



Australian Government

Defence Honours and Awards Appeals Tribunal

Wilson and the Department of Defence [2021] DHAAT 13 (15 September 2021)

File Number 2021/003

Re **Mr Corey Wilson**
Applicant

And **The Department of Defence**
Respondent

Tribunal Mr Stephen Skehill (Presiding Member)
Major General Simone Wilkie AO (Retd)

Appearances Ms Allison Augustine, Directorate of Honours and Awards,
Department of Defence

Mr Wayne Parker, Directorate of Honours and Awards,
Department of Defence

Hearing Date 2 September 2021

DECISION

On 15 September 2021 the Tribunal affirmed the decision of the Department of Defence of 10 March 2018 that Mr Corey Wilson is not entitled to the Iraq Medal for his service as a civilian in Iraq in 2007-2008 or to the Afghanistan Medal for his service in Afghanistan in 2010 but further decided, under section 110VB(3) of the *Defence Act 1903*, to recommend to the Minister that he should consider whether or not he should make determinations under Regulation 5(2)(b) of the *Iraq Medal Regulations 2004* and Regulation 5(2)(b) of the *Afghanistan Medal Regulations 2004* which would extend eligibility for those medals to a class of persons that would include Mr Wilson.

CATCHWORDS

DEFENCE AWARD – AFGHANISTAN MEDAL – eligibility criteria – member of Australian Defence Force - civilian employee – conditions of award – class of persons determined by Minister

DEFENCE AWARD – IRAQ MEDAL - eligibility criteria – member of Australian Defence Force - civilian employee – conditions of award – class of persons determined by Minister

LEGISLATION

Defence Act 1903 – ss110V(1), 110VB(2), 110VB(3)

Defence Regulation 2016 Section 36

Afghanistan Medal Regulations Commonwealth of Australia Gazette S422 Letters Patent dated 22 October 2004

Afghanistan Medal Regulations Commonwealth of Australia Gazette G00562 dated 21 April 2015 Governor-General Instrument Determination (Afghanistan Medal Instrument 2015)

Afghanistan Medal Regulations – Chief of the Defence Force Instrument of Delegation, dated 14 January 2013 – Revoked by Instrument dated 23 September 2018

Afghanistan Medal Regulations – Chief of the Defence Force Instrument of Delegation, dated 23 September 2018

Iraq Medal Regulations Commonwealth of Australia Gazette S421 Letters Patent dated 22 October 2004

Iraq Medal Regulations Commonwealth of Australia Gazette No S154 dated 28 September 2009, Governor-General Instrument Determination

Iraq Medal Regulations – Chief of the Defence Force Instrument of Delegation, dated 14 January 2013 – Revoked by Instrument dated 23 September 2018

Iraq Medal Regulations - Chief of the Defence Force Instrument of Delegation, dated 23 September 2018

REASONS FOR DECISION

Introduction

1. Mr Corey Wilson seeks review of the 10 March 2018 decision of Ms Allison Augustine, Assessments Manager, Directorate of Honours and Awards in the Department of Defence, that he is not entitled to the Iraq Medal or the Afghanistan Medal for his service as a civilian in Iraq in 2007-2008 and Afghanistan in 2010, where he participated in Australian Defence Force operations in both countries.

Mr Wilson's service

2. Mr Wilson enlisted in the Royal Australian Navy (RAN) on 14 February 1994. On 19 April 2004 he discharged from the RAN. On 20 April 2004, he commenced as an active reservist in the RAN until 20 April 2014.

3. For this service he was awarded the:

- Australian Active Service Medal with Clasp 'EAST TIMOR';
- Australian Service Medal with Clasp 'BOUGAINVILLE';
- Australian Defence Medal;
- United Nations Medal with Ribbon UNTAET; and
- the Returned from Active Service Badge.

4. During his period as an active reservist, Mr Wilson did not undertake overseas service as a member of the RAN.

5. Mr Wilson was a Defence Australian Public Service (APS) employee from 27 April 2004 to 26 June 2004.

6. During the periods relevant to this matter, Mr Wilson was an employee of Boeing Australia Limited. In that capacity he deployed to Iraq from 3 March 2007 to 31 May 2007 and 2 February 2008 to 27 April 2008, and to Afghanistan from 24 March 2010 to 9 June 2010.

7. For these deployments Mr Wilson has been awarded the Australian Operational Service Medal (AOSM) (Civilian) with Clasps 'IRAQ 2003' and 'ICAT'. He advised that he was also awarded a NATO medal with Clasp 'AFGHANISTAN'.

Decision under review

8. Mr Wilson applied to the Directorate of Honours and Awards for the Iraq Medal and the Afghanistan Medal on 21 September 2017.

9. On 10 March 2018 Ms Augustine advised him that she was unable to make a recommendation that he be awarded those medals. In doing so Ms Augustine stated that Mr Wilson was not entitled to either the Afghanistan Medal or the Iraq Medal as:

“For a person to be awarded the Afghanistan Medal or the Iraq Medal they must meet the following conditions:

- a) Persons who served in a prescribed operation as members of the Defence Force; and
- b) Persons included in a class of persons determined by the Minister for the purpose of the regulation.”

Ms Augustine further stated:

“Your service in Afghanistan in 2010 and Iraq in 2007/2008 was as a Civilian, not a Defence Force member, and the Minister has not determined Civilians as a class of persons eligible for the awards. Therefore, under the medal regulations, your Civilian service does not qualify you for the Afghanistan Medal or the Iraq Medal.”

Application for review

11. Mr Wilson’s application to the Tribunal for the review of Ms Augustine’s denial of eligibility was dated 4 March 2021. The Tribunal accepted Mr Wilson’s application on 11 March 2021, having satisfied itself that Ms Augustine’s decision was a “refusal to recommend” within section 110V(1)(a) of the *Defence Act 1903* (the Act), made by a person within the Department of Defence within section 110V(1)(b)(ii) of the Act and made in response to an application within section 110V(1)(c) and thereby a “reviewable decision”.

12. On 12 March 2021, the Chair of the Tribunal wrote to the Secretary of the Department of Defence seeking a report from Defence on the decision to deny Mr Wilson the Iraq Medal and the Afghanistan Medal. On 30 April 2021, the Director of Honours and Awards, on behalf of the Secretary, provided a report.

13. On 4 May 2021, the Defence Report was provided to Mr Wilson and Mr Wilson responded with his comments on 19 May 2021.

Eligibility criteria for the Iraq Medal

14. The eligibility criteria for the Iraq Medal are found in the *Iraq Medal Regulations 2004*. Regulation 5 provides that:

- (1) The Medal may be awarded/or service in the operational area of Iraq in connection with a prescribed operation.
- (2) The persons to whom the Medal may be awarded are:
 - (a) persons who served in a prescribed operation as members of the Defence Force; and
 - (b) persons included in a class of persons determined by the Minister for the purposes of this regulation.

- (3) The other conditions for the award of the Medal are the conditions determined by the Governor-General on the recommendation of the Minister.
- (4) The Medal may only be awarded to a person who fulfils the conditions for the award of the Medal.

15. Further eligibility criteria detailing the prescribed operations (being Operation FALCONER, Operation CATALYST, Operation RIVERBANK and Operation KRUGER in certain locations for specific periods) are contained within a Declaration and Determination under that regulation dated 27 August 2009 (the Determination).

16. Paragraph (c) of the Determination details the conditions for the award of the Iraq Medal as follows:

- (i) the Medal may be awarded to a member of the Australian Defence Force who rendered assigned service as such a member while posted as a member of the Australian element for duty to the *prescribed operation* for a *prescribed period*;
- (ii) the Medal may be awarded to a member of the Australian Defence Force who rendered assigned service as such a member for a *prescribed period* as part of the contribution of a foreign Defence Force on an approved third country deployment to the *prescribed operation* while on secondment or exchange with the foreign Defence Force;
- (iii) the Medal may be awarded to a member of the Australian Defence Force who rendered assigned service as such a member while posted as a member of the Australian element for duty to the *prescribed operation* and who completed a *prescribed number of sorties* within the duration of the prescribed operation;
- (iv) the Medal may be awarded to a person who rendered service as part of the Australian element of the *prescribed operation* for a *prescribed period* and who, in accordance with a determination made by the Minister under paragraph 5(2)(b) of the Regulations, is in a class of persons who may be awarded the Medal;
- (v) (A) in this paragraph "*prescribed period*" for the prescribed operation at subparagraph b(i)(A) means:
 - (1) in relation to subparagraphs c(i), c(ii) and c(iv) a period of not less than seven days;
- (vi) (A) in this paragraph "*prescribed period*" for the *prescribed operation* at subparagraphs b(i)(B), b(ii), b(iii) and b(iv) means:
 - (1) in relation to subparagraphs c(i), c(ii) and c(iv) a period of not less than 30 days;

(vii) (A) in this paragraph "*prescribed number of sorties*" within the duration of the *prescribed operation* at subparagraph b(i)(A) means:

- (1) in relation to subparagraph c(iii) seven sorties from a unit force assigned to the *prescribed operation*, provided that those sorties were conducted over a period of not less than an aggregate of seven days at a rate of one sortie per day;

(viii) (A) in this paragraph "*prescribed number of sorties*" within the duration of the *prescribed operation* at subparagraphs b(i)(B), b(ii), b(iii) and b(iv) means:

- (1) in relation to subparagraphs c(iii) 30 sorties from a unit force assigned to the *prescribed operation*, provided that those sorties were conducted over a period of not less than an aggregate of 30 days at a rate of one sortie per day;

PROVIDED THAT where a member does not complete the conditions for the award of the Medal required by subparagraphs c(i), c(ii), c(iii) or c(iv) owing to his or her death, evacuation due to illness, injury or other disability due to service, the member will be deemed to have completed the conditions for the award of the Medal.

Eligibility criteria for the Afghanistan Medal

17. The eligibility criteria for the Afghanistan Medal are contained the *Afghanistan Medal Regulations 2004*. Regulation 5 provides that:

- (1) The Medal may be awarded for service in the operational area of Afghanistan in connection with a prescribed operation.
- (2) The persons to whom the Medal may be awarded are:
 - (a) persons who served in a prescribed operation as members of the Defence Force; and
 - (b) persons included in a class of persons determined by the Minister for the purposes of this regulation.
- (3) The other conditions for the award of the Medal are the conditions determined by the Governor-General on the recommendation of the Minister.
- (4) The Medal may only be awarded to a person who fulfils the conditions for the award of the Medal.

18. Further eligibility criteria detailing the prescribed operations (being Operation SLIPPER, Operation PALATE and Operation PALATE II in certain locations for specific periods) are contained within the Afghanistan Medal Instrument 2015 dated 13 April 2015.

19. Paragraph 7 of the Instrument details the conditions for the award of the Afghanistan Medal as follows:

- (1) For subsection 5(3) of the Afghanistan Medal Regulations, the following conditions are determined for the award of the medal:
 - (a) a person must have given service on deployment during the period of the Afghanistan Operation; and
 - (b) a person must have given service on 30 days, during one or more such deployments, whether or not the service continued throughout the whole day and whether or not the 30 days were continuous; and
 - (c) person must have given the service while assigned for duty (however described) on one or more operations that comprise the Afghanistan Operation; and
 - (d) a person must have given the service as an ADF member; and
 - (e) a person must not have been awarded, nor be eligible to be awarded, an Iraq Medal in relation to the same service on a deployment during which the service is given; and
 - (f) a person must have given service that involves the performance of Operational Duties: and
 - (g) no other period of service can have been completed.

Mr Wilson's submission

20. In his application to the Tribunal for review of the Defence decision Mr Wilson stated that he was assigned to 20 Surveillance and Target Acquisition (20STA) Regiment with the Australian Army. Mr Wilson confirmed that he was an employee of Boeing Defence Australia/Insitu Pacific at all times he was in Afghanistan and Iraq. He argued that through piloting and maintaining the aircraft, he and other Boeing employees directly contributed to the persistent operational UAV support of the ADF and Allied Forces in overwatch protection and intelligence gathering.

21. With his application, Mr Wilson also provided letters from Lieutenant Colonel Roderick Lang CSC of the Army Unmanned Aerial System Projects Team, with whom he worked in Afghanistan, and from Major Russell Hamsey of the 20th Regiment, Royal Australian Artillery, with whom he worked in Afghanistan and Iraq.

22. Both Lieutenant Colonel Lang and Major Hamsey believed that Mr Wilson was deserving of the award of both medals by reference to passages in the Defence Honours and Awards Manual (DHAM).

Major Hamsey stated that:

“Chapter 23 of the DHAM describes the conditions under which each medal can be awarded. Specifically para 23.23.c. holds that the Afghanistan medal can be award (sic) to “a person who rendered service as part of the Australian element of the prescribed operation for a period of 30 days or for periods amounting to 30 days and who, in accordance with a determination made by the Minister, is in a class of persons who may be awarded the Medal.” Para 23.32 holds the same conditions for award of the Iraq Campaign Medal.”

Major Hamsey further stated:

“I can testify to your service on OP CATALYST in Tallil, Iraq on two occasions (03 Mar – 31 May 2007 and 02 Feb – 27 April 2008). I can also testify to your service on OP SLIPPER in Tarin Kot, Afghanistan (24 Mar – 09 Jun 2010).

In Iraq you were a member of Overwatch Battle Groups 2, 3 and 4. In Afghanistan, you were a member of UAS TG 633.0.1.1. That supports the requirement to be a member of an Australian element.

You served a total of 173 days in Iraq and 77 days in Afghanistan and that supports the requirement to have served a total of 30 days in both theatres.

Lieutenant Colonel Lang stated:

The Insitu contractors who deployed with myself and the Unmanned Aerial Vehicle Group Four (UAV Gp IV) during Op SLIPPER in 2008/2009 were exposed to the same warlike conditions as the ADF personnel.”

Defence submission

23. Following the Tribunal’s request for a Defence Report, the Directorate conducted a further review of Mr Wilson’s eligibility for the Iraq and Afghanistan Medals.

24. The Defence Report stated that:

“The review confirmed that Mr Wilson was not recommended for the Iraq Medal and the Afghanistan Medal as his service was not as a member of the ADF but as a Civilian. The Minister has not determined Civilians as a class of persons eligible for the Iraq Medal or the Afghanistan Medal.

Defence does not dispute that Mr Wilson served as a Defence Civilian on deployment to Iraq in 2007 and 2008 and Afghanistan in 2010.”

25. The Australian Operational Service Medal - Civilian may be awarded to Defence civilians and other classes of civilians who are employed on ADF operations under the provisions of the *Defence Force Discipline Act 1982*. The Chair of the Tribunal had thus also sought “copies of the documentation likely to have been signed by Mr Wilson prior to his deployment regarding the application of the *Defence Force Discipline Act 1982* during his service under the control or at the direction of the ADF, and any other personnel records held by Defence that are relevant to his employment as a civilian contractor.”

26. Defence stated in the Report that:

“The purpose of Form 61 is for a civilian (ie. not a defence member) to consent to being defined as a 'defence civilian' under the *Defence Force Discipline Act 1982* and being subject to Defence Force discipline.

In 2014, Mr Wilson's application to the DH&A included the following documents ... which assisted in his medal eligibility assessment:

- a. a copy of his passport;
- b. signed Form 61 Defence Force Discipline Act 1982 dated 31 October 2017 (sic 2007);
- c. signed Form 61 Defence Force Discipline Act 1982 dated 18 December 2017 (sic 2007); and
- d. Defence Minute dated 9 March 2010.

Defence is unable to locate a signed Form 61 Defence Force Discipline Act 1982 for Mr Wilson's service in 2010, however Headquarters Joint Operations Command has advised the Minute dated 9 March 2010 would not have been struck if he had not signed the Form 61."

Defence further stated:

"Recognition of service by Defence Civilians through the award of Defence Medals ceased in 1999. There is no provision within the Regulations, Instrument or Determination of either the Afghanistan Medal or the Iraq Medal to allow for a class of person other than a member of the Australian Defence Force (ADF) to be awarded the medals, unless the relevant Ministerial Determination is established to do so. The review confirmed that no such Ministerial Determination has been introduced for the Iraq Medal or the Afghanistan Medal.

The AOSM, including the Civilian variant, was established in 2012 to replace Campaign Medals, the Australian Active Service Medal and the Australian Service Medal to recognise future contemporary operations from its date of introduction. The AOSM was also made retrospective for past operations that had not received medallic recognition.

With the introduction of the AOSM (Civilian), medallic recognition of service by civilians on ADF operations was re-introduced."

27. In summary, the Defence position stated in its Report was that:

"The review confirmed that Mr Wilson was not recommended for the Iraq Medal and the Afghanistan Medal as his service was not as a member of the ADF but as a Civilian. The Minister has not determined Civilians as a class of persons eligible for the Iraq Medal or the Afghanistan Medal.

Defence does not dispute that Mr Wilson served as a Defence Civilian on deployment to and to Iraq in 2007 and 2008 and Afghanistan in 2010. Mr Wilson's service as a Defence Civilian on deployment to Iraq and Afghanistan is recognised by the AOSM (Civilian) with Clasps 'IRAQ 2003' and 'ICAT'."

Mr Wilson's comments on the Defence Report

28. In his comments on the Defence Report, Mr Wilson concentrates on paragraph 29 of that report:

“Considering the level of operational service detailed in my submission (overwatch support and protection of mounted and dismounted Australian and Allied personnel, intelligence gathering and assistance in preparation of daily intel briefs, C-IED and escort sorties, persistent prosecution of potential and identified targets, expertise in remote flight operations and aircraft and ground support equipment maintenance), the Boeing Defence Australia/Insitu Pacific team provided the ADF and Allied forces in theatre a significant overwatch and intelligence gathering capability at a battalion level that was not yet available within the ADF.

It is within the intention of Point (sic paragraph) 29 raised above that the significant contribution to the overwatch protection, intelligence gathering element, and continuous aircraft availability to the ADF that the civilian members seconded to 20th Surveillance and Target Acquisition Regiment be retrospectively awarded the campaign medals for operations the theatres detailed. It was an honour to be awarded the Operational Service Medal – Civilian (in recognition of service and in place the Australian Active Service Medal awarded to my uniformed counterparts), however considering the level of operational capability provided to the ADF and Allied forces in theatre; the award of these campaign medals would recognise the significant contribution of personnel attached to the regiment.

Through testimonies provided by LTCOL Lang and MAJ Hamsey there is support from deployed command staff for recognition to award the campaign medals for our service to combat forces in Iraq and Afghanistan.”

29. Mr Wilson added that, should he be unsuccessful in the Tribunal:

“I respectfully request that the Tribunal escalates this case to both The Minister for Defence The Honourable Peter Dutton MP and The Minister Assisting The Honourable Andrew Hastie MP for consideration to recognise the Boeing Defence Australia/Insitu Pacific personnel as a *class of persons determined by the Minister for the purpose of the regulation.*”

30. Mr Wilson had previously written to the Hon Peter Dutton, MP, on 27 August 2019, in his former role as the Minister for Home Affairs, requesting the Minister's support for Mr Wilson's award of the 'campaign medals' (Afghanistan Medal and the Iraq Medal) 'whilst seconded to the ADF'. Mr Wilson also requested Minister Dutton to consider his request to be determined as a "Person included in a class of persons determined by the Minister for the purposes of the regulation."

Tribunal hearing

31. At the hearing on 2 September 2021 Mr Wilson agreed that he was not, during his service in Iraq and Afghanistan, deployed as a member of the Defence Force, notwithstanding that he was subject to the *Defence Force Discipline Act 1982*, that he was afforded the honorary rank of Captain, and that he considered that he was treated by the ADF members and

commanders with whom he served as though he was an ADF member. Mr Wilson also stated that he had been part of the Chain of Command; and that the ADF had nominated him, and his Boeing Defence Australia colleagues, for the award of the NATO medal.

32. Mr Wilson also accepted that the Minister had made no determination of a class of persons under Regulation 5(2)(b) of either the *Iraq Medal Regulations 2004* or the *Afghanistan Medal Regulations 2004*.

33. For their part, the Defence representatives accepted that, had he been a member of the ADF during those periods, the nature of his service was such that Mr Wilson would have qualified for the grant of both the Iraq Medal and the Afghanistan Medal.

34. Defence representatives confirmed that the Minister had not been asked by Defence to give consideration to whether or not determinations of a class of persons should be made under Regulation 5(2)(b) of either the *Iraq Medal Regulations 2004* or the *Afghanistan Medal Regulations 2004*. They stated that the current Defence position reflected a continuation of a policy position adopted some years ago by a former Chief of the Defence Force in relation to the conferral of military medals on civilians. They agreed that there was no reason why the Minister, if he were to give consideration to the making of such determinations, would be precluded from doing so.

Tribunal analysis

35. The categories of persons to whom the Iraq Medal and the Afghanistan Medal may be awarded are clearly defined in each of the *Iraq Medal Regulations 2004* or the *Afghanistan Medal Regulations 2004*. To be eligible, a person must be either an ADF Member at the time, or within a class of persons determined by the Minister.

36. Those Regulations authorise the making of other subordinate instruments further defining eligibility by reference to particular operations, period, etc. Those instruments cannot be inconsistent with the Regulations under which they are made – the stream cannot rise above its source. So, for example, participation by a civilian in a prescribed operation defined in such an instrument cannot entitle a person to a medal in the absence of a determination made by the Minister of a class of persons that includes that person.

37. While Mr Wilson has sought to find support for his claim to eligibility for the medals he seeks by focussing on particular phrases in the Defence Honours and Awards Manual, the Defence Submission and Major Hamsey's letter, these documents must be read in their entirety and in context. So read, they confirm that a Ministerial determination would be necessary for Mr Wilson to be eligible for those medals.

38. This means that the Tribunal has no option but to affirm the decision of Ms Augustine. Under section 110VB(6) of the Act, in reviewing a reviewable decision the Tribunal is bound by the eligibility criteria that governed the making of the reviewable decision. Although Mr Wilson, as a reservist, was an ADF member at relevant times, he did not deploy to Iraq or Afghanistan in that capacity but as a civilian. As there is no relevant Ministerial determination, Ms Augustine's decision was in our view clearly correct.

39. However, section 110VB(3) of the Act also provides that:

The Tribunal may also make any recommendations to the Minister that the Tribunal considers appropriate and that arise out of, or relate to, the Tribunal's review under subsection (2) of a reviewable decision.

40. The Tribunal notes that, on the basis of the advice provided by Defence at the hearing, the reason there is no relevant Ministerial determination is simply because the Minister has not considered the question of whether such a determination should be made. This in turn is simply because it has not been suggested to him that he should give consideration to the matter. And that in turn is because a previous Chief of the Defence Force (Admiral Chris Barrie AC) had adopted a particular policy some years ago.

41. At the same time, Defence representatives acknowledged that some campaign medals are available to some categories of civilians. They advised that provision for the awarding of campaign medals to civilians had been made on 13 occasions, and such medals has been awarded under three classes - philanthropic, the AASM for some civilians during the Somalia operation, and Australian Quarantine and Inspection Service officers for quarantine roles.

42. While we believe it is not for the Tribunal to express a view as to whether or not a Ministerial determination should be made that would entitle Mr Wilson to the medals he seeks, we do believe that the present situation is unsatisfactory. The Regulations confer the power of deciding this issue on the Minister, not on the Chief of the Defence Force or the Department of Defence. The failure to put the matter to the Minister by default acts as an abrogation of the statutory power of decision making from the Minister to the Department.

43. We thus recommend that, in fairness to Mr Wilson (and to others such as his Boeing/Insitu colleagues who similarly served and who he believes are equally deserving of recognition), the Minister should consider whether or not the clear power to extend eligibility should be exercised in his (and their) favour. In considering that matter, the Minister can of course have regard to whatever advice he may receive from the current Chief of the Defence Force or the Department. Whether or not that advice is favourable, it would desirably canvass all relevant considerations including the nature of Mr Wilson's service (and that of his colleagues), the apparently vital role it played in supporting ADF operations and that fact that, as attested by Lieutenant Colonel Lang, he was "exposed to the same war-like conditions as the ADF personnel".

44. We note in passing that, if the Minister were to make a determination under paragraph 5(2)(b) of the *Afghanistan Medal Regulations 2004* that entitled Mr Wilson to the Afghanistan Medal he seeks, paragraph 7(1)(d) of the Afghanistan Medal Instrument 2015 would need to be amended to refer to that determination and not just to service as an ADF member. There is no corresponding issue with the Declaration and Determination made under the *Iraq Medal Regulations 2004* which, in paragraph (c)(iv) already makes provision for a determination under paragraph 5(2)(b).

Decision

45. In light of the above, the Tribunal decided to affirm the decision of the Department of Defence of 10 March 2018 that Mr Corey Wilson is not entitled to the Iraq Medal for his service as a civilian in Iraq in 2007-2008 or to the Afghanistan Medal for his service in Afghanistan in 2010 but has further decided, under section 110VB(3) of the *Defence Act 1903*, to recommend to the Minister that he should consider whether or not he should make determinations under Regulation 5(2)(b) of the *Iraq Medal Regulations 2004* and Regulation 5(2)(b) of the *Afghanistan Medal Regulations 2004* which would extend eligibility for those medals to a class of persons that would include Mr Wilson.