



**Australian Government**

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**Defence Honours and Awards Appeals Tribunal**

**REPORT ON THE  
INQUIRY INTO THE RECOGNITION OF CONTRIBUTIONS  
MADE BY OFFICERS AND INSTRUCTORS IN THE  
AUSTRALIAN CADET FORCES**

**June 2011**

## LETTER OF TRANSMISSION

### **Inquiry into the recognition of contributions made by officers and instructors of the Australian Cadet Force**

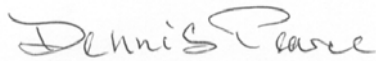
Senator the Hon David Feeney  
Parliamentary Secretary for Defence  
Parliament House  
Canberra ACT 2600

Dear Parliamentary Secretary,

I am pleased to present the report of the Defence Honours and Awards Appeals Tribunal for the *Inquiry into the recognition of contributions made by officers and instructors of the Australian Cadet Force*.

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



Professor Dennis Pearce AO  
Chair

15 June 2011

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## **TERMS OF REFERENCE**

The Defence Honours and Awards Tribunal shall inquire into and report on the adequacy and appropriateness of current forms of recognition of the contribution made by Officers and Instructors in the Australian Cadet Forces.

In conducting its inquiry the Tribunal shall:

- (a) have regard to the principles and objectives that underlie the establishment of the Australian Cadet Forces;
- (b) have regard to the structure of the Australian Cadet Forces, in particular the nature of the contribution of Officers and Instructors of Cadets;
- (c) have regard to regulations and administrative processes for the recognition of the contribution made by past and present Officers and Instructors in the Australian Cadet Forces;
- (d) consider any formal recognition of contributions made by adult supervisors and leaders in similar or comparable organisations to the Australian Cadet Forces that involve young persons aged under 20 years;
- (e) consider claims made by and on behalf of past and present Officers and Instructors in the Australian Cadet Forces for recognition of their contribution, including a claim that they be made eligible for the Australian Defence Medal or a medal of a similar kind;
- (f) consider the views of the Department of Defence and any other submitter in regard to the claims made by and on behalf of past and present Officers and Instructors in the Australian Cadet Forces;
- (g) consider any other material relevant to the claims made by and on behalf of past and present Officers and Instructors of the Australian Cadet Forces; and
- (h) make findings and recommendations as to the adequacy and appropriateness of current forms of recognition of the contribution made by past and present Officers and Instructors in the Australian Cadet Forces.

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 this regard, the Tribunal may interview such persons as it considers appropriate and consider material provided to it that is relevant to these terms of reference.

The Tribunal is to report, in writing, to the Parliamentary Secretary for Defence Support on its findings and recommendations that arise from the inquiry.

In making its findings and formulating its recommendations the Tribunal is to arrive at a fair and sustainable response to current and future claims for recognition and also maintain the integrity of the Australian honours system and identify any consequential impact any finding or recommendation may have on that system.

## **GLOSSARY**

AAC	Australian Army Cadets
AAFC	Australian Air Force cadets
ACF	Australian Cadet Forces
ACFSM	Australian Cadet Forces Service Medal
ADF	Australian Defence Force
ADM	Australian Defence Medal
ANC	Australian Navy Cadets
CDF	Chief of the Defence Force
CPB	Cadet Policy Branch
CRESD	Cadet, Reserve and Employer Support Division
DGAAC	Director General Australian Army Cadets
DGAAFC	Director General Australian Air Force Cadets
DGANC	Director General Australian Navy Cadets
DLSM	Defence Long Service Medal
NM	National Medal
VCDF	Vice Chief of the Defence Force

## EXECUTIVE SUMMARY

1. The Defence Force Honours and Awards Appeals Tribunal (the Tribunal) is established under the *Defence Act 1903*. Its functions are set out in s 110UA of the Act. The Minister may direct the Tribunal to hold an inquiry into a specified matter concerning honours or awards and the Tribunal must hold an inquiry and report, with recommendations, to the Minister.
2. On 19 March 2010, the former Parliamentary Secretary for Defence Support, the Hon Dr Mike Kelly AM MP, requested that the Tribunal inquire into and report on the recognition of the contributions made by officers and instructors in the Australian Cadet Forces. The terms of reference for this inquiry are set out in full at the commencement of this report.
3. This inquiry was undertaken by the following members of the Tribunal:  
Mrs Sigrid Higgins (Chair)  
Brigadier Gary Bornholt AM, CSM (Retd)  
Dr Jane Harte
4. The Tribunal received 44 written submissions to this inquiry. In addition the Tribunal also had before it six submissions previously made to the Tribunal's inquiry into the eligibility criteria for the Australian Defence Medal (ADM).
5. There is a long history of Cadets in Australia and its origins are entwined with the military history of Australia. Section 1 provides a brief background to that history. Today's Cadets are made up of three statutory based Cadet organisations – the Australian Navy Cadets (ANC), the Australian Army Cadets (AAC) and the Australian Air Force Cadets (AAFC).
6. Each Cadet organisation is made up of young volunteers who are approved as cadets and volunteers of all ages who are appointed as officers and instructors. There are in total about 24,000 cadets and 2,500 officers and instructors in the three Cadet organisations. Each Cadet organisation is described as a '*cadet force*' and together they are known as the Australian Cadet Forces (ACF). Administrative responsibility for each Cadet organisation is vested in the Service Chief of the parent armed Service of each organisation.
7. Section 2 of this report sets out the underlying purpose and goals of the ACF. In summary the underlying purpose of the ACF is '*a personal development program for young people, conducted by the Australian Defence Force in cooperation with the community.*'<sup>1</sup> Its goals are to conduct creative personal development programs for cadets in a military environment, to contribute to the social development of cadets and to contribute to the development of the Australian Defence Force (ADF). The objectives and goals of the ACF are realised through the efforts of the officers and instructors in the ACF. They are known to form the '*backbone*' of each Cadet organisation and without their commitment and efforts there would be no ACF.

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<sup>1</sup> As recommended in the report of the Review entitled '*Review of the Australian Defence Force Cadets (ADFC) Scheme*' (November 2008), p35

8. The legislative provisions under which each Cadet organisation has been established and is organised and administered is set out in Section 3 of this report. The same Section also sets out how each Cadet organisation is structured. In summary they are all established, organised and structured on similar lines. They are all organised into ‘units’, which form the core of each Cadet organisation. These ‘units’ are primarily community based.

9. Cadets, officers and instructors in the ACF are expressly not members of the parent armed Service. Hence they are not members of the ADF.

10. In summary, the matters raised in the submissions before the Tribunal fell into the following four categories:

- a. the eligibility criteria of the Australian Cadet Forces Service Medal (the ACFSM) and the Order of Precedence for wearing the medal;
- b. whether officers and instructors in the ACF should be made eligible for the ADM;
- c. whether a new service medal, equating to the ADM, should be created for officers and instructors in the ACF; and
- d. whether the current system of recognition for distinguished/meritorious contribution of officers and instructors in the ACF was adequate.

11. Of these the most significant issues were those relating to the creation of a new service medal and the adequacy of the current system of recognition for distinguished/meritorious contributions by officers and instructors in the ACF.

12. In regard to each issue the Tribunal’s findings are as follows:

- a. the Australian Cadet Forces Service Medal (the ACFSM)
  - i. there is no evidence to justify a reduction in the current 15 year qualifying period of service as prescribed in the ACFSM Regulations. The purpose of the medal is to recognise officers and instructors in the ACF who have rendered long and efficient service and the qualifying period for the ACFSM is consistent with that provided in the other long service medals in the Australian system of honours and awards (e.g. the Defence Long Service Medal and the National Medal);
  - ii. it is not appropriate for former members of the ADF to count their ‘unused’ military service towards the qualifying period of service under the ACFSM Regulations as the nature of this service is different to that provided by officers and instructors in the ACF;
  - iii. the ACFSM is an adequate and appropriate form of recognition for long service rendered by officers and instructors in the ACF; and
  - iv. the current Order of Precedence for wearing the ACFSM is appropriate and in accordance with the character of the service rendered by officers and instructors in the ACF as compared to that rendered by members of the ADF and other essential services and search and rescue organisations.



- b. Whether officers and instructors in the ACF should be made eligible for the Australian Defence Medal (the ADM)
  - i. it would be contrary to the express purpose of the ADM to include, in the award of the ADM, the services rendered by officers and instructors in the ACF. The purpose of the ADM is to recognise service in the ADF and officers and instructors in the ACF are expressly not members of the ADF. Accordingly, their service is not service in the ADF.
- c. Whether a new service medal should be created for officers and instructors in the ACF that equates to the ADM
  - i. there is no basis justifying the creation of a new service medal for officers and instructors in the ACF that has a qualifying period equivalent to that which applies for the award of the ADM. The Tribunal finds that the current internal system for recognising five and ten years service is the appropriate level of recognition for periods of service that are less than the 15 year qualifying period for the ACFSM. However, the form and administration of these awards for officers and instructors in the ACF should be reviewed so that they are commensurate with the period of commitment specifically made by these officers and instructors.
- d. Whether the current system of recognition for distinguished/meritorious contribution of officers and instructors in the ACF is adequate
  - i. subject to meeting the prescribed conditions for the award of a conspicuous service decoration, officers and instructors in the ACF are arguably persons who fall within the description of ‘*other persons*’ in the *Australian Conspicuous Service Decorations Regulations 1990*. Although the ACF is not part of the ADF, its goals include supporting the ADF by providing a community presence of the armed Services and also providing a valuable introduction into careers within the ADF. The Tribunal notes that each Cadet organisation, the Vice Chief of the Defence Force, two Service Chiefs and the Department of Defence contended for or supported this finding,
  - ii. there are two ways in which officers and instructors in the ACF could formally be made eligible for an award under the existing terms of the *Australian Conspicuous Service Decorations Regulations 1990*. Both involve the Minister exercising his power, pursuant to regulation 5(b) of the *Australian Conspicuous Service Decorations Regulations 1990*, by making a determination that an officer or instructor is eligible for an award under the Regulations. Such a determination could be made on a case by case basis. It could also arguably be made on the basis that officers and instructors, as a class of persons, were ‘*other persons*’ made eligible for an award under the Regulations. The Tribunal is of the view that the latter would be the better approach and would also be consistent with that applying to members of the ADF (see regulation 5(a)), and

- iii. if the Tribunal's findings that officers and instructors in the ACF are, or should be, made eligible for nomination for a conspicuous service decoration to recognise his/her outstanding distinguished/meritorious service, the Tribunal notes that consideration needs to be given to including, within the existing administrative arrangements for nominations of a conspicuous service decoration, officers and instructors in the ACF.

## RECOMMENDATIONS

13. In conclusion the Tribunal makes the following recommendations:

### **Recommendation 1:**

That no change be made to the *Australian Cadet Forces Service Medal Regulations* 1999 or the Order of Precedence for wearing the ACFSM;

### **Recommendation 2:**

That there be no change to the *Australian Defence Medal Regulations* 2006.

### **Recommendation 3:**

The Chief of Navy, Chief of Army and Chief of Air Force be:

- a. informed about the Tribunal's findings in regard to the current internal system for the award of '*Certificates of Service*' to recognise five and ten years service in the ACF; and
- b. requested to consider and action as appropriate:
  - i. the adequacy of the current form of '*Certificates of Service*' to recognise five and ten years service rendered by an officer and instructor in the ACF, and
  - ii. whether there should be a separate form of recognition for service rendered as an officer and instructor in the ACF to that rendered by a cadet in the ACF.

### **Recommendation 4:**

The Chiefs of Service Committee (COSC) be provided with a copy of the Tribunal's findings and recommendations in regard to recognition of meritorious/distinguished service by an officer or instructor in the ACF and the COSC be requested to amend, as they consider appropriate, the existing administrative procedures for the award of a conspicuous service decoration so as to give effect to the findings of the Tribunal;

### **Recommendation 5:**

The Minister consider making a determination, pursuant to regulation 5(b) of the *Australian Conspicuous Service Decorations Regulations* 1990,

- a. to the effect that officers and instructors in the ACF are a class of persons who may be awarded a decoration as prescribed in the Regulations; or
- b. on a case by case basis, that a nominated officer or instructor in the ACF is a person who may be awarded a decoration as prescribed in the Regulations;

**Recommendation 6:**

Officers and instructors in the ACF continue to be eligible for nomination for awards under the provisions of the Order of Australia (General Division).

# REPORT OF THE TRIBUNAL

## 1. CONDUCT OF THE INQUIRY

### Introduction

1. On 19 March 2010, the former Parliamentary Secretary for Defence Support, the Hon Dr Mike Kelly AM MP, requested that the Defence Honours and Awards Tribunal inquire into and report on the adequacy and appropriateness of current forms of recognition of the contribution made by officers and instructors in the Australian Cadet Forces<sup>2</sup> (officers and instructors in the ACF). A full copy of the Terms of Reference is at the commencement of this report.

2. At the time of this request, the Defence Honours and Awards Tribunal operated administratively. On 5 January 2011, on the commencement of the provisions in Schedule 1 of the *Defence Legislation Amendment Act 2010* (the Defence Amendment Act), the Defence Honours and Awards Tribunal (the old Tribunal) became the Defence Honours and Awards Appeals Tribunal (the new Tribunal, or the Tribunal). Part 1 of Schedule 1 of the Defence Amendment Act inserted a new Part VIIC into the *Defence Act 1903* (the Defence Act), which contained the provisions for the establishment of the new Tribunal, its members and its powers and functions. Under section 110UA of the Defence Act, the new Tribunal's functions are (a) to review a reviewable decision and (b) to inquire into matters concerning honours or awards for eligible service.

3. The transitional provisions in Part 2 of Schedule 1 of the Defence Amendment Act provides that any inquiry commenced by the old Tribunal is to be completed by the new Tribunal in accordance with the provisions in Part VIIC of the Defence Act. Accordingly, this report is made pursuant to section 110W of the Defence Act.

4. The inquiry was undertaken by the following members of the Tribunal:  
Mrs Sigrid Higgins (Chair)  
Brigadier Gary Bornholt AM, CSM (Retd)  
Dr Jane Harte

### Steps taken in the inquiry

5. The inquiry commenced on 20 March 2010, with advertisements being placed in the major newspapers nationally giving notice of the inquiry and the calling for submissions by 19 April 2010.

6. On 19 March 2010, the Tribunal wrote to the Department of Defence, advising it of the inquiry and inviting it to make a submission. The Tribunal also wrote to

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<sup>2</sup> Although submitters used the phrase 'officers and instructors of cadets' the Tribunal has used the phrase 'officers and instructors in the Australian Cadet Forces' as this reflects the legislative provisions under which the Cadet Forces in Australia have been established and officers and instructors are appointed. These provisions are discussed more fully under the heading 'Background' below.

individuals who had previously made representations to both the Minister and the Directorate of Honours and Awards of the Department of Defence (the Directorate).

7. The Tribunal received 44 written submissions in response to the Terms of Reference for this inquiry. Of these, three submissions were made by individuals on behalf of their respective Cadet unit, 36 submissions were from individuals (each of whom were current or past officers or instructors in the ACF) and the remaining submissions were from the Vice Chief of the Defence Force (VCDF), the National Commander of the Navy Cadets, the Acting Chief of Army and the Commander of the Australian Air Force Cadets.

8. The Tribunal also had before it the submissions of six former officers and instructors in the ACF who had submitted these in response to the Tribunal's inquiry on the eligibility criteria for the Australian Defence Medal. As these submissions had raised issues of a more general nature concerning the adequacy of medallic recognition for officers and instructors in the ACF, the Tribunal did not deal with these submissions in its inquiry on the Australian Defence Medal.<sup>3</sup>

9. Attached at Appendix 2 is a list (confidential) of the names of the submitters and a description of their recommendations or suggestions.

10. The Tribunal met on 8 April 2010, 2 and 3 June 2010, 27 and 28 July 2010, 7 and 8 September 2010, 29 October 2010 and 8 April 2011.

11. On 8 April 2010, the Tribunal received some background information on the structure of the Australian Cadet Forces from representatives of the Cadet, Reserve and Employer Support Division of the Department of Defence. On 3 June 2010, the Tribunal heard oral evidence from a representative of the Department of Defence and representatives from each of the three Cadet organisations that make up the Australian Cadet Force. Further evidence was heard on 7 and 8 September 2010 from a selection of individual submitters.

12. On 11 June 2010, the Tribunal wrote to the Department of Defence seeking additional information about matters relating to the inquiry. The Department responded to this request on 21 July 2010. On 30 November 2010, the Tribunal sought comments from the Department of the Prime Minister and Cabinet in regard to an issue raised with the Tribunal about the Order of Wearing Australian Honours and Awards. The Department of Prime Minister and Cabinet provided a response on 9 December 2010.

13. The Tribunal was very much assisted in its inquiry by the comprehensive submissions of submitters and the oral evidence that was given by the representatives of the Vice Chief of the Defence Force, the Acting Chief of Army, the Commander of the Australian Air Force Cadets, the Commander of the Australian Navy Cadets and the selection of the individual submitters.

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<sup>3</sup> See *'Inquiry into Eligibility Criteria for the Australian Defence Medal'* at <http://www.defence-honours-tribunal.gov.au/reports>.

## Background

14. There is a long history of cadets in Australia and its origins are entwined with the military history of Australia.<sup>4</sup> While it is unnecessary for the purpose of this inquiry to examine that history in detail, a brief outline of that history provides a background to cadets in Australia today.

15. The first cadet unit, an army cadet unit, was formed in New South Wales, in 1866, at St Mark's Collegiate School. In 1869, this unit became the King's School Cadet Corps. It was funded and supported by the army. From this small beginning army cadet units were established in all States. After Federation, these cadet units became known as the Commonwealth Cadet Corps (subsequently named the Australian Cadet Corps). The *Defence Act 1910* embodied the Australian Cadet Corps in the provisions for Universal Military Training, which required all boys, between the age of 14 and 18 years, to serve in the Australian Cadet Corps.

16. The Australian Commonwealth Navy Cadet Corps was formed in 1903 and it was not until 1941 that the first Air Force Cadet Unit, the Air Training Corps, was formed.

17. Cadet organisations have undergone many changes since their establishment.<sup>5</sup>

18. In 1975, as part of the general scaling back of the Defence Force, the Whitlam Labor Government decided to withdraw support for all cadet units. As a consequence, cadet units were either disbanded, or continued to operate without any support from the Commonwealth Government.

19. In 1976, the Fraser Coalition Government announced the re-establishment of cadets as the Australian Cadet Scheme. Under this Scheme, female cadets were introduced and three separate, similar statutory based, Cadet organisations were created - the Naval Reserve Cadets, the Australian Cadet Corps and the Air Training Corps.<sup>6</sup> The Chief of Staff of each armed Service was vested with administrative responsibility for their respective Service Cadet organisation.<sup>7</sup> This responsibility was subject to the regulations and directions of the Minister. These provisions

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<sup>4</sup> See Cadet History at <http://www.diggerhistory.info/pages-army-today/cadet-history>.

<sup>5</sup> See the AAC and AAFC websites, which contain a brief history of cadets in Australia.

<sup>6</sup> See sections 35 and 78 of the *Defence Force Re-organisation Act 1975* and section 3 and 4 of the *Air Force Amendment Act 1976* (now section 8 of the *Air Force Act 1923*). The effect of these amendments was that the Australian Cadet Corps and the Air Training Corps adopted the same statutory framework that had been introduced for the Naval Reserve Cadets in 1971: see *Naval Defence Act 1971*. Today, the statutory base for each Cadet organisation can be found in sections 38 and 39 of the *Naval Defence Act 1910*, section 62 of the *Defence Act 1903* and section 8 of the *Air Force Act 1923*.

<sup>7</sup> See section 39 of the *Naval Defence Act 1910*, subsection 62(9) of the *Defence Act 1903* and subsection 8(9) of the *Air Force Act 1923*. Previously the Board of the each armed Service had over all responsibility for the administration and organisation of cadets falling within that Service.

continue as of today. The only change is that the Chief of Staff is now known as the Service Chief of each armed Service.

20. Each Cadet Force also became subject to the provision in a single statutory instrument, the *Cadet Forces Regulations 1977* (Cadet Forces Regulations). These Regulations set out how each Cadet organisation is to be organised and operated and they have been amended a number of times.

21. The legislation also expressly provided that cadets, officers and instructors in each Cadet organisation were not members of their respective parent armed Service.<sup>8</sup> These provisions also continue as of today. This means that cadets, officers and instructors in each Cadet organisation are not members of the Australian Defence Force (ADF), which is defined in section 30 of the *Defence Act 1903* as consisting of ‘3 arms, namely, the Australian Navy, the Australian Army and the Australian Air Force.’

22. Although the 1976 legislative amendments gave each Service Chief overall administrative responsibility for his/her Cadet organisation, each organisation continued to operate with little support from their parent Service. This was due to the change in focus of cadets into organisations that were primarily school and community based (i.e. with school and community based units) with limited military-like training and Government funding.

23. In 1996, the Howard Coalition Government initiated the Cadets in Schools Program. By 1998, the Program had moved to providing full administrative support to all cadet units. However, the units continued to be school and community based.

24. In 2001, following a review of Cadets<sup>9</sup>, the Government made a commitment to reinvigorate the three Cadet organisations and introduced some significant changes. These included a commitment to a Tri-Service Policy of Support and substantial additional funding. The tri-Service policy included a decision to organisationally ‘embed’ Cadets within their parent armed Service.<sup>10</sup> A new position of Director-General in each Cadet organisation was created and that position reported directly to the respective Service Chief. Tri-Service co-ordinators were appointed in each State to ensure effective communication between cadet units and Defence Headquarters. There was a commitment for greater involvement of serving military personnel to support cadet units. There was also a commitment to provide uniforms, greater access to military bases and equipment, formal recognition in vocational education and training and to systematically provide computer systems for each of the cadet units within Australia.

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<sup>8</sup> See subsections 38(3) and (4) of the *Naval Defence Act 1910*, subsections 62(3) and (4) of the *Defence Act 1903* and subsections 8(3) and (4) of the *Air Force Act 1923*.

<sup>9</sup> This was a review conducted in 2001, by Mr J Topley, Air-Vice Marshal B Richardson and Major General D Low Choy. See the Parliamentary Secretary’s press release of 8 December 2000 in which he launched the report of the review: ‘*Cadets: the Future*’ at <http://www.minister.defence.gov.au/Abetztpl.cfm?CurrentId=480>

<sup>10</sup> See Chapter 1 ‘*Cadet Policy Manual*’ at 1.1.

25. A Cadet Policy Branch (CPB) was also established within the Department of Defence. The role of the CPB was to develop agreed tri-Service policy in support of the Cadet organisations and to coordinate with the parent armed Services on joint Cadet policies and initiatives. Today, the CPB is part of the Cadet Reserve and Employer Support Division of the Department of Defence. This Division falls under the responsibility of the Vice Chief of the Defence Force and is headed by a Major General.

26. In 2003, as part of the changes announced in 2001, the name of each Cadet organisation was changed to: the Australian Navy Cadets (ANC), the Australian Army Cadets (AAC) and the Australian Air Force Cadets (AAFC).<sup>11</sup> They remain the names of each organisation as of the date of this report.

27. As mentioned above, each Cadet organisation is organised and operated pursuant to the provisions in the *Cadet Forces Regulations* 1977. These Regulations have at all times described each organisation as a ‘*Cadet Force*’ and for this reason, in this report, the Tribunal has used the description ‘*Australian Cadet Forces*’ or ‘*ACF*’ when referring to the three Cadet organisations as a whole.<sup>12</sup>

## **2. UNDERLYING PRINCIPLES AND OBJECTIVES IN THE ESTABLISHMENT OF THE AUSTRALIAN CADET FORCES**

28. The most recent review of cadets, the 2008 review of the Australian Defence Force Cadets (ADFC) scheme gave some consideration to the underlying principles and objectives of the ACF.<sup>13</sup> Chairman of this review was Lieutenant General Frank Hickling AO, CSC (Retd). In the report of the Review, it was noted that the three armed Services had agreed on common goals and purpose for today’s ACF. The Hickling Review Panel agreed with the terms of these goals and purpose and recommended that they be formally adopted. The Government accepted this recommendation and the same goals and purpose continue to apply today.

29. In regard to the purpose of the ACF, the Hickling Review Report described this as follows:

*‘The [ACF] is a personal development program for young people, conducted by the Australian Defence Force in cooperation with the community, which benefits the Nation by developing an individual’s capacity to contribute to*

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<sup>11</sup> See Schedule 2 of the *Defence Legislation Amendment Act* 2003.

<sup>12</sup> The three Cadet organisations are more commonly referred to as the ‘*Australian Defence Force Cadets*’. For the reasons stated in the body of the report the Tribunal has preferred the description ‘*Australian Cadet Forces*’ as it is consistent with the terminology of the legislative provisions which govern the organisation and operation of the three Cadet organisations.

<sup>13</sup> See the report of the Review entitled ‘*Review of the Australian Defence Force Cadets (ADFC) Scheme*’ (November 2008) at paragraph 3.5. A copy of the report can be found at [http://www.defence.gov.au/dpe/cadetreview/documents/ADFC\\_Review\\_Final\\_Report\\_Nov\\_2008.pdf](http://www.defence.gov.au/dpe/cadetreview/documents/ADFC_Review_Final_Report_Nov_2008.pdf).



*society, fostering an interest in Defence Force careers, and developing ongoing support for Defence.*<sup>14</sup>

30. In submissions received by the Tribunal, the purpose of the ACF was described more simply as *‘a youth development scheme, which is Defence-community based.’*

31. On their web sites:

- a. the AAC describes its purpose as<sup>15</sup>:  
*‘a personal development program for young people, conducted by the Australian Army in cooperation with the community, which is designed to benefit the nation by developing the individual, their community and the Australian Army.’*
- b. the AAFC describes its mission (i.e. purpose) to *‘develop Australian Youth in a military and aviation environment’*<sup>16</sup>; and
- c. the ANC gives a description of what cadets and *‘staff’*<sup>17</sup> learn, which is consistent with the notion of *‘youth development’*.<sup>18</sup>

32. In regard to the specific goals of the ACF, the Hickling Review report described these as follows:

*‘Conduct of creative personal development program in a military environment that:*

- *extends individuals beyond their self imposed limits,*
- *develops an understanding of the balance between personal freedoms and choice and the responsibilities that they bring,*
- *promotes self reliance, self esteem and self discipline,*
- *develops and recognises a broad range of skills including leadership and team work.*

*Contribute to social development by:*

- *encouraging pride in self, community and nation,*
- *equipping young people to be better citizens,*
- *encouraging a volunteer ethos,*
- *developing work and life skills,*
- *providing a supportive and safe environment.*

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<sup>14</sup> Ibid.

<sup>15</sup> See <http://www.cadetnet.gov.au/aac>.

<sup>16</sup> See <http://www.aafc.org.au>.

<sup>17</sup> This is a reference to officers and instructors in the ANC.

<sup>18</sup> See <http://www.cadetnet.gov.au/anc/Pages/Home.aspx>.

*Contribute to the development of the ADF through:*

- *cooperation with the community,*
- *enhancing Defence's reputation in the community,*
- *maintaining Service customs traditions and values,*
- *understanding what Defence does, and*
- *demonstrating a return on the Defence Organisation's investment by promoting career opportunities within Defence.'*

33. The Tribunal was informed that each Cadet organisation develops activities and projects for cadets with these goals in mind. Integral to this is maintaining the skill level of officers and instructors in the ACF as they are the persons responsible for developing and implementing the activities and projects. Maintaining skill levels often involves some form of training.

### **3. STRUCTURE OF THE AUSTRALIAN CADET FORCES, IN PARTICULAR THE NATURE OF THE CONTRIBUTION OF OFFICERS AND INSTRUCTORS IN THE ACF**

34. The cadet website states that officers and instructors in the ACF form *'the backbone of the [ACF], along with parents and guardians and the wider community'*.<sup>19</sup> It goes on to state the following:

*'Being a cadet staff member is rewarding. You not only take part in youth development activities, but you get a chance to lead and share your knowledge and experience with young people.'*

*But the best thing about being a cadet staff member is the fact that you will be making a difference to Australia's youth and the future.'*

35. On the information provided to the Tribunal considerable emphasis was placed on the role of officers and instructors in the ACF as the leaders and mentors in their respective Cadet organisation and without whom there would be no ACF.

36. This Section of the report provides a brief summary of the legislative and administrative structure of the ACF and its members and how officers and instructors are appointed.

#### *Cadet Forces Regulations 1977*

37. As mentioned in the Background in Section 1 of this report, the Cadet Forces Regulations set out, in general, how each Cadet organisation is organised and is to operate. The Regulations also provide that each Cadet organisation is to be divided into *'units'* as authorised by the Service Chief of each parent armed Service.<sup>20</sup> The *'units'* in the AAC are referred to as a *'Unit'*, the *'units'* in the ANC are referred to as a *'Training Ship'* and the *'units'* in the AAFC are referred to as a *'Squadron'*.

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<sup>19</sup> See at <http://www.cadetnet.gov.au/CadetStaff>

<sup>20</sup> See Regulation 4 of the *Cadet Forces Regulations 1977*.

38. Other than providing that each Cadet organisation is divided into ‘units’, the Cadet Forces Regulations are silent on any further administrative structures within each Cadet organisation. This has given each Service Chief a wide discretion in regard to the overall administrative structure within the Cadet organisation for which they have been given administrative responsibility. As identified below, there is a national administrative structure for the ACF as a whole and also for each Cadet organisation.

39. The Cadet Forces Regulations provide that the Service Chief of each parent armed Service is vested with the power to appoint, promote and terminate the appointment of a person as an officer or instructor (i.e. a staff member).<sup>21</sup> The Regulations also provide that a person appointed, under the Regulations, as an officer or instructor is a ‘member’ of their respective Cadet organisation.<sup>22</sup>

40. Sub-regulation 5(1) of the Cadet Forces Regulations provides that only persons ‘*suitable to supervise and control the training programme for, and the activities of, cadets enrolled in a unit*’ are to be appointed. The minimum age of an instructor is 18 years and 19 years for an officer. The regulation also provides that a person may be appointed as an officer or instructor for a specified period of time. Regulation 13 provides that an officer or instructor may resign at any time by giving written notice of his/her resignation and that the resignation takes effect from the date the notice was received or on any other date specified in the notice. Regulation 14 makes provision for the circumstances in which an officer or instructor’s appointment may be terminated. These circumstances include unsatisfactory attendance at activities and training programs of the unit to which the person is attached.

41. The rank of officers and instructors in each Cadet organisation is set out in Schedule 1, 2 and 3 of the Cadet Forces Regulations. These ranks mirror those in the relevant armed Service in the Defence Force. Each armed Service provides its cadets and officers and instructors with a uniform that mirrors that worn by their service men and women.<sup>23</sup> However, the badges and rank insignia on the uniforms all have the initials of their respective Cadet organisation (i.e. ANC, AAC and AAFC).

42. The Cadet Forces Regulations also prescribe a Code of Conduct that applies to all officers, instructors and cadets in each Cadet Organisation.<sup>24</sup> Sanctions for breaching that Code of Conduct are also provided.

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<sup>21</sup> See regulation 5, 11 and 14 of the *Cadet Forces Regulations 1977*. Each Service Chief is also given a power to delegate these powers of appointment, promotion and termination – see Regulation 3 of the *Cadet Forces Regulation 1977*.

<sup>22</sup> See regulation 2 of the *Cadet Forces Regulations 1977* defines ‘officer’ to mean ‘an officer in a cadet force’. The word ‘instructor’ is similarly defined and the word ‘member’ is defined to mean ‘an officer, instructor or cadet in a cadet force.’ That is, the Regulations do not refer to officers and instructors as being ‘officers and instructors of cadets.’

<sup>23</sup> See Regulation 15 of the *Cadet Forces Regulations 1977*, which makes provisions about when and how uniforms are to be worn.

<sup>24</sup> See Regulation 16 of the *Cadet Forces Regulations 1977*.

#### Number of cadet units, cadets and officers and instructors

43. The Tribunal was informed that, as at December 2009, there were 459 cadet 'units' throughout Australia. Of these, 97 were entirely community based, 124 were school based and 238 were community based, but located within Defence facilities. Currently, the website of the Cadet, Reserve and Employer Support Division<sup>25</sup> (the cadet website) states that there are 450 cadet units throughout Australia, which are made up as follows between the three Cadet organisations:

ANC 89 units  
AAC 221 units  
AAFC 140 units

44. As at the end of 2010, the number of cadets and officers and instructors in each Cadet organisation was as follows:

Service	Total Number of Cadets	Officers and Instructors
ANC	2,000	451
AAC	13,978	1,153
AAFC	6,000	894
<b>TOTAL</b>	<b>21,978</b>	<b>2,498</b>

45. The cadet website also states that former cadets represent over 12.4 percent of enlistments into the Australian Defence Force and that for the 2009/2010 year, they represented 20 percent of the entrants of the Australian Defence Force Academy.

#### National Structure of the three Cadet Organisations

46. The majority of appointed officers and instructors in the ACF render their services at the unit Level (Local Level). However, a number of the appointed officers and instructors also render their services at the Regional, State and National Level of each Cadet organisation. For, example the AAC at the National Level includes six positions that are for officers in the AAC.<sup>26</sup>

47. It is the understanding of the Tribunal that the National, State and Regional Levels perform the command, coordination and administrative functions of each Cadet organisation. The National Level also includes a common policy support Division, the Cadet, Reserve and Employer Support Division, for the Australian Cadet Force as a whole. This policy support Division reports to the Vice Chief of the Defence Force (VCDF), but works closely with the command structure of each of the three Cadet organisations.

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<sup>25</sup> See <http://www.cadetnet.gov.au/OurOrganisation>

<sup>26</sup> The tribunal was informed that there were 20 positions in the AAC at the National Level and of these six were for officers in the AAC. The remainder were Australian Regular Army (ARA) positions or public service positions.

48. At Appendix 1 is a chart depicting the national structure of the three Cadet organisations and the ACF as a whole. As can be seen from that chart, overall administrative responsibility for each Cadet organisation rests with the Service Chief of the relevant parent armed Service. Reporting directly to each Service Chief is a Director-General of Cadets, who is a one star Reserve officer. Reporting to the Director-General of the ANC and the Director-General of the AAFC is a Commander of Cadets, who is an officer in the respective Cadet organisation.

49. At the State Level of the AAC there are six Brigade Headquarters and two Battalion Headquarters (Tasmania and Northern Territory), which are commanded directly by the Director-General AAC. The eight State Level Headquarters collectively command 24 Regional Level Battalions. Each of the 24 Regional Level Battalions commands between five and 12 units at AAC Local Level.

50. The ANC does not have a structure at the State Level. Instead it has 14 Flotilla Headquarters at the Regional Level. There are between four and eight Training Ships (i.e. units) at the Local Level within each Flotilla.

51. The AAFC does not have a structure at the Regional Level. It has eight '*Operational Wings*' at the State Level, with two of these '*Operational Wings*' in Queensland (i.e. 1 Wing AAFC and 2 Wing AAFC).

52. For each Cadet organisation, there are officer and instructor positions (i.e. ACF positions) at all Levels of the national structure. However, the units at the Local Level continue to form the core of each Cadet organisation. It is at this level, through the contributions of officers and instructors in the ACF, where the purpose and goals of each Cadet organisation are ultimately realised (i.e. cadets engaging in activities to develop their capacity to contribute to society, to foster an interest in Defence Force careers and develop ongoing support for Defence).

#### Role of officers and instructors in the ACF

53. Persons who are appointed as an officer or instructor in the ACF do so voluntarily and the service they render after appointment continues to be voluntary in that they are free to leave at any time. However, as a general rule, appointed officers and instructors in the ACF are asked to commit a few hours a week during school terms and one annual camp of four to seven days. There is provision in each Cadet organisation for officers and instructors in the ACF to receive a per diem payment. However, the Tribunal was informed that about 60% of officers and instructors in the ACF do not make a claim for a per diem payment, preferring to make their contribution as unpaid volunteers.

54. As a matter of practice, many officers and instructors in the ACF, commit many more days and weeks every year. In this regard the Tribunal was informed that, on average, the commitment was about 100 days each year, which did not include the compulsory participation in ongoing training courses. In regard to training, the Tribunal was provided with a copy of the AAC Staff Training Package developed by the Headquarters of the AAC in 2008.

55. The role of officers in the ACF is to manage, develop and implement the cadet program of activities. These activities are varied but include drill, community parades (e.g. ANZAC Day), annual camps, history and customs of the Service, teamwork and leadership, military-like training and field craft, firearms safety training, first aid training, life skills, sport and Duke of Edinburgh activities. Instructors in the ACF are non-commissioned officers and are appointed for their specialist knowledge and experience in one or more of the activities that are undertaken by the cadets. The duties of each officer and instructor will vary depending on their rank and the unit to which they are attached.

#### **4. CURRENT FORMS OF RECOGNITION OF CONTRIBUTION BY OFFICERS AND INSTRUCTORS IN THE ACF**

56. Contributions by officers and instructors in the ACF are currently recognised by the award of a service medal (the Australian Cadet Forces Service Medal (ACFSM)) for 15 year's service, certificates for five and ten years' service and commendations for outstanding/exceptional achievement, or specific acts of bravery.

57. The ACFSM forms part of the Australian honours and awards system. It is a medal established by regulation, specifically for officers and instructors in the ACF, and administered by the Department of Defence through the Directorate of Honours and Awards. Set out below are the main features of the regulations and the criteria used to administer the regulations.

58. The certificates and commendations are not specifically for officers and instructors in the ACF. They do not have a legislative base and do not form part of the Australian honours and awards system. However, they are administered, at various levels, within each of the Cadet organisations. Set out below is a more detailed description of these awards and how they are administered.

##### **Australian Cadet Forces Service Medal**

59. The ACFSM was created by Letters Patent, dated 15 December 2000. The Letters Patent state that the medal was instituted '*for the purpose of according recognition to persons who render long and efficient service as officers or instructors in the Australian Cadet Forces.*'

60. The award of the ACFSM is governed by the *Australian Cadet Forces Service Medal Regulations 1999* (the ACFSM Regulations).

61. Regulation 3 of the ACFSM Regulations provides that the medal may be awarded to a person if:

- (a) *the person has given qualifying service for a period of 15 years or periods that, in total, amount to 15 years; and*
- (b) *at least one day of the qualifying service was given on, or after, 14 February 1975.*

62. Regulation 4 of the ACFSM Regulations provides for the award of a clasp for every additional five years ‘*qualifying service*’ (i.e. single period or periods that total five years of ‘*qualifying service*’).

63. ‘*Qualifying service*’ is defined in regulation 5 of the ACFSM Regulations to mean service as an officer or an instructor and where during that period of service the officer or instructor:

- (i) *fulfilled the requirements specified in directions given by the Chief of the Defence Force or a delegate of the Chief of the Defence Force; and*
- (ii) *gave efficient service.*

64. The document (Instruction Manual) used by the Directorate of Honours and Awards in processing applications for the award of the ACFSM states that the ‘*Australian Cadet Forces are responsible for verifying entitlements for an ACFSM in accordance with single-service guidelines.*’<sup>27</sup> The Tribunal was not provided with a copy of the guidelines of each of the three Cadet organisations. At the same time no issue was raised with the Tribunal in regard to the terms or application of these guidelines. Accordingly, the Tribunal did not examine this issue any further.

65. Regulation 6 of the ACFSM Regulations provides that particular classes of service given by an officer or instructor in the ACF are not to be taken into account for the purpose of the award of the ACFSM. These classes of service are those which have been recognised by the award of the following medals and awards:

- (a) *the Cadet Forces Medal or a clasp to that Medal;*
- (b) *another Imperial medal recognising the person’s service in the Australian Cadet Forces, or the person’s service in the Permanent Forces or the Reserve Forces, where the service was given solely as an officer or instructor;*
- (c) *an Australian medal recognising the person’s service in the Permanent Forces or the Reserve Forces, where the service was given solely as an officer or instructor;*
- (d) *an award of a foreign country recognising the person’s service was given as the equivalent of an officer or instructor.*

66. The Cadet Forces Medal (including the clasp to that medal) is an Imperial medal that preceded the ACFSM. It was instituted, on 1 February 1950, under Royal Warrant by His Majesty King George VI. It was also a long service medal with an eligibility period of 12 years service.

67. Since 5 October 1992, there have been no recommendations for officers and cadets in the ACF to be awarded the Imperial Cadet Forces Medal. This was the day the Federal and State Governments announced Australians were to be recognised exclusively through the Australian system and no further recommendations for Imperial honours would be made. The Government had introduced the Australian system of honours and awards 17 years previously, on 14 February 1975.

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<sup>27</sup> See the *Defence Instructions (General)* PERS 31-1 for ‘Australian awards for long service for members of the Australian Defence Force and Officers and Instructors of Cadets, issued on 27 February 2007, at paragraph 53.

## **Certificates of five and ten years service**

68. Each Cadet organisation awards a '*Certificate of Service*' to any member of the organisation after he, or she has completed five years of service and a further '*Certificate of Service*' is awarded after the completion of ten years service. These '*Certificates*' were introduced in 2008. The award of these '*Certificates*' is dependent on the individual Cadet unit keeping a record of every attendance at parades, camps and other events by their cadets, officers and instructors. These records are then forwarded to the appropriate '*Certificate of Service*' ACF issuing authority within the relevant State or Region.

69. The Tribunal was shown examples of these certificates. Where part of an officer's period of service includes a period as a cadet, the certificate does not identify what portion of the period of service was as a cadet and what portion was service as an officer in the ACF. It is also unclear whether a period of service in one of the Cadet organisations can be counted together with a period of service in another Cadet organisation.

70. On the basis of oral testimony received, it would appear that some Cadet units are unaware of the existence of these awards. The Tribunal was informed that the Cadet, Reserve & Employer Support Division was in the process of developing a Tri-Service policy and procedures for the issue of these certificates of service. Once developed and implemented by each of the Cadet organisations a more consistent approach in the award of these '*Certificates of Service*' would apply within the ACF as a whole.

## **Commendations**

71. Each of the three Cadet organisations has an internal commendation awards system that recognises acts of superior or high achievement, meritorious service or specific acts of achievement. There are three levels of commendation awards, each of which are in the form of an oval shaped badge with the insignia of the parent Service inscribed on it. Cadets, officers and instructors in the ACF are all eligible for the award of a commendation. If awarded a commendation, the badge is worn in accordance with the Dress Policy of the relevant Cadet organisation.

72. The highest level of award (e.g. the AAC Commander Commendation) is a gold badge. The next level of award (e.g. the AAC Deputy Commander Commendation) is a silver badge and the remaining level of award (e.g. the AAC Regional Commander Commendation) is a bronze badge.

73. However, a person is only eligible to receive one commendation award badge for each level. Subsequent awards of the same level of commendation are recognised by the issue of a Certificate, which is coloured with the same colour as the badge for that level.

74. In addition to cadets, officers and instructors in the ACF, the following persons are also eligible for an ACF commendation:

- civilians and members of the public service involved in a Cadet organisation;



- ADF members posted to, or who have provided support to a Cadet organisation; and
- other persons as determined by the Commander of the Cadet organisation.

75. Within each level of commendation there are fixed awards and variable awards. For example, in the AAC the fixed awards are for achievement on set events such as dux of Cadet Under Officer/Warrant Officer course, dux of each regional Junior Non-Commissioned Officer course and members of the winning team of the annual Chief of Army Challenge. The various awards are made to recognise contributions that have enhanced the AAC as an organisation or contributed to its regional, national or international reputation. It is the Tribunal's understanding that these variable awards include awards for distinguished service by an officer or instructor in the ACF.

76. Nominations for a commendation can be submitted at any time to the relevant officer in each Cadet organisation, and approvals are made at relevant National, State or Regional Headquarters as appropriate.

## **5. FORMS OF RECOGNITION IN SIMILAR OR COMPARABLE ORGANISATIONS**

77. As mentioned in Section 2 of this report, today's ACF is a '*personal development program for young people, conducted by the Australian Defence Force in co-operation with the community.*' That is, it is a youth development organisation, which is conducted in a military environment with support from the ADF and the community.

78. While there are no comparable organisations to the ACF, there are numerous youth development organisations throughout Australia. Other than in Western Australia (WA), there is no specific form of medallic recognition exclusively created to recognise contributions made by leaders and instructors in these youth development organisations. Recognition of outstanding contributions by leaders and instructors in these organisations can, however, be obtained through the Order of Australia (General Division) awards. These Order of Australia awards are not awards for having contributed for a particular period of time. They are awards for outstanding contributions to the community.

79. This means that leaders and instructors in organisations such as Scouts Australia and Girl Guides Australia can only have outstanding contribution recognised by being nominated and awarded a medal in the Order of Australia (General Division).

80. In 1996, the WA Government established a '*cadet*' youth development program in schools for young people in year eight and above. The WA Government also instituted a Cadet Long Service Medal (WA) and the Cadet Certificate (WA) in order to recognise the contribution of volunteer instructors in the WA Cadets program. The Cadet Long Service Medal (WA) is an award for ten years service as

an instructor and the Cadet Certificate (WA) is an award for six years service as an instructor.

81. The features of the WA ‘*cadet*’ youth development program are that it is voluntary, school based and funded by the State Government. The WA ‘*cadet*’ program includes ‘*cadets*’ from nine organisations. These are the ANC, the AAC, the AAFC, the Emergency Cadet Corps, the Bush Rangers, the Police Rangers, the Red Cross Cadets, the Surf Life Saving Cadets and St Johns Ambulance Cadets.

82. The ten-year qualifying service period for the Cadet Long Service Medal (WA) is consistent with other WA and other State and Territory long service medals for members of the State and Territory Police Services, Ambulance Services, Fire and Rescue Services and similar organisations that provide essential services to the community. However, it is not consistent with the 15 year qualifying service period for long service medals that are part of the Australian system of honours and awards.<sup>28</sup>

## **6. CLAIMS OF THE SUBMITTERS**

83. In summary, the matters raised in the submissions received by the Tribunal can be categorised into the following four issues:

- a. the eligibility criteria of the ACFSM and the Order of Precedence for wearing the medal;
- b. whether officers and instructors in the ACF should be made eligible for the Australian Defence Medal (ADM);
- c. whether a new service medal, equating to the ADM, should be created for officers and instructors in the ACF; and
- d. whether the current system of recognition for distinguished/meritorious contribution of officers and instructors in the ACF is adequate.

84. The contentions, submissions and arguments of the various submitters in regard to each of these issues are set out below.

### **Australian Cadet Forces Service Medal**

85. In regard to the eligibility criteria for the award of the ACFSM, the issues raised concerned the 15 year qualifying period and whether service, other than service as an officer or instructor in the ACF, should be counted towards the 15 year qualifying period. Set out below is a summary of the submitter’s arguments on these issues and the issue of the Order of Precedence for wearing the ACFSM.

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<sup>28</sup> See the Defence Long Service Medal, the National Medal and the newly established National Police Service Medal at <http://www.itsanhonour.gov.au/index.cfm>  
[http://www.itsanhonour.gov.au/honours/awards/medals/defence\\_long\\_service\\_medal.cfm](http://www.itsanhonour.gov.au/honours/awards/medals/defence_long_service_medal.cfm)  
[http://www.itsanhonour.gov.au/honours/awards/medals/national\\_medal.cfm](http://www.itsanhonour.gov.au/honours/awards/medals/national_medal.cfm)  
[http://www.itsanhonour.gov.au/honours/awards/medals/national\\_police\\_service\\_medal.cfm](http://www.itsanhonour.gov.au/honours/awards/medals/national_police_service_medal.cfm)

86. The qualifying period. Six individual submitters contended that the 15 year qualifying period for the ACFSM was too long. It was argued that, today, many officers and instructors in the ACF do not reach this minimum requirement. The submission of the VCDF, after noting the submissions of the Army and the Air Force, said that the qualifying period for the ACFSM required further detailed examination. The Acting Chief of the Army, in his submission, noted that the current trend of volunteerism in Australia is a commitment for periods of service that are less than 15 years. It was suggested that a more appropriate period to recognise long service was ten or 12 years and if other volunteer organisations were to be awarded a long service medal for a shorter period, the Army would support the awarding of the ACFSM for such a lesser period. It was noted that the qualifying period for the National Medal was also 15 years. The National Medal recognises long and diligent service by members of recognised organisations that support the community during times of crisis. For example, the ambulance, correctional, emergency, fire and police organisations and voluntary groups such as lifesaving and search and rescue groups.

87. The Commander of the AAFC, in his submission, noted that 40% of responses he had received from AAFC units felt that the 15 year qualifying period for the ACFSM was too long as *'many staff gave years of dedicated service but did not reach the minimum 15-year mark.'*

88. Various suggestions were made as to an appropriate period of qualifying service for the award of the ACFSM. These suggestions varied from 12 years down to four years.

89. Other submitters contended that the 15 year qualifying period was correct in that it was consistent with the qualifying period for the Defence Long Service Medal and other long service medals.

90. Other service to be counted towards the qualifying period of the ACFSM. An individual submitter contended that prior service under the Imperial Cadet Force Medal should be service that can be counted towards the ACFSM qualifying period and that 'unused ADF service (i.e. that which exceeds 15 years)' should also be service that can be counted towards ACFSM. It was contended that the latter would encourage former ADF members to serve as officers and instructors in the ACF.

91. Another individual submitter made a submission on similar lines and expressly included a contention that service as a member of the ADF Reserves should be counted towards the qualifying period for the award of the ACFSM.

92. Order of precedence for wearing the ACFSM. The Acting Chief of the Army submitted that the order of wearing medals<sup>29</sup> be amended to place the ACFSM before the ADM in recognition of the much longer period of commitment required to achieve the ACFSM and making it equivalent to the National Medal, which is awarded to volunteers in other community based organisations. It was pointed out that prior to

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<sup>29</sup> See the notice, dated 25 September 2007, of the Governor-General on 'The Order of Wearing Australian Honours and Awards' at

<http://www.itsanhonour.gov.au/honours/awards/wearing.cfm#Order>

the introduction of the ADM (i.e. on 20 March 2006), the ACFSM was grouped together with all the Australian long service medals (i.e. medals awarded for 15 years service). However, with the introduction of the ADM, a service medal to recognise four years service or initial enlistment whichever is the lesser, it was accorded precedence before the ACFSM. The submitters contend that by giving the ADM precedence before the ACFSM, the former grouping of all the long service medals had been lost and should be corrected to reflect the longer period of service required for the award of the ACFSM.

93. The Commander AAFC and the National Commander Navy Cadets put forward similar arguments in their submissions. The Tribunal did not receive any submissions on this issue from an individual submitter.

94. A witness from the Department of Defence in giving oral evidence supported the argument of the submitters, but noted that responsibility for the Order of Precedence for wearing medals, including the ACFSM, did not fall within the responsibility of Defence.

### **Australian Defence Medal**

95. Eight individual submitters suggested that officers and instructors in the ACF should be made eligible for the award of the ADM. A number of these submitters also contended, in the alternative, that a new medal be created for officers and instructors in the ACF that was equivalent to the ADM.

96. Each of the Services contended that there was no basis to make officers and instructors in the ACF eligible for the ADM. Several individual submitters made similar submissions. One individual submitter contended that if officers and instructors in the ACF were made eligible for the ADM, this would devalue this particular award.

### **A New Service Medal**

97. Four submitters, who made submissions on behalf of a Cadet unit, and 18 individual submitters argued for the creation of a new service medal for officers and instructors in the ACF that was equivalent to the ADM. The suggested qualifying period for the proposed new medal varied between submitters. Some suggested four years and others suggested eight years.

98. The Acting Chief of Army supported the creation of a more general medal to recognise contributions that are made by leaders and instructors in youth development organisations generally (i.e. a 'centenary of youth development medal'). The National Commander Navy Cadets suggested the creation of a Navy Centenary medal for members of the Royal Australian Navy and the ANC. As these suggestions went beyond the scope of the Tribunal's Terms of Reference, the Tribunal did not examine these any further.

## Meritorious Recognition

99. The Acting Chief of Army, the Commander AAFC and the National Commander Navy Cadets each submitted that there was a need to establish a form of medallic recognition for distinguished/meritorious service by officers and instructors in the ACF. It was contended that the current methods available for distinguished/meritorious service was inadequate or deficient and that officers and instructors in the ACF should be made eligible for conspicuous service decorations, which recognise outstanding/ meritorious achievement in non-warlike situations. Subsequently, the VCDF, the Chief of Air Force, the Cadet, Reserve and Employer Support Division and the Director-General Australian Navy Cadets supported these submissions.

100. The submissions pointed out that the Regulations governing these awards<sup>30</sup> made provision for the Minister to determine that persons, other than members of the ADF, were eligible for a conspicuous service decoration. It was noted the Minister had in fact previously made such determinations and the decorations have been awarded to foreign service personnel and civilians in the Department of Defence for their outstanding/meritorious achievement in non-warlike situations.

101. Two submitters, who had made a submission on behalf of a Cadet unit, and six individual submitters, made submissions along similar lines.

102. In his initial submission, the Vice Chief of the Defence Force said:  
*‘there is a gap in the ability to award exceptional performance of duties by Officers and Instructors of Cadet as they were ineligible for the award of the Conspicuous Service Cross (CSC), Conspicuous Service Medal (CSM), or awards under the Military Division of the Order of Australia.’*

103. In oral evidence before the Tribunal, the witness on behalf of the Department of Defence, having the arguments of the submitters explained to him, indicated that there would be no objection if officers and instructors in the ACF were made eligible for a conspicuous service decoration.

104. The submissions noted that officers and instructors in the ACF were nevertheless eligible to be nominated for the Order of Australia through the Order of Australia (General Division) nomination system. Although this is a form of recognition that is part of the Australian system of honours and awards, submitters pointed out that it was an award to recognise outstanding achievement and service in any civilian field of endeavour or walks of life.<sup>31</sup> It was pointed out that members of the Australian Fire Service, the Australian Police Service and Emergency Services had available to them medallic recognition for distinguished/meritorious service (i.e. the Australian Fire Service Medal (the AFSM), the Australian Police Service Medal (the APSM), the Emergency Services Medal (the ESM)).

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<sup>30</sup> See *Australian Conspicuous Service Decorations Regulations* 1990 and DI(G) PERS 31-5, at paragraph 15.

<sup>31</sup> See [http://www.itsanhonour.gov.au/honours/awards/medals/order\\_of\\_australia.cfm](http://www.itsanhonour.gov.au/honours/awards/medals/order_of_australia.cfm)

105. A submission made on behalf of a Cadet unit recommended that officers and instructors in the ACF be made eligible for conspicuous service decorations and if this was not achievable, new medals that mirror the existing conspicuous service decorations should be created for officers and instructors in the ACF. The submission also recommended that the 'ADFC National Commanding Headquarters' be made responsible for making recommendations on nominations of officers and instructors in the ACF for the award of an Order of Australia.

## **7. CONSIDERATION, FINDINGS AND RECOMMENDATIONS OF THE TRIBUNAL**

106. The Tribunal has considered the contentions, submissions and arguments of the submitters and the material relevant to these. It has also considered the oral evidence that was received from representatives of the three Cadet organisations, the Department of Defence and the selection of individual submitters.

107. As mentioned in Section 6 of this report the matters raised by those who made submissions to the Tribunal can be categorised into four issues – the eligibility criteria for the award of the ACFSM, whether officers and instructors in the ACF should be made eligible for the ADM, whether a new service medal should be created for officers and instructors in the ACF and the adequacy of recognition for distinguished/meritorious contributions by officers and instructors in the ACF is adequate.

108. Essential to the Tribunal's findings and recommendations on these issues has been the underlying purpose of today's ACF and the legislative basis on which it is structured. Each of these matters is discussed in Sections 2 and 3 of this report. In summary, the underlying purpose of the ACF is '*a personal development program for young people, conducted by the Australian Defence Force in cooperation with the community.*' Although the ACF is made up of three independent, statutory based, Cadet organisations (i.e. three separate Cadet Forces), they each basically have the same structure. Each organisation is administered by the Service Chief of the parent armed Service. However, each Cadet organisation is made up of young people who volunteer and are accepted as a cadet in the organisation and persons who volunteer and are appointed as an officer or instructor in the organisation. The cadets and the officers and instructors in each Cadet organisation are not members of the parent armed Service of the organisation and hence not members of the ADF. Nevertheless, there was no dispute that the ACF is an organisation that continues to benefit young people in their development and also the Nation. At the same time, it is recognised that through its activities and presence within the community, the ACF fosters an interest in Defence Force careers and cultivates interest in and support for the ADF. The dedication and commitment of officers and instructors in the ACF has clearly contributed to these achievements.

### **Australian Cadet Forces Service Medal**

109. The qualifying period. The Tribunal is not persuaded by the argument that the 15-year qualifying period for the ACFSM should be reduced. The purpose of the medal is expressly stated to accord recognition for long service. Fifteen years of

service is the period that is prescribed for other long service medals under the Australian honours and award system.<sup>32</sup> To reduce the qualifying period of service for the award of the ACFSM would create an inconsistency with other long service medals.

110. In oral evidence, the representative of each of the three Cadet organisations said that they did not believe a reduction in the qualifying period for the ACFSM would alter the rate of retention of officers and instructors in the ACF. Their experience was that officers and instructors in the ACF leave for reasons unconnected to medallic recognition. For example, many resigned because of commitments with a young family and changes in job responsibility, or job location. However, many would return after their family or work commitments had lessened. This pattern of retention is arguably reflected in the number of officers and instructors in the ACF who continue to be awarded the ACFSM and then go on to be awarded clasps to the medal.

111. The Department of Defence informed the Tribunal that since the year 2000, 884 people have been awarded the ACFSM.<sup>33</sup> Of these, 484 were awarded in the first two years. This was not unexpected as the medal was introduced in 1999 and the qualifying period of service dated back to 5 February 1975 (i.e. from the day the Australian system of honours and awards replaced the Imperial system of honours and awards).

112. Since 2002, the number of ACFSM that have been awarded each year has varied between 21 (in 2010) and 76 (in 2007), with an average of about 45 awards per year. Furthermore, the number of first (20 years), second (25 years), third (30 years), fourth (35 years) and fifth (40 years) clasps have remained steady since 2002. In 2007 and in 2010, there was even an award of a sixth clasp to an officer or instructor of cadets. This means that this particular officer or instructor has served for 45 years and if uninterrupted, he/she has served since 1965.

113. The Tribunal was informed that cadets and former members of the ADF (including Reservists) often volunteered with a Cadet unit and were then appointed as an officer or instructor in the ACF and remained in that position for many years. Age did not appear to hamper the enthusiasm of many of these very committed volunteers. The Tribunal was informed that one Cadet unit had appointed an instructor who was 80 years of age. He was a former engineer and now as an instructor in the ACF his ongoing contribution was very much valued by that unit.

114. Other service to be counted towards the qualifying period. In regard to the question as to whether service under the Imperial Cadet Force Medal can be counted,

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<sup>32</sup>For example, see regulation 3 of the *Defence Long Service Medal Regulations 1998* and regulation 16 of the *National Medal Regulations 1999*.

<sup>33</sup> This is considerably less than what is recorded on the Government website, <http://www.itsanhonour.gov.au/honours/awards/statistics.cfm>. The website states that 1,644 ACFSM have been awarded. Whether the difference is due to the number of clasps that have been awarded is unclear.

the Tribunal notes that the ACFSM Regulations do make provision for service of this nature to be counted in certain circumstances (see Section 4 of this report). For example, subject to the officer having served in the ACF for one day on or after 15 February 1975, that person will be able to count any service rendered in a cadet organisation prior to that date towards the award of the ACFSM, so long as the person has not already been awarded the Imperial Cadet Force Medal, or a clasp to that medal, for that prior service.<sup>34</sup>

115. The Tribunal is of the view that it would be inappropriate to amend the ACFSM Regulations to allow members of the ADF (which includes Reservists), who subsequently become appointed as an officer or instructor in the ACF, to count their ‘unused’ Defence Force service towards the ACFSM qualifying period. The Tribunal has formed this view on several grounds. The first ground is the differing nature of the service rendered by members of the ADF and that provided by officers and instructors in the ACF.<sup>35</sup> It is clear from the relevant legislative provisions (see Section 1 under the heading ‘*Background*’) that ‘*service*’ as a member of one of the three armed Services (Royal Australian Navy, Australian Army and Royal Australian Air Force) is military service. Officers and instructors in the ACF, on the other hand, do not provide military service. As the legislation makes clear, officers and instructors in the ACF are not members of their parent armed Service, and hence not members of the ADF. Their ‘*service*’ is service in a youth development organisation, which is community based and ADF supported.

116. Second, in the material provided to the Tribunal, there was no evidence of former members of the ADF needing an incentive of this nature to become involved in a Cadet unit after they were discharged. The evidence was to the contrary in that those who did become an officer or instructor in a Cadet unit did so because they wanted to contribute to the development of young people and once they made that commitment it was generally a long standing one.

117. Finally, if the argument were to be accepted, it would be difficult not to accept that some form of reciprocity should apply. That is, if the argument were accepted it would be difficult to argue against a proposal that service as a cadet or officer and instructor in the ACF should be counted towards eligibility for the award of Defence Service medals.

118. Order of precedence of wearing the medal. In so far as it is relevant, the Order of Precedence of wearing the ACFSM is as follows:

- Defence Long Service Medal (DLSM)
- National Medal (NM)
- Australian Defence Medal (ADM)
- Australian Cadet Forces Service Medal (ACFSM)
- Champion Shots Medal

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<sup>34</sup> See reg. 3 and 6 of the ACFSM Regulations in Section 4 of this report.

<sup>35</sup> See s30 and s50 of the *Defence Act 1903*, s4A and 4C of the *Air Force Act 1923* and s32A of the *Naval Defence Act 1910*.



119. As the administration for the Order of Precedence of wearing medals falls within the responsibility of the Awards and Culture Branch in the Department of the Prime Minister and Cabinet, the Tribunal sought its views on the suggested change in the Order of wearing the ACFSM. In its response, the Awards and Culture Branch said that the ADM was ‘*deliberately immediately after the National Medal and before the ACFSM consistent with polices relating to the Order.*’ The response went on to explain how this policy applied in regard to the current order of the abovementioned medals:

*‘The Defence Long Service Medal, the Defence Force Service Awards, the National Medal, the ADM and the ACFSM all recognise periods of exemplary (but not distinguished) service in particular occupations but, within this group, there is a division between those that require service which carry inherent hazards, including the possibility of death, and those that don’t. Despite the differences in qualifying periods, the ADM is placed before the ACFSM because cadet officers and instructors are not obliged to face potentially fatal hazards in the routine conduct of their duties. We continue to support the placement of the ADM before the ACFSM and would oppose moves to reverse this order based on length of service instead of character of service.’*

120. For the reasons already stated, the Tribunal agrees with this distinction between the service respectively provided by officers and instructors in the ACF and that provided by members of the ADF. In providing their service, unlike Reservists and permanent members of the ADF, officers and instructors in the ACF do not engage in military service and cannot be called out for full time service. This does not mean that the contributions made by officers and instructors in the ACF are not valuable or that in providing their service they may not be subject to potential hazards and dangers. However, the potential hazards and dangers that members of the ADF are likely to face are significantly greater, even where their commitment to serve is for a period of four years or less.

121. The distinction equally applies to those who are eligible for the National Medal. This medal recognises 15 years service in government organisations such as ambulance, correctional, emergency, fire and police forces, and voluntary organisations such as lifesaving or search and rescue groups. Again, the nature of the service provided by members of these organisations is also potentially and inherently more hazardous and dangerous to that provided by officers and instructors in the ACF.

## **Findings and recommendations**

122. For the reasons set out above **the Tribunal finds** that:

- a. there is no evidence to justify a reduction in the current 15 year qualifying period of service as prescribed in the ACFSM Regulations. The purpose of the medal is to recognise officers and instructors in the ACF who have rendered long and efficient service and the qualifying period for the ACFSM is consistent with that provided in the other long service medals in the Australian system of honours and awards (e.g. the Defence Long Service Medal and the National Medal);

- b. it is not appropriate for former members of the ADF to count their ‘*unused*’ military service towards the qualifying period of service under the ACFSM Regulations as the nature of this service is different;
- c. the ACFSM is an adequate and appropriate form of recognition for long service rendered by officers and instructors in the three Cadet organisations;
- d. the current Order of Precedence for wearing the ACFSM is appropriate and in accordance with the character of the service rendered by officers and instructors in the ACF as compared to that rendered by members of the ADF and civilian based essential services and search and rescue organisations.

123. On the basis of its findings **the Tribunal recommends** that no change be made to the ACFSM Regulations or the Order of Precedence for wearing this medal.

### **The Australian Defence Medal**

124. The Tribunal notes that the purpose of the ADM is to accord ‘*recognition to those persons who have made a significant commitment to the nation through service in the Australian Defence Force since 3 September 1945*’.<sup>36</sup>

125. As noted in Section 3 of this report, officers and instructors in the ACF are not members of their parent armed Service, and hence not members of the ADF. This means that the service that officers and instructors in the ACF provide is not service in the ADF. Accordingly, **the Tribunal finds** that it would be contrary to the express purpose of the ADM to include, in the award of the ADM, the service rendered by officers and instructors in the ACF.

126. Once again, this does not mean that the commitment that officers and instructors in the ACF make through their service in youth development is not valued, and should not be appropriately recognised.

127. Accordingly, **the Tribunal recommends** that there be no change to the *Australian Defence Medal Regulations 2006*.

### **A New Service Medal**

128. Although there was substantial support for the creation of a new service medal for officers and instructors in the ACF which was equivalent to the ADM, the Tribunal was unable to find a basis which would justify the creation of such a medal.

129. As the Tribunal pointed out in its report on the eligibility criteria of the ADM, the purpose of the ADM was to recognise an actual period of commitment by volunteer members of the ADF that was reflective of today’s enlistment periods in the

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<sup>36</sup> See the Letters Patent of Her Majesty, Queen Elizabeth the Second, dated 8 September 2005, establishing the Australian Defence Medal.

three armed Services.<sup>37</sup> This period of service is prescribed in the *Australian Defence Medal Regulations 2006* to be the lesser period of an enlistment period in any of the three armed Services, or four years.

130. Although officers and instructors in the ACF provide their services voluntarily, the legislative provisions underpinning the ACF and its operations do not include the concept of ‘enlistment’. Instead, officers and instructors in the ACF are appointed and they are at liberty to resign at any time, for any reason (see Section 3 of this report). The Tribunal was informed that the AAC has introduced contracts for officers and instructors in the ACF. However, these are not intended to be a form of obligatory commitment to serve for a specified period of time. If they were found to have such an affect, it is arguable this may be contrary to the express words of the Cadet Force Regulations. The same freedom to resign does not apply to enlisted members in the three armed Services.

131. For the reasons already stated, the nature of the service provided by members of the ADF also differs to that provided by officers and instructors in the ACF.

132. Although each Cadet organisation is funded and supported by its parent armed Service and administered by the Service Chief of that armed Service, the service rendered by officers and instructors in the ACF is more akin to the service rendered by members of other voluntary community based organisations such as lifesaving and search and rescue organisations. The Tribunal notes that there is no medallic recognition, within the Australian system of honours and awards, for service of a period less than 15 years for members of these organisations. Accordingly, to institute a new service medal to recognise a shorter period of service for officers and instructors in the ACF would be inconsistent with that which applies to members of other voluntary community based organisations.

133. As noted in Section 4 in this report, each of the three Cadet organisations have in place an internal system which recognises five and ten years of service. No submitter contended that this level of recognition was inappropriate. The dissatisfaction with this level of recognition appears to relate to the form in which the recognition is made and the manner in which the award is administered.

134. As noted above, a number of individual submitters who gave oral evidence were unaware of the awards, and those who were aware of the award felt that the form in which the award was made was not commensurate with the period of commitment they were designed to recognise.<sup>38</sup> The Tribunal notes that the Cadet, Reserve and Employer Support Division is currently examining the ACF ‘*Certificates of Service*’ awards with a view to having a consistent approach to the administration and issuing of these service awards within each Cadet organisation. In regard to the appropriateness of the current form (i.e. the ‘*Certificates*’) in which the award to recognise five and ten years service is made, the Tribunal is of the view that this issue

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<sup>37</sup> See the Tribunal’s report on ‘*The Inquiry into the Eligibility Criteria for the Award of the Australian Defence Medal*’ (11 February 2009) at paragraphs 13 and 14 – a copy of the report is at <http://www.defence-honours-tribunal.gov.au>

<sup>38</sup> Many argued that a badge or a similar form of recognition would be preferable to the current certificate. Others argued that the award should be an award from the relevant Service Chief.

can more appropriately be dealt with by the Service Chief, responsible for the administration of each Cadet organisations, or at the direction of the Service Chiefs, through the Cadet, Reserve and Employer Support Division.

135. In conclusion, **the Tribunal finds** that there is no basis justifying the creation of a new service medal for officers and instructors in the ACF that has a qualifying period equivalent to that which applies for the award of the ADM. The Tribunal finds that the current internal system for recognising five and ten years service is the appropriate level of recognition for periods of service that are less than the 15 year qualifying period for the ACFSM. However, the form and administration of these awards for officers and instructors in the ACF should be reviewed so that they are commensurate with the period of commitment specifically made by these officers and instructors.

136. On the basis of its findings, **the Tribunal recommends:**

- a. the Chief of Navy, Chief of Army and Chief of Air Force be informed about the Tribunal's findings in regard to the current internal system for the award of '*Certificates of Service*' to recognise five and ten years service in the ACF; and
- b. the Chief of Navy, Chief of Army and Chief of Air Force be requested to consider and action as appropriate:
  - i. the adequacy of the current form of '*Certificates of Service*' to recognise five and ten years service rendered by an officer and instructor in the ACF, and
  - ii. whether there should be a separate form of recognition for service rendered as an officer and instructor in the ACF to that rendered by a cadet in the ACF.

### **Meritorious Recognition**

137. As outlined above, there was almost universal agreement between the three Cadet organisations that there was a deficiency in the current Australian system of honours and awards in that there was limited provision for the recognition of distinguished/meritorious service rendered by officers and instructors in the ACF. It was confirmed that officers and instructors in the ACF were eligible for nomination for the award of an Order of Australia in the General Division. However, it was contended that recognition through this avenue was difficult as it was an award, limited in number, but open to any Australian citizen and others for eminent achievement, distinguished service to Australia or to humanity at large and for service in a particular locality or field of activity or to a particular group.

138. Two alternatives were presented to the Tribunal as a means to address what was contended to be the current deficiency. These were, making officers and instructors in the ACF eligible for the conspicuous service decorations, or creating a new medal to recognise distinguished/meritorious service by officers and instructors in the ACF.

139. The Tribunal was not persuaded that the creation of a new medal is warranted. As noted above, the service rendered by officers and instructors in the ACF is akin to service that is rendered by leaders and instructors in other voluntary community based

Australian organisations. As there is no specific medallic recognition for distinguished/meritorious service by leaders and instructors in these organisations, it would not be appropriate to create a separate medal to recognise such service by officers and instructors in the ACF. The leaders and instructors in those voluntary community based organisations must also compete with other nominees in the Order of Australia (General Division) awards to have their distinguished/meritorious service recognised by an Order of Australia award.

140. However, having regard to the underlying purpose, aims, objectives and structure of today's ACF, these arguably form a strong basis on which to support the contention that distinguished/meritorious service by an officer and instructor in the ACF is service falling within the existing conspicuous service decorations.

141. The conspicuous service decorations are governed by the *Australian Conspicuous Service Decorations Regulations 1990*. The regulations provide for two decorations, the Conspicuous Service Cross and the Conspicuous Service Medal. The Conspicuous Service Cross recognises '*outstanding devotion to duty, or outstanding achievement in the application of exceptional skills, judgement or dedication, in non-warlike situations*'.<sup>39</sup> The Conspicuous Service Medal recognises '*meritorious achievement or devotion to duty, in non-warlike situations*'.<sup>40</sup>

142. Persons who are eligible for the award are members of the ADF and '*other persons*' determined by the Minister for the purpose of the regulations.<sup>41</sup>

143. In response to questions asked by the Tribunal, the Department of Defence advised that on 13 occasions, the Minister has determined that a person, not a member of the ADF, was eligible for the award of a conspicuous service decoration. Of these other persons, five were members of a foreign defence force and eight were civilian employees of the Department of Defence. The Tribunal was informed that each award was given in recognition of the person's meritorious/distinguished contributions in support of a non-warlike activity or operation of the ADF.

144. The Tribunal was also informed that the Conspicuous Service Medal has been awarded, on three occasions (2003, 2006 and 2010), to a member of the ADF to recognise their contribution to the ACF. One award was for outstanding service as Commander of the AAC. The remaining awards were for outstanding service and meritorious devotion to duty in their support of the AAC.

145. As noted earlier in this report in Section 3, it is accepted that the service rendered by officers and instructors in the ACF forms the backbone of each Cadet organisation and the ACF as a whole. Furthermore, the goals of each organisation include, through its youth development, to contribute to the ADF by:

- a. enhancing its reputation within the community,

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<sup>39</sup> See sub-regulation 3(1) of the *Australian Conspicuous Service Decorations Regulations 1990*.

<sup>40</sup> Op cit - sub-regulation 3(2).

<sup>41</sup> Op cit – regulation 5.

- b. maintaining and providing understanding of the customs, traditions and values of the three armed Services of the Defence Force, and
- c. promoting career opportunities within these Services.

146. In oral evidence, many of the submitters stressed that in many rural communities, the local Cadet unit has become the face of the ADF. This is particularly so on days such as Anzac Day.

147. If a member of the ADF, who has provided meritorious/distinguished service in support of a Cadet organisation can have that service recognised by the award of a conspicuous service decoration, it is difficult to accept that meritorious/distinguished service rendered by an officer and instructor in the ACF in support of the ADF should not be similarly recognised by the award of a conspicuous service decoration.

148. The Tribunal was advised that there was no available information as to whether a nomination of this kind had been made. Nevertheless, the Tribunal was left with the impression that no thought had been given to such nominations in the past because the Regulations governing conspicuous service decorations did not expressly include officers and instructors in the ACF as a class of persons eligible for consideration for these awards.

149. For the reasons set out above, the submissions of support by the each of the three Cadet organisations, the VCDF, two Service Chiefs and the Department of Defence and the terms of the *Australian Conspicuous Service Decorations Regulations 1990*, **the Tribunal finds** that subject to meeting the prescribed conditions for the award of a conspicuous service decoration, officers and instructors in the ACF are arguably persons who fall within the description of ‘other persons’ in the *Australian Conspicuous Service Decorations Regulations 1990*. Although the ACF is not part of the ADF, its goals include supporting the ADF by providing a community presence of the armed Services and also providing a valuable introduction into careers within the ADF.

150. There are two ways in which officers and instructors in the ACF could formally be made eligible for an award under the existing terms of the *Australian Conspicuous Service Decorations Regulations 1990*. Both involve the Minister exercising his power, pursuant to regulation 5(b) of the *Australian Conspicuous Service Decorations Regulations 1990*, by making a determination that an officer or instructor is eligible for an award under the Regulations. Such a determination could be made on a case by case basis. It could also arguably be made on the basis that officers and instructors, as a class of persons, were ‘other persons’ made eligible for an award under the Regulations. The Tribunal is of the view that the latter would be the easiest and also consistent with that applying to members of the ADF<sup>42</sup>.

151. The Tribunal notes that the administrative procedure for nominations for a conspicuous service decoration is set out in *Defence Instructions (General)* PERS 31-5. In this regard it is noted that at paragraph 19, it is stated that although the

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<sup>42</sup> See regulation 5(a) of the *Conspicuous Service Decoration Regulations 1990*.

Regulations do not stipulate a quota on the number of conspicuous service decorations, ‘a self-imposed guidance figure’ is used. That figure is ‘*equivalent to 125% of the annual quota for appointments allowed within the Military Division of the Order of Australia has been established by the COSC [i.e. the Chiefs of Service Committee] to maintain the prestigious nature of the awards.*’<sup>43</sup> The Tribunal agrees that it is important to maintain the prestigious nature of these decorations and it remains a matter for the COSC to determine how the quota is to be applied.

152. If the Tribunal’s findings that officers and instructors in the ACF are, or should be, made eligible for nomination for a conspicuous service decoration to recognise his/her outstanding distinguished/meritorious service, consideration will need to be given to including, within the existing administrative arrangements for nominations of a conspicuous service decoration, officers and instructors in the ACF.

153. In regard to non-medallic recognition for distinguished service by officers and instructors in the ACF, the Tribunal is unable to make detailed findings in this regard as it was provided with limited information on the nature of these internal awards in each Cadet organisation. At the same time, individual submitters did not raise any issues about the existing informal system. This does not mean that the current internal system to recognise distinguished service by officers and instructors in the ACF is adequate. In any event, these are issues falling outside the Tribunal’s Terms of Reference.

154. Accordingly, **the Tribunal recommends** that:

- a. the COSC be provided with a copy of the Tribunal’s findings and recommendations in regard to recognition of meritorious/distinguished service by an officer or instructor in the ACF and the COSC be requested to amend, as they consider appropriate, the existing administrative procedures for the award of a conspicuous service decoration so as to give effect to the findings of the Tribunal;
- b. the Minister consider making a determination, pursuant to regulation 5(b) of the *Australian Conspicuous Service Decorations Regulations 1990*:
  - i. to the effect that officers or instructors in the ACF are a class of persons who may be awarded a decoration as prescribed in the Regulations; or
  - ii. on a case by case basis, that a nominated officer or instructor in the ACF is a person who may be awarded a decoration as prescribed in the Regulations; and
- c. officers and instructors in the ACF continue to be eligible for nomination for awards under the provisions of the Order of Australia (General Division).

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<sup>43</sup> On this basis the number of Conspicuous Service Decorations made to officers and instructors of Cadets each year is likely to be extremely small. As an example, each year a total of about 77 awards of CSC and CSM are made to the ADF. In other words about one award per 1,000 personnel. At a proportionate rate, the number of awards for officers and instructors of Cadets would therefore be about two per year from the combined total of all officers and instructors of Cadets.

## 8. SUMMARY OF RECOMMENDATIONS

155. In summary, the Tribunal's recommendations in regard to the four issues that were raised by submitters are as follows:

### **Recommendation 1:**

That no change be made to the *Australian Cadet Forces Service Medal Regulations 1999* or the Order of Precedence for wearing the ACFSM;

### **Recommendation 2:**

That there be no change to the *Australian Defence Medal Regulations 2006*.

### **Recommendation 3:**

The Chief of Navy, Chief of Army and Chief of Air Force be:

- a. informed about the Tribunal's findings in regard to the current internal system for the award of '*Certificates of Service*' to recognise five and ten years service in the ACF; and
- b. requested to consider and action as appropriate:
  - i. the adequacy of the current form of '*Certificates of Service*' to recognise five and ten years service rendered by an officer and instructor in the ACF, and
  - ii. whether there should be a separate form of recognition for service rendered as an officer and instructor in the ACF to that rendered by a cadet in the ACF.

### **Recommendation 4:**

The Chiefs of Service Committee (COSC) be provided with a copy of the Tribunal's findings and recommendations in regard to recognition of meritorious/distinguished service by an officer or instructor in the ACF and the COSC be requested to amend, as they consider appropriate, the existing administrative procedures for the award of a conspicuous service decoration so as to give effect to the findings of the Tribunal;

### **Recommendation 5:**

The Minister consider making a determination, pursuant to regulation 5(b) of the *Australian Conspicuous Service Decorations Regulations 1990*,

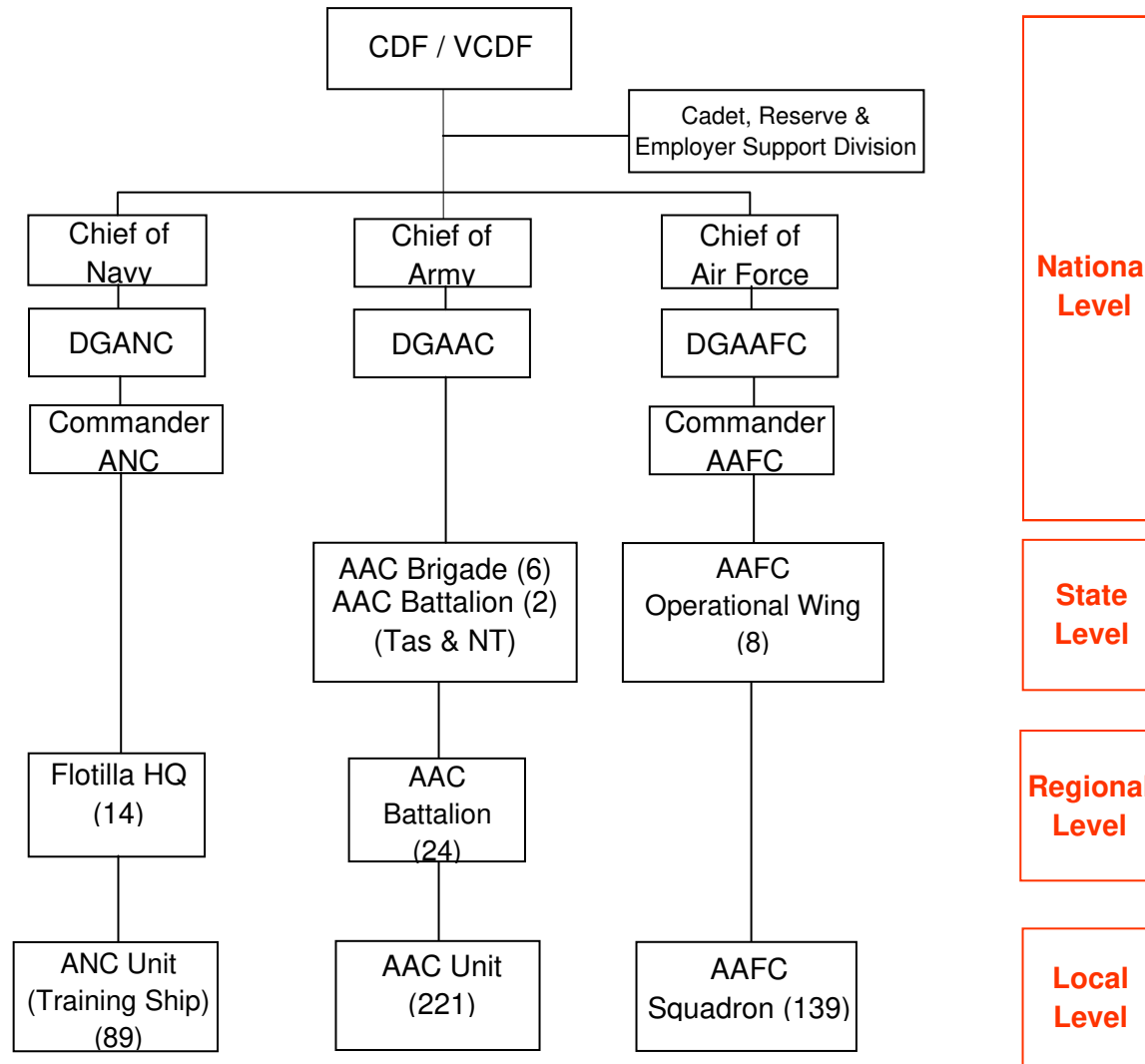
- a. to the effect that officers and instructors in the ACF are a class of persons who may be awarded a decoration as prescribed in the Regulations; or
- b. on a case by case basis, that a nominated officer or instructor in the ACF is a person who may be awarded a decoration as prescribed in the Regulations;

### **Recommendation 6:**

Officers and instructors in the ACF continue to be eligible for nomination for awards under the provisions of the Order of Australia (General Division).



## APPENDIX 1 – AUSTRALIAN CADET FORCES STRUCTURE



### NOTES

CRESD provides common policy support and advice on youth and youth development

The Service Chief's day to day administrative responsibility is subject to the direction of the Minister and/or the Chief of the Defence Force

Director General is a one star Reserve officer. DGAAC commands Brigades directly, not through a national level commander.

National level Commander is an Officer of Cadets

Other elements such as logistics and training support, not central to the core structure are not shown

## **APPENDIX 2 – SUBMISSION RECEIVED BY THE TRIBUNAL**

The Tribunal received submission 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 – ADDITIONAL MATERIAL EXAMINED BY THE TRIBUNAL**

### Legislation

Air Force Act 1923  
Air Force Amendment Act 1976  
Australian Cadet Forces Service Legislation 1999  
Cadet Forces Regulations 1977  
Defence Act 1903  
Defence Force Re-organisation Act 1975  
Naval Defence Act 1910  
Naval Defence Act 1971

### Medal Regulations

Australian Conspicuous Service Decorations 1990  
Australian Defence Medal Regulations 2006  
Defence Long Service Medal Regulations 1998  
National Medal Regulations 1999

### Defence Records

Defence Instructions (General) Personnel 31-1 *Australian awards for long service for members of the Australian Defence Force and Officers and Instructors of Cadets*

Defence Instructions (General) Personnel 31-5 *Australian Defence Force Policy on Nomination Procedures for the Order of Australia and Conspicuous Service Decorations*

### Published sources

A Matter of Honour, the report of the review of Australian Honours and Awards, 1995

Australian Cadet Forces Service Medal Regulations 1999, Commonwealth of Australia Gazette, No S 129, 17 March 2000

Australian Conspicuous Service Decorations Regulations 1990, Commonwealth of Australia Gazette, No S 108, 7 May 1990

Australian Defence Medal, Letters Patent and Regulations, Commonwealth of Australia Gazette, No S 48, 30 March 2006

Dennis, P. et al. *The Oxford Companion to Australian Military History*, Oxford University Press, South Melbourne, 2008

Johnson, C. *Australians Awarded, A Concise Guide to Military and Civilian Decorations, Medals and other Awards to Australians from 1815 to 2007*, Renniks Publications Pty Ltd, Banksmeadow, 2008

Review of the Australian Defence Force Cadets (ADFC) Scheme, 2008

Report on Cadets: The Future, a Strategy for the Australian Services Cadet Scheme, 2000

Stockings, C. *The Torch and the Sword, a history of the Army Cadet movement in Australia*, University of New South Wales Press, Sydney, 2007

#### Internet sources

Australian Defence Force Cadets

<http://www.cadetnet.gov.au/CadetStaff/Pages/TimeCommitment.aspx>

Australian Air Force Cadets <http://www.aafc.org.au/>

Australian Army Cadets <http://www.cadetnet.gov.au/aac/Pages/home.aspx>

Australian Navy Cadets <http://www.cadetnet.gov.au/anc/Pages/Home.aspx>

Western Australian Cadets <http://www.cadetswa.wa.gov.au/>

Canadian Cadet Organisation <http://www.cadets.ca/>

New Zealand Cadet Forces <http://www.cadetforces.mil.nz/>

Defence Honours and Awards Appeals Tribunal, *Inquiry into Eligibility criteria for the Australian Defence Medal* <http://www.defence-honours-tribunal.gov.au/reports>

Australian Government Honours <http://www.itsanhonour.gov.au/>

#### Other sources

Cadet staffing statistics, Strategic Youth Development, Cadet Reserve and Employer Support Division, Vice Chief of the Defence Force Group, Defence Department

## **APPENDIX 4 – TRIBUNAL HEARINGS**

### 11 February 2010

Chair: Ms Sigrid Higgins  
Members: Dr Jane Harte and  
Brigadier Gary Bornholt AM, CSC (Retd)

### 8 April 2010

Chair: Ms Sigrid Higgins  
Members: Dr Jane Harte and  
Brigadier Gary Bornholt AM, CSC (Retd)

Witnesses:

Brigadier William Sowry – Deputy Head Cadet, Reserve and Employer Support Division

Mr Patrick Foley  
Assistant Director Youth Policy

Lieutenant Commander John Humphries RAN – Deputy Director Australian Navy Cadets

Colonel Andrew Wyman – Director Australian Army Cadets

Wing Commander Greg Williamson – Australian Air Force Cadets

### 2 June 2010

Chair: Ms Sigrid Higgins  
Members: Dr Jane Harte and  
Brigadier Gary Bornholt AM, CSC (Retd)

### 3 June 2010

Chair: Ms Sigrid Higgins  
Members: Dr Jane Harte and  
Brigadier Gary Bornholt AM, CSC (Retd)

Witnesses:

Colonel Andrew Wyman – Director Australian Army Cadets

Wing Commander Ben Stewart – Australian Air Force Cadets

Sub Lieutenant James Runham – Commanding Officer, TS Ipswich (Teleconference)

Commander Geoff Hurren – Australian Navy Cadets (Teleconference)

Mr Robert Whitehouse – 11<sup>th</sup> Light Horse Association, Caboolture QLD  
(Teleconference)

Brigadier William Sowry – Deputy Head Cadet, Reserve and Employer Support  
Division

27 July 2010

Chair: Ms Sigrid Higgins  
Members: Dr Jane Harte and  
Brigadier Gary Bornholt AM, CSC (Retd)

28 July 2010

Chair: Ms Sigrid Higgins  
Members: Dr Jane Harte and  
Brigadier Gary Bornholt AM, CSC (Retd)

Witnesses:

Mr Pat Clarke – Director Honours and Awards  
Mrs Helen Gouzvaris – Assistant Director Honours and Awards

29 October 2010

Chair: Ms Sigrid Higgins  
Members: Dr Jane Harte and  
Brigadier Gary Bornholt AM, CSC (Retd)

8 April 2011

Chair: Ms Sigrid Higgins  
Members: Dr Jane Harte and  
Brigadier Gary Bornholt AM, CSC (Retd)