing.

8. Submissions to the Tribunal closed on 23 September 2008 but the Tribunal continued to accept submissions up until the end of November 2008.

9. The Tribunal received 77 submissions additional to the appeal cases. The Tribunal met on 22 October 2008 to consider these submissions and representations in the appeal cases that the Tribunal treated as being akin to submissions. Submissions received after the October 2008 hearing were considered at later hearings.

10. The Tribunal held hearings in Canberra and via teleconference between 11 and 13 November 2008 to hear evidence from various witnesses. A total of 11 individuals and organisations made oral submissions to the Tribunal.

11. The Tribunal also met on 16 December 2008 to finalise its deliberations of the material it had received.

12. Appendix 3 details the Tribunal hearings.

ESTABLISHMENT OF THE ADM

Introduction

13. On 26 June 2004, the then Minister Assisting the Minister for Defence ('the Minister Assisting'), the Hon Mal Brough MP, announced that the government would introduce a new service medal, the Australian Defence Medal ('the ADM').¹ The features of the ADM the Minister Assisting explained were to be as follows:

- it would be retrospective to service from the end of World War Two;
- it would be awarded for 6 years service;
- it was a medal for both regular and reserve personnel of the ADF (i.e. volunteers);
- it would not be available to former National Service personnel unless they had completed the requisite 6 years volunteer service after the completion of their National Service.

14. It was said that the impetus behind the ADM was to recognise a shorter period of service by volunteer members of the ADF than that which was required for other awards such as the Defence Long Service Medal (DLSM) and the Defence Force Service Medal (DFSMS) (i.e. 15 years of service). The 6 years service had been selected because:

- this represented an actual commitment to serve (i.e. a period of 2 years service above the general 4 year initial enlistment period for most services); and
- it reflected a length of time that would make it reasonably certain that most people would have completed the requisite training and experience in the Regular or Reserve forces to be considered fully deployable should they be called upon.

15. The ADM was formally established on 8 September 2005, pursuant to Letters Patent, by Her Majesty, Queen Elizabeth the Second. In the Letters Patent, Her Majesty declared the ADM to be governed by the *Australian Defence Medal Regulations 2005* ('the 2005 Regulations'). In the Letters Patent, the purpose of the ADM was described as follows:

'WHEREAS it is desirable that there be instituted an Australian medal for the purpose of according recognition to those persons who have made a significant commitment to the nation through service in the Australian Defence Force since 3 September 1945.'

16. The eligibility criteria for the ADM were set out in regulation 4(1) of the 2005 Regulations. In essence they provided that any member, or former member, of the Defence Force who after 3 September 1945 had 'given qualifying service that is efficient service, otherwise than as a result of being conscripted' for a period of at least 6 years, or periods that totalled 6 years, was eligible for the medal.

¹ See Media Release MINASSIST 031/04, *Medal to Recognise Service in Defence of Australia*, 26 June 2004 Appendix 4

17. There were two categories of exceptions to the above 6 years service eligibility criteria. The first category of exception related to members, who were unable to continue service due to death during service, discharge for a compensable injury, or discharge due to a prevailing discriminatory Defence policy (see regulation 4(1)(c)). Exceptions of this kind had been recognised in respect of some other awards.

18. The other category of exception was contained in regulation 4(2) of the 2005 Regulations which gave the Chief of the Defence Force, or his or her delegate, power to 'determine that a period of the member's qualifying service' was 'efficient service' for the purpose of regulation 4(1).

19. The 2005 Regulations were not Gazetted.

20. Further consideration was given to the eligibility criteria and on 20 March 2006, pursuant to another Letters Patent, Her Majesty revoked the 2005 Regulations and declared that the ADM was to be governed by the *Australian Defence Medal Regulations 2006* ('the 2006 Regulations').²

The 2006 Regulations

21. In line with the Government's decision to change the eligibility criteria for the ADM, regulation 4 of the 2006 Regulations provides as follows:

'4 Award of the Medal

- (1) The Medal may be awarded to a member, or former member, of the Defence Force who after 3 September 1945 has given qualifying service that is efficient service:
 - (a) by completing an initial enlistment period; or
 - (b) for a period of not less than 4 years service; or
 - (c) for periods that total not less than 4 years; or
 - (d) for a period or periods that totals less than 4 years, being service that the member was unable to continue for one or more of the following reasons:
 - (i) the death of the member during service;
 - (ii) the discharge of the member as medically unfit due to a compensable impairment;
 - (iii) the discharge of the member due to a prevailing discriminatory Defence policy, as determined by the Chief of the Defence Force or his or her delegate.'

22. As can be seen, the exceptions to the initial enlistment period or 4 year 'qualifying service' essentially remained the same as in the 2005 Regulations. There was the addition of the words 'as medically unfit' in the exception relating to a person being discharged due to a compensable injury. This addition was presumably included to provide greater clarity as to applicability of this exemption.

² These Letters Patent and Regulations were gazetted on 30 March 2006 (see Commonwealth of Australia Gazette No. S 48, Thursday, 30 March 2006). A copy of the Letters Patent and Regulations is at Appendix 5

23. The third exception has been used to award the ADM to Servicewomen who were discharged from the Service on marriage or because of pregnancy in accordance with the policy of the time. It would also apply to members who were discharged on the basis of homosexuality. However, the Tribunal received no submissions or appeals relating to this discriminatory policy.

Determinations by the Chief of the Defence Force

24. After the enactment of the 2006 Regulations some uncertainty remained in regard to the eligibility for the medal for National Servicemen who had been called up after June 1971 but who did not complete their required service under the *National Service Act 1951*. Many of these Servicemen had elected to discontinue their National Service following the 5 December 1972 announcement of the newly elected Whitlam Labor Government that National Servicemen could choose to leave or to serve in another capacity.³

25. Following legal advice, on 23 April 2007 CDF made a determination under regulation 4(2) of the 2006 Regulations as to the 'qualifying service as efficient service' of National Servicemen for the award of the ADM⁴. That determination was in the following terms:

'... [to] designate not less than a minimum period of 18 months full-time national service, or five years part-time national service, commencing on or after 4 June 1971, as efficient service for the award of a medal to members or former members of the Defence Force who qualify for the award of the medal under section 4 of the regulations.'

26. The effect of this determination was that those National Servicemen who had commenced service after 4 June 1971 would not be eligible for the ADM.

27. On 4 September 2007, CDF made a further determination under regulation 4(2) of the 2006 Regulations. This determination was made following the introduction of the Australian Defence Force Gap Year Scheme. This scheme was introduced so as to improve the recruitment and retention of personnel within the ADF. It offers young adults, who have completed Year 12, the opportunity to experience a year of paid military training with no further obligation to serve.

28. The effect of the determination of the Chief of the Defence Force in regard to the Gap Year Scheme is that those who participate in the scheme are not eligible for the ADM unless they re-enlist in the ADF after the 12 month Gap Year and then complete their re-enlistment period of 4 years full-time or part-time service.

THE INTENT OF THE ADM

29. From the foregoing outline of the history of the ADM, the Tribunal has drawn the following conclusions as to the purpose underlying the creation of the ADM.

³ Prime Minister's press conference, Canberra, 5 December 1972. Transcript printed in *Sydney Morning Herald* on 6 December 1972. An extract is at Appendix 6

⁴ A copy of the Determination is at Appendix 7

30. Although the Regulations that govern the award of the ADM were changed in 2006, the purpose of the medal has remained the same, namely to recognise those Servicemen and women who have made a 'significant commitment to the nation through service' in the ADF since 3 September 1945. It is a service medal and Government intended a 'significant commitment' to be that which is reflected in the eligibility criteria, namely:

- completion of an initial enlistment period, or
- completion of a period of 4 years service, or
- in the case of National Servicemen, who commenced service prior to 4 June 1971, completion of their required Service obligation.

31. As the medal was intended to be prospective, and not only retrospective, these periods were seen as being reflective of service in the ADF during modern times. The above periods of service are waived if the Serviceman or woman:

- died during his or her service;
- was discharged due to a compensable injury; or
- was discharged due to a prevailing discriminatory Defence policy.

32. This waiver applies regardless of how long the Serviceman or woman has served. It could be as short as a day. The Tribunal has applied these assumptions in its consideration of the Terms of Reference for its inquiry.

APPEAL CASES

33. Although perhaps not technically falling within the Tribunal's Terms of Reference, the Tribunal considered the claims to the ADM of those persons who had lodged appeals before the commencement of the Tribunal's inquiry with the Directorate of Honours and Awards, Department of Defence against the refusal to award the medal. As noted previously, there were 46 such cases. The Tribunal sought further information in relation to these individual appeals from the applicants and, where it considered it to be appropriate, from the Department.

34. The Tribunal found that in two instances the applicants appeared to be qualified to receive the ADM. It referred these cases to the Directorate of Honours and Awards for further consideration. In the other appeal cases, the Tribunal was satisfied that the applicants do not qualify for the ADM in terms of the present Regulations. However, if the change to the Regulations that is recommended below was to be adopted, there would be a small number of applicants who may further qualify.

35. For the purposes of its inquiry, the Tribunal treated the cases that had been made by applicants in support of their claim for the award of the ADM as submissions that the requirements for the award of the medal should be changed.

ELIGIBILITY CRITERIA

36. The Tribunal took as its starting point the assumptions set out above as providing guidance as to the principles underlying the creation of the ADM.

37. It received a number of submissions suggesting that the medal should be abandoned as not being appropriate to the integrity of the Australian honours and awards system. Another submission suggested that the qualifying period for the medal should be reduced to one year of service.

38. The Tribunal does not consider that the ADM should be abandoned. The adoption of the medal was given extensive consideration at the highest levels of Government and a very large number of the medals have already been issued. However, it did take these expressions of opinion into account in considering whether to recommend the widening of the eligibility for the medal.

39. Having regard to the reasons that supported the creation of the ADM, the Tribunal does not consider that there should be any major change to the basic qualification for eligibility for the award. The principle that there be a 'significant commitment to the nation through service' to justify an award requires a period of service that demonstrates that commitment. The Tribunal considers that the present requirement of completion of the enlistment period or not less than four years service represents an appropriate minimum qualification period and should not be reduced.

40. For the same reasons that it does not think that the ADM should be abolished, the Tribunal does not consider it to be appropriate for the period of qualifying service to be extended.

41. Accordingly, the Tribunal saw its principal task as being to consider whether there should be any changes in the categories of persons who qualify for the award or in the circumstances in which service for less than the qualifying period might be accepted as sufficient to justify an award of the medal. The Tribunal was conscious of the fact that, whenever a specific period of time conditions an award, there will be persons who will fall short of qualifying by very small periods.

42. However, this is an inevitable result of any decision having regard to fixed timelines. It is not in itself an objection to adopting a specific period. What it does invite is consideration of the question whether exceptions should be provided to the fixed rule in the interests of equity and fairness provided that they do not otherwise devalue the integrity of the medal.

43. Regulation 4 of the ADM Regulations 2006 sets out exceptions to the period of service requirement. What was put to the Tribunal was that these exceptions do not go far enough. This was said to be particularly the case where the serviceman or woman had been discharged for an injury that is not a compensable injury or where discharge had occurred on compassionate grounds. However, all the categories of specified ADF personnel referred to in the Terms of Reference raised the broad issue whether the purpose of the ADM would be served by making the award eligible to those persons.

44. The Tribunal then considered Terms of Reference (A) and (B) having regard to these categories.

**TERM OF REFERENCE (A):
INQUIRY INTO DECISIONS OF THE CHIEF OF THE DEFENCE FORCE
(OR DELEGATE) CONCERNING THE ELIGIBILITY OF SPECIFIED
AUSTRALIAN DEFENCE FORCE PERSONNEL FOR THE AUSTRALIAN
DEFENCE MEDAL**

45. As mentioned in Section 1 of this report, paragraph 4(a) of the terms of reference required the Tribunal to conduct an inquiry into decisions of the Chief of the Defence Force, or his delegate, concerning the eligibility of ADF personnel, as specified in these terms of reference ('the specified ADF personnel'), to be or not to be eligible to be awarded an ADM and make findings and recommendations in regard to that review.

Category (a): Defence Force personnel, who meet the minimum period of service as prescribed under the Regulation, but the period of service commenced prior to 3 September 1945.

46. The Tribunal considered 12 appeal cases from claimants who had served during World War II and who continued to serve after 3 September 1945 for periods of from several months to one year or more.

47. It was submitted in these cases that the ADM should be extended to include members who served in the ADF in World War II and thereafter. It was asserted that such members had been instrumental in the defence of Australia and that their contribution deserved to be recognised as much as those who were members of the ADF after World War II.

48. In the Tribunal's view, eligibility for the ADM should not be extended to include World War II personnel. The ADM is intended to recognise service after World War II. The Tribunal does not doubt that many servicemen and women served Australia honourably and bravely prior that time. However, that service has been recognised by the granting of other medals and the ADM has been specifically created to honour a different period of service.

49. Representations were made to the Tribunal that members who had served in the ADF during World War II and whose service continued after 3 September 1945 should be able to add together their periods of service to meet the minimum requirement for the award of the ADM. The Tribunal does not accept this for the following reasons:

- a. The intent of the award of the ADM is to recognise post-World War II service;
- b. Members who wished to continue their service post-World War II could have sought to re-enlist when their period of service concluded;
- c. Members who served in and immediately after World War II have their service already recognised by a number of other awards;

- d. There was no general support in submissions for a change to the Regulations to make persons in this category eligible for the award of the ADM.

Tribunal Recommendation

50. The Tribunal recommends that the Regulations not be changed to include members who fall within category (a).

Category (b): Mobilised wartime naval reservists who, in or about 1947, accepted a two year engagement in the Royal Australian Navy and exercised their right to opt for a free discharge after the first 12 months of service.

51. The Tribunal considered one appeal case in this category.

52. The claimant was a mobilised wartime naval reservist who said that in 1947 he accepted an offer of a two year re-engagement in the Royal Australian Navy with the right to opt for a free discharge after the first 12 months of service.

53. The claimant asserted that Naval Reservists who enlisted in or about 1947 were told at the time of their enlistment that, while the enlistment period was two years, they could elect a free discharge after serving for 12 months. Examples were provided of members who enlisted in this period and who were discharged at their own request before the two year period had expired. The claim was made that for these members the 'enlistment period' as referred to in the ADM regulations should be regarded as being two years or one year at the election of the member.

54. The Tribunal sighted a Department of the Navy Minute⁵ dated 17 March 1946 concerning Interim Force recruitment. The minute described the existing policy in regard to naval recruitment as follows:

'T.X.[time expired] ratings, H.O. [hostilities only] and Reserve ratings still serving are invited to engage for 2 years, but are informed that free discharge will be granted after 1 year if desired.'

55. The Tribunal also considered the minutes of the Post-War Reconstruction Committee dated 28 March 1946⁶ which confirmed the policy set out above.

56. In the light of this, it would appear that members who fall into this category have satisfied their initial enlistment period and are therefore qualified to receive the ADM.

57. Accordingly the Tribunal found that the claimant was discharged after serving his initial period of enlistment. This being so, the claimant and others in a similar

⁵ National Archives of Australia: Department of the Navy file MP150/1, 582/201/1843, Naval Interim Force - Period of Engagement; untitled minute from Naval Assistant to Second Naval Member to the Inspector of Naval Recruiting, Controller of Naval Demobilisation and Second Naval Member, 17 March 1946

⁶ National Archives of Australia: Department of the Navy file MP151/1, 835/201/206, Re-establishment of Interim and Occupational Forces; minutes of the Central Re-Establishment Committee, Ministry of Post-War Reconstruction, 28 March 1946

position would appear to qualify for the ADM in accordance with the Regulations as presently drafted.

Tribunal Recommendation

58. The Tribunal recommends that the claimant be awarded the ADM. There is no need to change the Regulations to deal with persons within category (b).

Category (c) i: Defence Force personnel who were women and who were discharged prior to 1969 on grounds of marital status

59. The Tribunal did not receive any appeal cases in this category.

60. This category of persons falls within existing ADM Regulations regulation 4(d)(iii) as members who were discharged due to a discriminatory Defence policy. No submissions were received by the Tribunal suggesting that this category should be changed.

61. There were suggestions made that some women served for only a brief period before being discharged on marriage and that this created an anomaly with males who had to serve for their full enlistment period to qualify for the medal. These comments overlook the fact that the women involved had no choice in being able to continue in the Service. It was the gender discriminatory policy in force at the time that terminated their ability to meet the requirements for the award of the ADM.

62. The Tribunal also received some appeals from servicewomen who claimed that, even after the revocation of the policy preventing the employment of married women, there was a de facto policy of discouraging women from continuing in the ADF once they had married. As a result, they resigned before completing the requisite period of service to qualify for the ADM. The servicewomen who made this assertion did not provide any material which supported the views they expressed and the Tribunal was unable to find the existence of any ongoing official policy. In the cases presented to the Tribunal it appeared that the servicewomen's decision to resign was influenced as much by other factors as by any desire on the part of the ADF for them not to continue serving.

63. Accordingly, the Tribunal was not presented with any material that would justify its recommending a change in the Regulations.

Tribunal Recommendation

64. The Tribunal recommends that the Regulations not be changed to include members who fall within category (c) i.

Category (c) ii: Defence Force personnel who were women and who were discharged prior to 1974 on grounds of pregnancy.

65. The Tribunal did not receive any appeal cases in this category.

66. The same comments apply as in relation to Category (c) i. The Tribunal received no submissions or comments in relation to this category.

Tribunal Recommendation

67. The Tribunal recommends that the Regulations not be changed to include members who fall within category (c) ii.

Category (d): National Servicemen, who do not meet the minimum period of service as prescribed under the Regulation and who elected to be discharged under the provisions of the National Service Termination Act 1973.

68. The Tribunal considered five appeal cases in this category.

69. Young men (but not women) were required to undertake a period of National Service during two periods in the 1950s through to the 1970s. In the first period which ran from 1951 to 1959, all men aged 18 years and over were required to undertake 90 days full time training in the Army followed by five years of part time service in the Army Reserve. Alternatively, persons could undertake 154 or 170 days in the Navy or Air Force respectively.

70. In the period from 1965 to 1972, the obligation was for all men aged 20 or over to register for National Service. A ballot was then held to select those who were obliged to undertake a period of National Service which could include service overseas. The period was initially set at two years full time service and three years part time service but this was subsequently changed to 18 months full time service and three-and-a-half years part time service on 5 October 1971. Alternatively a member could serve for five years in the Citizens Military Forces (CMF).

71. On 5 December 1972 the newly elected Labor Government announced that National Servicemen could choose to leave if they wished. It is apparent from the material before the Tribunal that there then followed a period of some uncertainty and disorganisation in the management of National Servicemen. Some members continued to report for duty while others were sent away or did not report for duty.

72. The Tribunal was provided with a copy of the form that was eventually presented to National Servicemen in order to regularise their position. This gave the Serviceman three choices: to serve the uncompleted portion of his National Service obligation; to change category to the Reserve; or to apply for two years leave without pay on grounds of exceptional hardship and seek the earliest possible discharge.

73. The *National Service Act 1951* had not been amended at this time to relieve members of their National Service obligation. The third option was an administrative device intended to achieve the Government's policy objective by taking advantage of a power in section 35B(5A) of the *National Service Act 1951*. The whole procedure for the early discharge of National Servicemen was validated by the *National Service Termination Act 1973* which came into force on 21 June 1973.

74. As noted above, it was possible for a National Serviceman to elect to complete his initial period of service. The Tribunal was informed that of the approximately

11,800 National Servicemen serving in December 1972, 3,690 elected to complete their term of service.

75. As noted previously, on 4 September 2007 the Chief of the Defence Force made a determination under regulation 4(2) of the 2006 Regulations as to the 'qualifying service as efficient service' of National Servicemen for the award of the ADM. That determination was in the following terms:

'... [to] designate not less than a minimum period of 18 months full-time national service, or five years part-time national service, commencing on or after 4 June 1971, as efficient service for the award of a medal to members or former members of the Defence Force who qualify for the award of the medal under section 4 of the regulations.'

76. The effect of this determination is that those National Servicemen who had commenced service after 4 June 1971 and who did not complete 18 months service are not eligible for the ADM. This prevents those National Servicemen who elected for the third option on the form referred to above from qualifying for the ADM.

77. However, it should be mentioned in this context that all National Servicemen, including those who elected for early discharge, are eligible for the award of the *Anniversary of National Service 1951-1972 Medal* (ANSM) regardless of their period of service.

78. Some of the five appeal cases of former National Servicemen considered by the Tribunal included extensive submissions. The Tribunal also received a number of very detailed submissions from organisations and individuals. Many of the submissions argued that members whose National Service obligation was terminated by the Government in 1972 had fulfilled their service obligation and should be eligible for the ADM. It is claimed that they had no real choice in the matter and that their discharge on exceptional hardship grounds was not with their consent but was the ADF's selection of a ground for discharge. It is claimed that the reality of the situation was that their services were no longer needed by the ADF and that the discharge on exceptional hardship grounds was merely a device to remove them from the ADF.

79. The Tribunal is not persuaded that there should be any change made to the requirement that National Servicemen should have completed 18 months service to be eligible for the award of the ADM.

80. The Tribunal considers that a number of factors point against changing the time specified in CDF's Determination:

- a. The intent of the award of the ADM is to recognise commitment and service. The length of time that a person has served is relevant to this;
- b. In taking an option for a free discharge, albeit on somewhat contrived grounds, National Servicemen were making a personal preference. It would have been possible for them to continue in the ADF until they had completed their enlistment period and a significant proportion of them did so;

- c. The term 'exceptional hardship' was an expedient to permit quick discharge from National Service, not a compassionate or personal circumstance condition;
- d. National Servicemen already have their service recognised with the award of the ANSM; and
- e. While there was support for the extension of the persons qualified to receive the award from some former National Servicemen, there was strong opposition to this occurring from many other serving and former members of the ADF.

81. In the Tribunal's view, having regard to the basis for the award of the ADM, the integrity of the honours and awards system would not be served by extending eligibility for the ADM to National Servicemen who did not complete at least 18 months service.

Tribunal Recommendation

82. The Tribunal recommends that the Regulations and the Determination made under the Regulations not be changed to include members who fall within category (d).

Category (e) i: Defence Force personnel who were discharged with a non-compensable illness or injury.

83. The Tribunal considered 12 appeal cases in this category.

84. The material furnished to the Tribunal relating to the establishment of the ADM indicates that considerable attention was paid to the question whether there should be an exception from the time qualification for the award of the medal in the case of members who were unable to meet the requirement because of injury or illness leading to discharge. It was ultimately decided that the exception should be limited to members whose injury was compensable.

85. By contrast, the exception to the failure of a member to complete the prescribed period of service because of the death of the member during service (reg 4)(1)(d)(i)) has not been limited to the death of the member in service related circumstances.

86. The result of this is that if a serviceman or woman is killed in a car accident while off base, he or she is entitled to be awarded the ADM even though the required period of service may not have been met. However, if the member is ill or injured in such a way that they are discharged as medically unfit, they are not eligible for the award of the medal.

87. The Regulations do not define the terms 'efficient service', 'death of a member during service', or 'medically unfit due to a compensable impairment.' In regard to the latter, since the end of World War II there have been numerous

legislative provisions that provided compensation for the families of servicemen or women who died during the course of their service or those servicemen or women who are discharged as medically unfit due to a disease or injury that arose during the course of that member's defence service.⁷

88. The *Military Rehabilitation and Compensation Act 2004* makes provision for compensation in regard to a 'service injury', 'service disease' and 'service death'. These terms are defined in Chapter 1, Part 3, of that Act (i.e. sections 27 to 30). The essence of these definitions is that the 'service injury', 'service disease' or 'service death' must have resulted from an 'an occurrence that happened while the person was a member rendering defence service' or 'arose out of, or was attributable to, any defence service rendered by the person while a member' for a person to be eligible for compensation. Chapter 4, Part 3 of the Act deals with compensation for incapacity for service or work by members of the ADF.

89. In administering applications for the ADM, which are made on the basis of the applicant having been discharged as medically unfit for service due to a compensable illness or injury, the Directorate of Honours and Awards requires the applicant to provide some documentation that establishes that the applicant was discharged as medically unfit and that the applicant is receiving or has received compensation pursuant to a relevant defence service legislative compensation scheme. In regard to those who have died while a member of the ADF, the policy of the Directorate of Honours and Awards is to award that person the medal regardless of the circumstances which gave rise to that person's death.

90. The Tribunal received a large number of submissions that argued that a serviceman or woman who is discharged on medical grounds, whether or not the illness or injury resulting in the discharge is compensable, should be eligible for the ADM. It was said that in such cases the member was prevented from meeting their service obligation by reasons beyond their control. They did not elect to terminate their service.

91. Examples before the Tribunal covered the spectrum of members who were injured shortly before completing their period of service to others whose disabling injury or illness became apparent only days after commencing service.

92. The Tribunal considered whether discharge because of a non-compensable injury as an exception to the period of service requirement should be time related: either by a period, eg, six months, or by having regard to the nature of the member's service training, eg, on completion of basic training. The problem with this approach was seen to be that it reintroduced arbitrary cut off points that were likely to provoke the kind of representations that are presently made in relation to the current time periods. There are also differences in Service practices that make the determination of an appropriate uniform cut off date difficult to identify.

93. In its submission to the Tribunal, Defence said that it was 'sympathetic to those members who were discharged, without compensation, due to illness or injury

⁷ See *Repatriation Act 1920*, *Commonwealth Employees Compensation Act 1930*, *Compensation (Commonwealth Government Employees) Act 1971*, *Defence Force Retirement and Death Benefits Act 1973*, *Veterans Entitlement Act 1986*, *Safety Rehabilitation and Compensation Act 1988*, *Military Superannuation and Benefits Act 1991* and *Military Compensation and Rehabilitation Act 2004*.

that was not service-related and would like to have the capacity to review these on a case-by-case basis’.

94. The Tribunal noted that the Regulations are at present prescriptive of the circumstances in which the ADM may be awarded. There is no discretion to except a person from strict compliance with the specified requirements.

95. The Tribunal considered that, having regard to:

- a. The intent of the award of the ADM;
- b. The requirement to demonstrate a commitment to serve;
- c. That generally, the cause of discharge on medical grounds was beyond the member’s control; and
- d. There was broad support for change to the Regulations in submissions considered;

it is appropriate to reconsider the position of members who have been discharged because of a non-compensable illness or injury.

96. The Tribunal considers that there are two possible approaches that can be taken.

97. First, if it is desired to maintain the present position whereby the conditions for the award of the ADM are prescriptive, regulation 4(1)(d)(ii) could be amended by omitting the words ‘due to a compensable impairment’. This would have the effect that any member who is discharged as medically unfit would qualify for the medal. It would not matter for how long the member had served.

98. However, the Tribunal considered that this should be qualified to the extent that a member should not be eligible if the injury that led to his or her discharge was self-inflicted or arose in the course of criminal activities.

99. Second, if it were considered that the better approach was to review claims on a case-by-case basis, CDF could make a declaration under regulation 4(2) of the Regulations to the effect that where a member or former member was discharged as being medically unfit to serve due to a non-compensable injury or disease and the period of service of that member or former member is less than that prescribed under regulations 4(1)(a) to (c), that lesser period may, subject to the individual circumstances, be considered as being efficient service.

100. This discretion could then be made subject to specific guidelines of what factors are to be taken into account. These would include the length and quality of the member’s service prior to discharge, the nature of the injury or disease leading to discharge, the circumstances in which it was sustained, medical reports, and the recommendation of the member’s Commanding Officer.

101. This would mean that not everyone will qualify. It will be a matter of considering all the relevant circumstances and coming to a decision in the light of those circumstances having regard to the purpose of the ADM.

102. An unsuccessful applicant would have a right to appeal against an adverse decision of CDF (or his delegate) to the Tribunal which would then also weigh all the circumstances against the guidelines.

Tribunal Recommendation

103. The Tribunal recommends that CDF make a determination under regulation 4(2) of the *Australian Defence Medal Regulations 2006* that where a member or former member was discharged as being medically unfit to serve due to a non-compensable injury or disease and the period of service of that member or former member is less than that prescribed under regulations 4(1)(a) to (c), that lesser period may, subject to the individual circumstances, be considered as being efficient service.

Category (e) ii: Defence Force personnel who were discharged as a result of the application of a discriminatory policy.

104. The Tribunal considered ten appeal cases in this category.

105. Regulation 4(1)(d)(iii) presently provides an exception from the requirement to serve for the periods set out in the regulation for members who were discharged due to a prevailing discriminatory Defence policy as determined by CDF.

106. The claimants submitted that they had no choice but to discharge early due to an actual or implied discriminatory policy.

107. In some cases the Tribunal found claimants had perceived a discriminatory policy was applied to them when in fact there was no discriminatory policy in place. The action was taken as part of the general administration of the ADF.

108. In some cases termination due to workforce restructuring was perceived as being 'discriminatory'. The Tribunal does not regard it as such. No discrimination directed to particular members occurred.

109. Apart from these claimants, the Tribunal received no other submissions relating to this category other than those referred to in category (c), above. The exception in regulation 4(1)(d)(iii) would also apply to those who were discharged on the basis of homosexuality. However the Tribunal received no submissions or appeals relating to this discriminatory policy.

110. While the Tribunal has not been apprised of any current concerns relating to discharge due to a discriminatory policy, it considers that it is appropriate to maintain the exception to the requirements of regulation 4. It is open ended and can therefore cover any discrimination that arises in the future.

Tribunal Recommendation

111. The Tribunal recommends that the Regulations not be changed in relation to members who fall within category (e) ii.

Category (e) iii: Defence Force personnel who were discharged on compassionate grounds.

112. The Tribunal considered five appeal cases in this category.

113. Many of these appeal cases presented sad stories of members who had to conclude their service against their own wishes because of the need to provide assistance to their families. In some cases they were very near the end of their enlistment period. However, in all cases, the discharge was at the member's request.

114. In its assessment of the submissions, the Tribunal took the following matters into consideration:

- a. The intent of the award of the ADM;
- b. The requirement to demonstrate a commitment to serve;
- c. That generally, the cause of discharge was within the member's control, albeit in difficult personal circumstances;
- d. The difficulty in maintaining fairness, equity and consistent treatment of cases; and
- e. The fact that the ADF is now more flexible with regard to handling personnel with compassionate circumstances. This may avoid discharge prior to completion of the required length of service for the award.

115. The Tribunal was not persuaded on the material before it that there should be a change in the Regulations to the requirement of completion of a member's enlistment period to qualify for the ADM by providing a blanket exception of discharge on compassionate grounds.

Tribunal Recommendation

116. The Tribunal recommends that the Regulations not be changed to include members who fall within category (e) iii.

Category (f) i: Defence Force personnel who were discharged from the Citizen Military Forces (CMF) or Reserve unit voluntarily, due to a civilian posting where no reasonable alternative means to continue that service existed (e.g. residence in a remote rural or regional area).

117. The Tribunal considered seven appeal cases in this category.

118. The claimants asserted that they were willing to continue their commitment to the Reserve Forces but circumstances beyond their control prevented this occurring. Movement to a place where there was no available unit with which to continue training was one such circumstance.

119. The Tribunal understands that this might have caused frustration and disappointment to the member affected, but it must be borne in mind that the purpose of the ADM is to reward service as well as commitment. The fact that a person would be willing and able to serve if there were an appropriate unit available does not overcome the basic fact that service has not been provided. The ADF is not under an obligation to make training units available wherever a person wishes to provide service.

120. Against this background, the Tribunal in its assessment of the appeal cases and submissions took the following matters into consideration:

- a. The intent of the award of the ADM;
- b. The requirement to demonstrate a commitment to serve; and
- c. That generally, the cause of discharge was a member's personal preference. The Reserves of all three Services have always offered great flexibility in employment conditions with regard to location of training bases and depots, the number of training days to be performed and the length of time a member can perform their Reserve service.

121. The Tribunal did not consider that the submissions presented to the Tribunal justified a change to the Regulations.

Tribunal Recommendation

122. The Tribunal recommends that the Regulations not be changed to include members who fall within category (f) i.

Category (f) ii: Defence Force personnel who were discharged from the Citizen Military Forces (CMF) or Reserve unit due to a CMF or Reserve unit having been disbanded and no reasonable alternative means to continue that service existed.

123. The Tribunal considered two appeal cases in this category.

124. On examining these cases, the Tribunal found that there were alternatives and that the claimants had left as a result of their own choice. Otherwise the same comments apply as are set out above in regard to Category (f)i.

Tribunal Recommendation

125. The Tribunal recommends that the Regulations not be changed to include members who fall within category (f) ii.

Category (g): Defence Force personnel who have performed active service and who were discharged voluntarily before they had four years of service (e.g. Vietnam veterans).

126. The Tribunal considered two appeal cases in this category.

127. This category of persons includes some members who fell within other categories referred to above. Our comments and recommendations relating to those categories are applicable to many of the cases brought to our attention under this category.

128. It was put to the Tribunal that, by comparison with the service provided by some other categories of members who can qualify for the ADM, the contribution of members who see active service is much greater and more worthy of recognition. It was suggested that there might be a multiplier adopted whereby active service counted at a higher rate than other service towards the requisite period of service. The Tribunal deals with this suggestion below in paragraphs 151 – 153.

129. In its assessment of the submissions, the Tribunal took the following matters into consideration:

- a. The intent of the award of the ADM;
- b. The requirement to demonstrate a commitment to serve;
- c. That generally, the cause of discharge was a member's personal preference; and
- d. Active service is already recognised by a number of other awards and the Returned from Active Service Badge.

130. While conscious of the fact that members who have seen war service have made a substantial contribution to the ADF, the Tribunal is not persuaded that such service should be singled out for special treatment. It considers that to do so has implications beyond the ADM that go to the integrity of the honours system.

Tribunal Recommendation

131. The Tribunal recommends that the Regulations not be changed to include members who fall within category (g).

Category (h): Members of the British services on exchange duties with the Australian defence services.

132. The Tribunal considered three appeal cases in this category.

133. There have been periods when British servicemen have made a major contribution to the ADF through their unit being based in Australia, secondments to Australian units or by way of exchanges with Australian servicemen and women. Notable among these were the basing of the Royal Navy's 4th Submarine Squadron in Australia, for anti-submarine training purposes, between 1949 and the late 1960s; and the period in the 1950s and 1960s when atomic testing took place in Australia.

134. Despite this valuable service to the ADF, the point remains that these personnel remained members of the British services. They were not members of the ADF.

135. In its assessment of the appeal cases and other submissions it received, the Tribunal took the following matters into account:

- a. The intent of the award of the ADM to be for Australian Defence Force members only;
- b. That the British servicemen and women have access to Imperial awards; and
- c. Apart from the submissions from the persons seeking an award of the ADM, there was no support for change given in submissions considered and some opposition to the proposal.

136. The Tribunal was not persuaded by the submissions that there should be any change in the present rule limiting the ADM to service in the ADF.

Tribunal Recommendation

137. The Tribunal recommends that the Regulations not be changed to include persons who fall within category (h).

Category (i): Cadet officers and instructors.

138. The Tribunal received a number of submissions but no case could be made out for award of the ADM to Cadet officers and instructors as they are not members of the ADF nor are they subject to the *Defence Force Discipline Act 1982*.

139. The Tribunal deferred consideration of the question whether there should be an award equivalent to the ADM for Cadet officers and instructors.

Tribunal Recommendation

140. The Tribunal recommends that the Regulations not be changed to include persons who fall within category (i).

Category (j): Other categories of persons identified by the Tribunal during the course of this inquiry.

141. The Tribunal received submissions from individuals who submitted that other categories of personnel should be eligible for the ADM. The categories were:

- a. the volunteer crew members of Qantas chartered flights that carried Defence personnel in and out of Saigon during the Vietnam War;
- b. civilian employees of the Defence Intelligence community who worked on peace time operations;
- c. members of the Reserve who did not serve but were standing by ready to serve;
- d. British service personnel not on exchange, who served at RAAF Edinburgh and at the atomic sites Emu Field, Monte Bello and Maralinga;
- e. Merchant Navy officers who served on HMAS *Jeparit* during the Vietnam conflict; and
- f. Dutch servicemen who served in Australia during World War II and who never returned and made Australia their home.

142. The Tribunal does not consider that eligibility for the ADM should be extended to the abovementioned individuals as the medal is intended to honour service by Australian servicemen and women who served with the Australian Defence Force.

Tribunal recommendation

143. The Tribunal recommends no further change be made to include other categories of persons as being eligible for the medal.

TERM OF REFERENCE (B): EXAMINATION OF OTHER CIRCUMSTANCES WHERE ADF PERSONNEL HAVE BEEN INVOLUNTARILY TERMINATED

144. Paragraph (B) of the terms of reference required the Tribunal to examine any other circumstance, arising since 3 September 1945, where the services of ADF personnel have been, or could be, involuntarily terminated and the eligibility of such personnel to be awarded an ADM.

145. The issues raised by this Term of Reference have been dealt with under category (j) of the specified Defence personnel considered in relation to Term of Reference (A). The Tribunal is not aware of any other circumstances in which a person should be awarded an ADM. Accordingly, no recommendations are made under this Term of Reference.

**TERM OF REFERENCE (C):
EXAMINATION OF THE POWERS OF THE CDF TO DETERMINE
WHETHER AN ADF PERSON HAS GIVEN QUALIFYING SERVICE THAT
IS EFFICIENT SERVICE**

146. The power to determine that a member of the ADF has given qualifying service that is efficient service is vested in the Chief of the Defence Force by regulation 4(2) of the ADM Regulations 2006 which reads:

- (2) For subregulation (1), the Chief of the Defence Force or his or her delegate may determine that a period of the member's qualifying service is efficient service.

147. Paragraph (C) of the terms of reference required the Tribunal to examine the powers of CDF under this regulation.

148. As is noted above at paragraphs 24-28, this power has been used to make determinations relating to the qualifying service of National Servicemen and Gap Year Scheme personnel. This action was taken on the basis of legal advice relating to the scope of the power given by regulation 4(2) provided to Defence. A copy of the advice was provided in confidence to the Tribunal.

149. The Tribunal received no submissions raising questions as to the power given by regulation 4(2).

150. In the light of the legal advice and in the absence of submissions, the Tribunal does not make any recommendations in relation to this Term of Reference.

OTHER ISSUES

War Service as a multiplier

151. The Tribunal was asked by Defence to consider the concept of active (or warlike) service having a multiplier effect for calculation of length of service for awards such as the ADM. During World War II, a two or three times multiplier was applied such that a member on active (or warlike) service accrued time at a double or triple rate for the award of some Imperial long service medals. This concept was proposed by some members seeking to gain an ADM under TOR (g) - Defence Force personnel who have performed active service and who were discharged voluntarily before they had four years of service (e.g. Vietnam veterans).

152. In respect of this concept, the Tribunal took the following matters into consideration:

- a. The intent of the award of the ADM to be for a length of service and commitment;
- b. Active service is already recognised by a number of other awards and the Returned from Active Service Badge;
- c. There would need to be a flow-on effect to other awards such as the DLSM and DFSM if the proposal were adopted in respect of the ADM;
- d. The idea was generally opposed in other submissions; and
- e. The Tribunal formed the opinion that the suggested change to the basis for calculation of service would be divisive. Many members do not get the opportunity to deploy on active service through no fault of their own, yet remain committed to serve.

Tribunal Recommendation

153. The Tribunal does not support the implementation of war service having a multiplier effect in determining length of service qualification for the ADM.

The Award of the Anniversary of National Service 1951-1972 Medal for Members of the Regular Forces

154. The Tribunal was asked to consider the award of the Anniversary of National Service 1951-1972 Medal (ANSM) to members of the Regular Forces during the two prescribed periods of National Service between 1951 and 1972. The proposal was based upon perceived inequities between National Service personnel who receive two medals (ANSM and ADM) after only 18 months service and Regular Defence Force members who, after serving four years, are entitled to only the ADM.

155. In respect of the award of the ANSM to members of the Regular Forces during the two prescribed periods of National Service, the Tribunal took the following matters into consideration:

- a. The intent of the award of the ANSM to be a commemorative medal for National Service personnel and members of the CMF who were deemed by the *National Service Act* to have completed their National Service obligations; and
- b. That the *National Service Act* drew a distinction between registration and service. Registration was compulsory for the prescribed category of male citizens but service was not. Members of the Regular Forces did not have to register for National Service. There was accordingly no question of their undertaking service. The *National Service Act* does not equate Regular Force Service with National Service.

Tribunal Recommendation

156. The Tribunal does not support the award of the ANSM to members of the Regular Defence Forces during the two prescribed periods of National Service between 1951 and 1972.

Clasps

157. The Tribunal considered two submissions which recommended the use of clasps on the ADM to identify the reason for the award or to highlight personal circumstances (such as injured, active service etc). Other submissions and witnesses were strongly opposed to the idea.

158. The Tribunal took the following matters into consideration:

- a. The intent of the award of the ADM to be for Australian Defence Force members without discrimination; and
- b. The idea of clasps to the ADM was only raised in two of the submissions and was otherwise strongly opposed.

159. The Tribunal formed the opinion that clasps would be divisive and not in the spirit of the intent of the award.

Tribunal Recommendation

160. The Tribunal does not support the implementation of clasps for the ADM.

SECTION 5: APPENDICES

Appendix 1 - Appeal Cases

The Tribunal considered the following appeal cases:

(Note: names have not been released due to privacy considerations)

Some of the people considered by the Tribunal as appeal cases also provided additional, separate submissions.

Appendix 2 - Submissions

The Tribunal received submissions from the following people and organisations:

(Note: names have not been released as submissions were received in confidence)

Multiple submissions were received from some people.

Appendix 3 - Tribunal Hearings

16 September 2008

Chair: Professor Dennis Pearce

Members: Sigrid Higgins, AIRCDRE Mark Lax (Retd) and WO1 Kevin Woods

22 October 2008

Chair: Professor Dennis Pearce

Members: Sigrid Higgins, AIRCDRE Mark Lax (Retd) and WO1 Kevin Woods

11-13 November 2008

Chair: Professor Dennis Pearce

Members: Sigrid Higgins, AIRCDRE Mark Lax (Retd) and WO1 Kevin Woods

Witnesses:

Ray Brown,

Injured Service Persons Association

William Traynor,

Assistant Secretary Personnel Support Services,

Department of Defence

Pat Clarke,

Acting Director Honours and Awards,

Department of Defence

Allen Callaghan,

National Media Officer,

Servicemen's Association of Australia

Gary Hand,

President,

Canberra-Queanbeyan Branch, National Servicemen's Association of Australian

Derek Robson,

National Secretary,

Returned and Services League

Rodney Murdoch (teleconference)

Robert Lye (teleconference)

Ken Mollenhagen (teleconference)

Terrence Hayes (teleconference)

Eric Dwyer (teleconference)

Kevin Ryan (teleconference)

Paul Copeland,
President,
Australian Peacekeepers and Peacemakers Association (teleconference)

16 December 2008

Chair: Professor Dennis Pearce

Members: Sigrid Higgins, AIRCDRE Mark Lax (Retd) and WO1 Kevin Woods

Appendix 4 - Media Release, dated 26 June 2004, *Medal to recognise service in Defence of Australia*



**THE HON MAL BROUGH MP
MINISTER FOR EMPLOYMENT SERVICES
MINISTER ASSISTING THE MINISTER FOR DEFENCE**

MEDIA RELEASE

Saturday, 26 June 2004

MINASSIST 031/04

MEDAL TO RECOGNISE SERVICE IN DEFENCE OF AUSTRALIA

The Howard Government has today announced the intention to establish a new medal that recognises volunteer service in the Australian Defence Force.

All relevant approvals are now being sought to allow the award of this medal.

The Minister Assisting the Minister for Defence, Mal Brough, said those who had served for a total of six years in the Australian Defence Force, regular or reserve, would be eligible and the medal would be backdated to recognise past service.

“The Australian Defence Medal also reflects the fact that when serving in a modern Defence Force, it becomes difficult to discriminate between those who serve directly on operations and those who support those operations.”

“The Australian Defence Medal reflects the fact that by serving in the Australian Defence Force individuals make a contribution to the national interest, whether they served the country on operations, or whether they remained in Australia in a support role.”

“The war on terrorism has redefined the notions of a frontline or even an easily definable Area of Operations.”

“Some tasks undertaken by soldiers, sailors and airmen remain invisible to the community at large but are very important to our nation’s defence. These may include preparation and planning, intelligence and, indeed, other classified activities that for national security reasons can’t be recognised by a specific award.”

“The Australian Defence Medal will recognise all of these circumstances of service.”

Mr Brough said the Australian Defence Medal would be retrospective from the end of World War Two, in order to recognise that many people in the past had served their nation in a variety of forms, sometimes arduous, but had not been recognised by an operational medal. However, those who completed National Service would not be eligible unless they subsequently volunteered and completed the requisite six years volunteer service.

“Six years reflects a length of time that we could be reasonably certain that most people would have completed the requisite training and experience in the Regular or Reserve forces, to be considered fully completable should they have been called upon,” Mr Brough said

“We believe these conditions also give effect to a motion from the Returned and Services League who agree with our desire to further recognise ADF service.”

“The implementation of the medal will be a significant undertaking and the issue of medals to past servicemen will take time. It is estimated that up to 400,000 ex-servicemen and women may apply for this medal,” Mr Brough said. “It is anticipated that once a design has been finalised and the medals have been struck, the issuing of medals could begin around middle of 2005.”

“Operational and other demanding overseas service will still be recognised under the current arrangements. Processing and issuing of operational awards will take priority as the new Australian Defence Medal is being implemented.

“Nonetheless, the Australian Defence Medal provides the Government and the Australian people the ability to recognise those service men and women who do volunteer and serve the flag in a variety of roles and are prepared, should the call come, to put their lives on the line,” Mr Brough said.

Media Contacts:

David Moore (Mr Brough’s office) 0417 774 724
Defence Media Liaison 0408 498 664

Appendix 5 – Australian Defence Medal Regulations 2006



Commonwealth
of Australia

Gazette

No. S 48, Thursday, 30 March 2006

Published by the Commonwealth of Australia

SPECIAL



COMMONWEALTH OF AUSTRALIA

20 March 2006

It is notified for general information that Her Majesty The Queen has approved the establishment of the *Australian Defence Medal* as detailed in the following Letters Patent and Regulations.

The medal is to be worn in *The Order of Wearing Australian Honours and Awards* immediately below the '*National Medal*'.



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 by Letters Patent dated 8 September 2005 We instituted an Australian medal, designated and styled the Australian Defence Medal, for the purpose of according recognition to Australian Defence Force personnel who have served for a minimum of six years since the end of World War II:

AND WHEREAS the Letters Patent ordained that the award of the Australian Defence Medal be governed by the Regulations Governing the Award of the Australian Defence Medal set out in the Schedule to the Letters Patent:

AND WHEREAS it is desirable to make new regulations to govern the award of the Australian Defence Medal:

KNOW YOU that We do, by these Presents, declare Our Pleasure that the Letters Patent dated 8 September 2005 are amended to the extent that:

- (a) the Regulations Governing the Award of the Australian Defence Medal are revoked, without prejudice to anything lawfully done thereunder; and
- (b) the award of the Australian Defence Medal is governed by the Australian Defence Medal 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 *20 March 2006*

By Her Majesty's Command

Prime Minister

Schedule

Australian Defence Medal Regulations 2006

1 Name of Regulations

These Regulations are the *Australian Defence Medal Regulations 2006*.

2 Definitions

In these Regulations:

Chief of the Defence Force means the Chief of the Defence Force appointed under section 9 of the *Defence Act 1903*.

Defence Force means the Defence Force constituted under the *Defence Act 1903*.

Medal means the *Australian Defence Medal* instituted under the Letters Patent establishing these Regulations.

Minister means the Minister of State for Defence or the Minister Assisting the Minister of State for Defence.

Register means the Register mentioned in regulation 11.

Registrar means the Registrar mentioned in regulation 11.

3 Design of the Medal

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

4 Award of the Medal

- (1) The Medal may be awarded to a member, or former member, of the Defence Force who after 3 September 1945 has given qualifying service that is efficient service:
- (a) by completing an initial enlistment period; or
 - (b) for a period of not less than 4 years service; or
 - (c) for periods that total not less than 4 years; or
 - (d) for a period or periods that total less than 4 years, being service that the member was unable to continue for one or more of the following reasons:
 - (i) the death of the member during service;
 - (ii) the discharge of the member as medically unfit due to a compensable impairment;
 - (iii) the discharge of the member due to a prevailing discriminatory Defence policy, as determined by the Chief of the Defence Force or his or her delegate.

Schedule

-
- (2) For subregulation (1), the Chief of the Defence Force or his or her delegate may determine that a period of the member's qualifying service is efficient service.
 - (3) The other conditions for the award are as determined by the Governor-General on the recommendation of the Minister.

5 Award of Medal — member of philanthropic organisation

- (1) The Medal may be awarded to a person who performed philanthropic services for the Defence Force while a member of a philanthropic organisation, as if the person was rendering qualifying service during the period the person was performing the philanthropic services.
- (2) In this regulation, *qualifying service* means:
 - (a) a period of at least 4 years; or
 - (b) periods that total at least 4 years.

6 Award of Medal has no effect on entitlement to other awards

The award of the Medal does not affect the entitlement of a person to any other award.

7 Making of awards

- (1) An award of the Medal may be made only by:
 - (a) the Governor-General on the recommendation of the Chief of the Defence Force or his or her delegate; or
 - (b) a person to whom, under regulation 12, the Governor-General has delegated the power to make an award of the Medal.
- (2) The Medal may be awarded posthumously.

8 Cancellation of award

- (1) The Governor-General may, on the recommendation of the Chief of the Defence Force or his or her delegate, cancel an award of the Medal.
- (2) If an award of the Medal is cancelled:
 - (a) the Registrar must note the cancellation in the Register; and
 - (b) the person holding the Medal must return it to the Registrar.

9 Reinstatement of award

- (1) The Governor-General may, on the recommendation of the Chief of the Defence Force or his or her delegate, reinstate an award that has been cancelled.
- (2) If an award is reinstated, the Registrar must:
 - (a) note the reinstatement in the Register; and
 - (b) reissue the Medal to the person to whom it was awarded.

Schedule

10 Wearing of medal

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

11 Registrar of awards

- (1) The Governor-General must appoint a Registrar of Awards.
- (2) The Registrar must maintain:
 - (a) a Register containing the name of each person to whom the Medal has been awarded; and
 - (b) such other records relating to the Medal as determined by the Governor-General.

12 Delegation

- (1) The Governor-General may, in writing, delegate the power to award the Medal to:
 - (a) the Chief of the Defence Force; or
 - (b) a person from time to time holding or occupying an office in the Defence Force or the Department of Defence specified in the instrument of delegation.
- (2) The Governor-General may, in writing, revoke a delegation under subregulation (1).
- (3) A person who is the delegate of the Governor-General mentioned in subregulation (1) must not:
 - (a) make a recommendation for the award of the Medal if the person is also likely to consider the recommendation; or
 - (b) consider a recommendation for the award of the Medal if that recommendation was also made by the person.
- (4) The Chief of the Defence Force may, in writing, delegate the power to make a recommendation for the award of the Medal to a person from time to time holding or occupying a position in the Defence Force or the Department of Defence and mentioned in the instrument of delegation.
- (5) The Chief of the Defence Force may, in writing, revoke a delegation under subregulation (4).

Appendix 6 – Extract of Transcript of Prime Minister’s press conference, Canberra, 5 December 1972.

(Reproduced from the Sydney Morning Herald, 6 December 1972)

Here is a text of Mr Whitlam’s press conference in Canberra yesterday – his first as Prime Minister.

PM: You were told by way of a press release at 2 o’clock that I had called on the Governor-General at his request this afternoon and accepted his commission to form a Government.

I gave him the reasons why I believe there should be an interim Government formed by the Labor Party. For the purposes of that Government, two persons would be enough. The statement gives the reasons why it was urgent to have a Government to carry the mandate the party received at the elections last Saturday.

The nature of the matters showed why it would be more effective to have these decisions made by an interim Government who sympathised with them rather than an interim Government which had opposed them.

It would be appropriate for the incoming Government rather than the outgoing one to have responsibility for those decisions.

At 3.30 this afternoon Mr Barnard (Deputy Prime Minister) and I called on the Governor-General and he swore us into the portfolios, which you have.

Q: **Would you give the timetable for release of people jailed under the National Service Act and the timetable for ending conscription?**

PM: Well, first of all I’ll ask Mr Barnard to give the matter which falls to him as Minister for Defence for ending the call-up.

Barnard: Ladies and gentlemen, as you know I have already had discussions with officers of the Department of Labour and National Service and from the Department of the Army, and have this afternoon released a statement which will be available to the press and which discontinues the call-up.

There will be no further call-ups. Those who have already received a notice of call-up will not be obliged to act on it. As from today, notices will be going out to those who have received a call-up notice advising them they have no further obligations under the National Service Act.

PM: In the same matter – yesterday and today, Senator Murphy, QC, who will be the Attorney-General when the full ministry is appointed, has been in consultation with officers of the Attorney-Generals Department and has prepared the papers. Instructions have been given that all pending prosecutions be withdrawn.

The Commonwealth Police have been asked to withhold execution of warrants, and papers have been prepared for the Governor-General to remit the sentences of those now in prison and the remission of all outstanding fines.

I have signed them and told the Governor-General they will be submitted to him. At this stage I don't know when or precisely how they will be submitted.

Q: What is the machinery for giving those already in the Army the option for leaving the Army? Can it be done without an amendment to the National Service Act?

Barnard: Yes, again I have already made a move on this question. What I do want to assure is that no national serviceman will be disadvantaged as a result of changes that we make to provide additional benefits for those serving in the armed forces. But the machinery has already been put in motion. I expect that before the end of this week the necessary regulations will have been provided that will enable those now in the armed forces to take their discharge.

We would hope that they will be phased out after they have been advised of the added benefits they would receive if they decide to continue their 18 months service as national servicemen. They will receive that advice. Then they can decide to take their discharge or remain and complete the 18 months. The necessary machinery has already dealt with the requirements and they will be advised before Christmas.

Q: Does this first Whitlam Ministry mean that you'll have a second Whitlam Ministry next week...the week after...or is this to be called the two-man dictatorship, is this an unprecedented move. To the Deputy Prime Minister, when you say that National Servicemen are phased out, sir, do you mean they are phased out into unemployment or that they are phased into employment by the National Service Department?

Barnard: The discussions with the Department of Labour and National Service have been on the basis that their re-employment rights are protected, and as you know, this is already included in the National Service Act. I wanted to myself ensure that their re-employment rights are protected...and the machinery for providing for those who want to take their discharge will be, at the same time, looked at by the Department of Labour and National Service to see that job opportunities will be available to them.

Q: Will members of the armed forces, including members of the military, be able to make public their views on service matters such as the effects of ending national service?

PM: This is a matter of Government policy in which it would be improper for the opinions of any such boards to be sought or tendered. The people have decided this matter.

Appendix 7 – CDF Determinations under subsection 4(2) of the *ADM Regulations 2006*

COMMONWEALTH OF AUSTRALIA

AUSTRALIAN DEFENCE MEDAL REGULATIONS 2006

DETERMINATION BY THE CHIEF OF THE DEFENCE FORCE

I, ANGUS GRANT HOUSTON, Chief of the Defence Force, being designated as the person to determine a period of a member's qualifying service as efficient service for the award of the Australian Defence Medal, exercise my power under the said determination to designate not less than a minimum period of 18 months full-time national service, or five years part-time national service, commencing on or after 4 June 1971, as efficient service for the award of a medal to members or former members of the Defence Force who qualify for the award of the medal under section 4 of the regulations.

Dated

23 April 2007

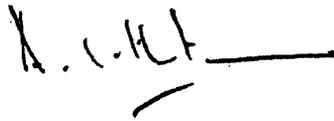
A handwritten signature in black ink, appearing to read 'A.G.H.', followed by a horizontal line indicating the signature's extent.

Chief of the Defence Force

COMMONWEALTH OF AUSTRALIA
AUSTRALIAN DEFENCE MEDAL REGULATIONS 2006
DETERMINATION BY THE CHIEF OF THE DEFENCE FORCE

I, ALLAN GRANT HOUSTON, Chief of the Defence Force, being designated as the person to determine a period of a member's qualifying service as efficient service for the award of the Australian Defence Medal, exercise my power under the said determination to designate not less than completion of a full-time or part-time re-engagement in the Australian Defence Force in addition to initial participation in the Australian Defence Force Gap Year Scheme, or four years full-time or part-time service, whichever is the lesser, as efficient service for the award of a medal to members or former members of the Defence Force who qualify for the award of the medal under section 4 of the regulations.

Dated 4th Sept. 2007



Chief of the Defence Force