



Australian Government

Defence Honours and Awards Appeals Tribunal

Lockrey and the Department of Defence [2022] DHAAT 10 (18 July 2022)

File Number 2021/001

Re **Mr Arnold John Lockrey**
(Previously known as Arnoldus Johanus Van Hulst)
Applicant

And **The Department of Defence**
Respondent

Tribunal Ms Anne Trengove (Presiding Member)
Mr David Ashley AM

Hearing Date 6 October 2021

Appearances via videoconference

Mr Arnold Lockrey and Mr Robert Fenwick, for the applicant.
Ms Jo Callaghan and Mr Wayne Parker, Directorate of Honours and
Awards, Department of Defence, for the respondent.

DECISION

On 18 July 2022 the Tribunal decided to:

- (a) set aside the decision of the Directorate of Honours and Awards of the Department of Defence that Mr Arnold Lockrey is not eligible for the award of the Republic of Vietnam Campaign Medal and substitute its decision that he be recommended for the Republic of Vietnam Campaign Medal.
- (b) pursuant to section 110VB(3) of Defence Act, and consistent with the rationale of the above decision, recommend to the Minister that the Department of Defence be directed to consider whether there are any other Vietnam Veterans that should similarly be recommended for the Republic of Vietnam Campaign Medal.

CATCHWORDS

FOREIGN AWARD – Republic of Vietnam Campaign Medal – eligibility criteria to be applied - exceptions for service less than the required period – psychiatric illness diagnosed after returned home for rest and recreation leave - whether wounded in war time/ wounded in action – set aside.

LEGISLATION

Defence Act 1903 – Part VIIIIC – Sections 110T, 110V(1), 110VB(2), 110VB(3), 110VB(6).

VIETNAMESE DIRECTIVES

Joint General Staff of the Republic of Vietnam, Armed Forces Directive Pertaining to Awarding of Campaign Medal HT 655-430 dated 1 September 1965 (as amended)

AUSTRALIAN INSTRUMENTS

Memorandum from the Secretary of the Department of Defence, Vietnamese Campaign Medal, dated 16 September 1966.

Military Board Instruction 102-4 *Medals – The Vietnamese Campaign Medal*, 23 December 1968.

Military Board Instruction 38-1 *Casualties – Service Recording and Advice to next of kin*, 8 August 1966.

Defence Instruction (Air Force) PERS 10-9, *The Republic of Vietnam Campaign Medal*, 15 February 1983.

Australian Navy Order (ANO) 516/70, *Vietnamese Campaign Medal Award for Service in South Vietnam*.

REASONS FOR DECISION

Introduction

1. The Applicant, Mr Arnold John Lockrey, seeks review of the decision by Ms Donna Burdett of the Directorate of Honours and Awards of the Department of Defence (the Directorate) that he is not eligible for the award of the Republic of Vietnam Campaign Medal (the RVCN). Relevant to this application, Mr Lockrey served in Vietnam from 8 February to 12 July 1969 (for less than six months).

2. On 14 September 2016, Mr Thomas Case of the Lake Macquarie Vietnam Veterans Association, acting on behalf of Mr Lockrey, lodged an application for the award of the RVCN to the Directorate.^{1 2}

3. In response to this application, on 4 December 2017, Ms Burdett determined that Mr Lockrey was not eligible for the RVCN because, in Defence's view, he did not meet the eligibility criteria by serving a minimum of 181 days³ in Vietnam and his circumstances did not fall within any of three stated exceptions to that requirement, in that he was not:

- a) killed on active service;
- b) wounded in action i.e. classified as a battle casualty and evacuated as a result of those wounds; or
- c) captured and later released or escaped.⁴

4. On 28 January 2021, Mr Lockrey applied to the Tribunal for a review of Ms Burdett's decision.⁵ He contended that although he was not evacuated from the theatre of war, he more than meets 'the spirit' of the eligibility criteria for the RVCN. Mr Lockrey argued that this is because he suffers from Post-Traumatic Stress Disorder (PTSD) and that he was hospitalised within four days after arriving home in Australia for rest and recreation (R & R) leave and could not return to Vietnam.

Tribunal jurisdiction

5. Pursuant to s110VB(2) of the *Defence Act 1903* (the Act) the Tribunal must review a reviewable decision if an application is properly made to the Tribunal. The term *reviewable decision* is defined in s110V and includes a decision made by a person within the Defence Force to *refuse to recommend* a person for a *foreign award* in response to an application. Section 110T defines a *foreign award* as an honour or award given by a government of a foreign country, or by an international organisation.

6. As required by s110VB(6) of the Act, in reviewing the reviewable decision, the Tribunal is bound by the eligibility criteria that governed the making of the reviewable decision.

¹ Letter, Mr Thomas Case, Lake Macquarie, Vietnam Veterans to DH&A.

² Mr Lockrey also made applications for medallic recognition for the RVCN in the 1990s which were rejected.

³ Defence's interpretation of the six-month qualifying period.

⁴ Letter, Ms D Burdett, Acting Assessments Manager DH&A to Mr Lockrey dated 4 December 2017.

⁵ Application for Review of Decision by Mr Lockrey to the Tribunal dated 28 January 2021.

Mr Lockrey's service

7. Mr Lockrey, who served under his birth name of Arnoldus Johanus Van Hulst, enlisted on 1 May 1968 in the Australian Regular Army Supplement – National Service (ARAS) (NS) for a period of two years.

8. Of particular relevance to this application, Mr Lockrey served in Vietnam as a Private in the infantry with 12 Platoon, D Company, 5th Battalion, the Royal Australian Regiment (5 RAR), arriving in Vietnam on 8 February 1969. After around four months operational service, on 12 July 1969, Mr Lockrey returned home to Australia on R & R leave for an anticipated period of seven days. However, whilst on leave, Mr Lockrey experienced significant mental trauma, such that he could not return to Vietnam to complete his tour.

9. Mr Lockrey was discharged on 9 October 1969 under section 35(B)(2) of the *National Service Act 1964* 'being medically unfit'.

10. For his service Mr Lockrey was awarded the:

- Australian Active Service Medal 1945-75 with Clasp 'VIETNAM';
- Vietnam Medal;
- Australian Defence Medal;
- Anniversary of National Service 1951-1972 Medal;
- Returned from Active Service Badge;
- Infantry Combat Badge.⁶

The Republic of Vietnam Campaign Medal

11. In May 1964 the Government of the Republic of Vietnam established its campaign medal, known in Australia as the RVCM. On 1 September 1965 the Joint General Staff of the Republic of Vietnam issued a directive setting out the eligibility for the medal. Relevantly, the Articles which set out eligibility for the award reads as follows:

Article 1: All military personnel of the Republic of Vietnam Armed Forces (RVNAF) who have 12 months service in the field during war time, may claim for Campaign Medal award.

Article 2: The RVNAF personnel who don't possess the eligibilities prescribed in Art.1, but happen to be under one of the following circumstances, are qualified for Campaign Medal award:

- *WIA (wounded in action);*
- *captured in action by enemies or missing while performing his missions, but released later, or an escape has taken place.*
- *KIA or die while performing a mission entrusted.*

The above anticipated cases must take place during the war.

⁶ Defence Report to Tribunal dated 19 March 2021.

Article 3: Allied soldiers assigned to the Republic of Vietnam after 6 months in war time with the mission to assisting the Vietnamese Government and the RVNAF to fight against armed enemies, are eligible for Campaign Medal decorations; they would be awarded with campaign medal under conditions anticipated in Article 2 of this Directive.⁷

12. In May 1966 the Government of the Republic of Vietnam raised the possibility of awarding the RVCN to Australian servicemen. On 24 June 1966 Her Majesty The Queen granted unrestricted approval for members of the Australian armed forces to accept and wear the RVCN.⁸

13. A Vietnamese Order, dated 31 August 1966, laid out final Vietnamese Authority for the award of the RVCN to Australian forces. This order cited the Vietnamese Directive of 1 September 1965, and amendments dated 22 March 1966 and 8 October 1965 as eligibility criteria for the award. These amendments, which have been repeatedly cited by Australian authorities, but nonetheless remain unavailable for fulsome consideration, are discussed later in this report.

Australian conditions for the award of the RVCN

14. Following receipt of the Vietnamese order of 31 August 1966, the Department of Defence and the three Services then promulgated further conditions for the awarding of the RVCN. On 16 September 1966 the Secretary of the Department of Defence forwarded a memorandum to the Secretaries of the Departments of the Navy, Army and Air setting out the criteria for the award. These criteria were based on, but were not identical to, those specified by the Government of the Republic of Vietnam. Referring to the amended Article 3, the Secretary stated that Australia's 'interpretation is the same as that of the United States' and that 'conditions for the grant of the award (of the RVCN) to Australian servicemen, which are in line with those laid down by the United States authorities', were as follows:

- (a) *Special service - as defined by the Repatriation (Special Overseas Service) Act 1962 - for a minimum of 6 months duration, either continuous or aggregated, in Vietnam with retrospective effect to 31st July 1962.*
- (b) *'Special service' in Vietnam of less than six months' duration since 31st July 1962 if*
 - (1) *killed on active service or wounded in action **and evacuated**,⁹*
 - (2) *captured and later released or escaped.*

Military Board Instruction 102-4 dated 23 December 1968

15. This is the instrument by which the Australian Military Board purported to set out eligibility criteria for the RVCN for members of the Australian Army. The Instruction set out the qualifying conditions as:

To qualify for the award a member must be allotted for 'Special Service' in Vietnam as defined by MBI 216-1, and one of the following:

⁷ Government of the Republic of Vietnam Directive Nr HT.655-430, 1 September 1965.

⁸ Cable, London to Canberra, 24 June 1966, NAA: A3111, 1966/3374.

⁹ Emphasis added by Tribunal.

a. *Must serve in Vietnam for a minimum period, either continuous or aggregated, of 181 days from 31 Jul 62 inclusive to a future date,*

b. *Have served in Vietnam for a period of less than 181 days from 31 Jul 62 inclusive to a future date if:*

(1) *Killed on active service.*

(2) *Wounded in action (i.e. classified as a Battle Casualty in a NOTICAS signal vide MBI 38-1).¹⁰*

(3) *Captured and later released or escaped.¹¹*

16. Military Board Instruction 38-1 provides guidance on administrative action for the recording of casualties, injuries and illnesses and notification of next of kin. It is not specific to the RVCN.

Tribunal inquiries

17. The Republic of Vietnam Campaign Medal has been the subject of two inquiries by the Tribunal. Relevant to this application, the first inquiry, conducted between 2013 and 2014, recommended, among other things, that Defence amend its interpretation of 'wounded-in-action' to include psychological injury under the following conditions:

- *the injury would need to be incurred as a result of enemy action;*
- *the injury would need to be noted on the member's medical records at the time; and*
- *the casualty would need to be evacuated from the operational theatre as a result of this particular injury.*

18. Together with accepting the above recommendation (with the exception of the word 'medical' in respect of the member's records), Government issued a further direction to the Tribunal to conduct another inquiry into the RVCN to seek further consideration and formal advice as to the legality and practicalities of amending the eligibility criteria for this foreign award.

19. This second inquiry found, based on advice from the Australian Government Solicitor, that the Australian Government does not have the legal authority to amend the eligibility criteria in relation to the award of the RVCN, and made a subsequent recommendation that those criteria not be amended, because the Australian Government does not have the legal authority to do so. This recommendation was accepted.

Mr Lockrey's application to the Tribunal

20. In Mr Lockrey's application to the Tribunal, he put forward the view that he would 'fit the criteria' of being wounded in action whilst serving in Vietnam. He described his service at the Battle of Binh Ba from 6 to 8 June 1969. He also submitted that on 15 June 1969, at the village of Dat Do, his platoon was involved in a 'severe mine incident', with only

¹⁰ Emphasis added by Tribunal.

¹¹ Military Board Instruction 102-4 *Medals – the Vietnamese Campaign Medal* - dated 23 December 1968.

six people from the platoon being fit to carry on as three had been killed in action and another 23 wounded.¹² He explained that the remaining six stayed in the field that night and the next morning had to check over the bodies of Viet Cong that had been killed by another platoon.

21. Mr Lockrey went on to explain that after further operational service in Vietnam, he proceeded on leave, arriving in Sydney on 12 July. Mr Lockrey submitted that after he arrived in Australia he started to become aggressive to his wife and family, and that he decided to walk in front of a slow moving car. While he only suffered minor injuries as a result of this incident, his behaviour became more aggressive and violent, to the extent that he was hospitalised and medicated with sodium amathol and Valium. He stated that the treating psychiatrist, Dr Spragg, diagnosed him with Traumatic Neurosis (now classified as PTSD) and informed him that he would not be returning to Vietnam.

22. Mr Lockrey submitted that he should be entitled to the RVCN, as, in his view, he was wounded in action as a direct result of the actions of the enemy, and that absent this injury he would have returned to Vietnam at the end of his R & R and completed his tour.

23. Mr Lockrey's application included a letter of support from his former platoon commander, Mr Robert Fenwick, which confirmed Mr Lockrey's operational service and that of the platoon. Mr Fenwick explained that in less than four months of operations, D Company had lost 10 killed in action, of a total of 25 from the total battalion over its tour.

24. Mr Fenwick also criticised the lack of counselling and debriefing after the platoon had returned from the field after Dat Do and other operational service, and indicated that Mr Lockrey showed signs of unusual behaviour after the Battle of Binh Ba, and a few days prior to the event at Dat Do.

25. Mr Fenwick put forward the view that there was no evidence to suggest that Mr Lockrey experienced anything other than a spontaneous, involuntary and acute PTSD episode which was triggered whilst on leave, but nonetheless caused by his service in Vietnam.

26. Mr Lockrey's application also included a statement of support from his former Company Commander, Major General Murray Blake (Retd), who later served on the Veterans' Review Board. Major General Blake's statement offered full support to Mr Fenwick's letter and offered further personal observations regarding the events of June 1969.

27. Major General Blake explained that Mr Lockrey was 'in the thick of it' during the intense battle at Binh Ba, and confirmed the arduous service of 12 Platoon during and after the mine incident at Dat Do. Major General Blake described the next morning as the lowest point of the tour, but afterwards, all tried to put on a brave face, keep as busy as possible, and not show any sign of weakness or inability to be effective in the team. He went on to state that over the years, he had come to realise that many of his men were suffering from PTSD during the tour and could now attribute a number of seemingly irrational acts as being due to PTSD symptomology. Major General Blake opined that Mr Lockrey's PTSD symptomology

¹² The Official History of the Australian Army in the Vietnam War states that only four of the 27 men of 12 Platoon remained unwounded from this engagement. See Ashley Ekins with Ian McNeill, *Fighting to the Finish*, Allen & Unwin in association with the Australian War Memorial, 2012, p.187.

manifested as early as June 1969, and that his return to Australia on R & R the following month created ‘*a vacuum in his life that allowed the symptoms to become dominant.*’

The Defence Report

28. Defence’s first written submission to the Tribunal, provided in response to Mr Lockrey’s application for review, acknowledged the detailed situational information provided by Mr Fenwick and Major General Blake. Defence conceded that Mr Lockrey’s circumstances may be considered unique in that he had every intention of returning to his unit in Vietnam following a period of R & R, however, he could not do so due to his hospitalisation, diagnosis and discharge.

29. Defence did not dispute that Mr Lockrey’s diagnosed traumatic neurosis was a result of his involvement in combat. Critically, Defence agreed that his condition meets the amended interpretation of wounded in action and that his condition was ‘injury incurred as a result of enemy action’. Defence also accepted that the circumstances resulting in the diagnosis were such, that it was neither possible for him to have the details recorded at the time of the enemy action nor be evacuated from the operational theatre. However, Defence also submitted that it was those same circumstances that prevent Mr Lockrey from being eligible for the RVCN as he did not meet either of those two provisions.

30. In conclusion, Defence stated that there was no doubt as to the extenuating circumstances of Mr Lockrey’s case, however it also stated that it has a responsibility to assess eligibility for service awards in accordance with the stipulated conditions for the award in question.¹³

Mr Lockrey’s comments on the Defence Report

31. In his comments on the Defence Report, Mr Lockrey described his circumstances as anomalous, in that he is now classed as being wounded in action, but because of circumstances beyond his control it is no longer possible for him to qualify according to Defence’s criteria. Mr Lockrey also contended that his 7 days R & R and 22 days in hospital should count as qualifying service for the RVCN.

32. Mr Fenwick also noted Defence’s use of ‘unique’ and ‘extenuating’ in its description of Mr Lockrey’s service, and that circumstances such as his had not been reasonably considered by Defence and others in prescribing the criteria for the RVCN, and that those criteria, as applied to those suffering psychological injuries, were unfair, even discriminatory, when compared to those who had been ‘conventionally’ wounded. Mr Fenwick also put forward the view that Mr Lockrey’s time spent in Australia on R & R and in hospital, should count as qualifying service.

33. Mr Fenwick made reference to the Tribunal’s consideration of *Hoebee and the Department of Defence*,¹⁴ and in doing so, asked it to apply a similar approach, in that a ‘reasonable interpretation of the criteria’ for the award and ‘unique circumstances outside Defence policy’ such as the reporting and diagnosis of Mr Lockrey’s psychological injury, and his inability to return to Vietnam, fairly and justly satisfy the criteria as being met.

¹³ Letter, Ms Cole to the Tribunal, dated 19 March 2021.

¹⁴ *Hoebee and the Department of Defence* [2018] DHAAT 25.

34. Mr Lockrey also included a letter from his consulting psychiatrist, Dr Graham Altman, which confirmed much of Mr Lockrey's recorded medical history and opined that Mr Lockrey was suffering from PTSD on return from Vietnam and that his subsequent discharge was due to this condition.

Tribunal hearing

35. Mr Lockrey was very ably represented at the Tribunal hearing by Mr Fenwick, who argued Mr Lockrey's special and unique circumstances and asked the Tribunal to apply a reasonable interpretation of the eligibility criteria. Mr Fenwick further questioned whether, in light of Mr Lockrey's circumstances, 'evacuation' was a necessary prerequisite to qualifying for the award.

36. The hearing primarily concerned whether Mr Lockrey satisfied an exception for eligibility as set out in the Australian Instruments, namely in the Secretary's Memorandum of 1966 and the associated MBI 102-4.

37. As will become apparent in these reasons, the Tribunal in due course found that the Australian Instruments were unlawful to the extent they deviated from the eligibility criteria laid down by the Vietnamese. However, at this juncture we include reference to these documents to explain how the hearing unfolded and the submissions which were made. The below chronology sets out facts not in dispute against the purported eligibility criteria set out in the Australian Instruments as presented and discussed at hearing.

38. **'In action' – Vietnam.** There was no dispute that Mr Lockrey was involved in a number of deadly and bloody battles in Vietnam. The nature of these battles was set out in detailed submissions from Mr Lockrey and Mr Fenwick. The battles have also been well documented in the official histories and other publications.

39. **Medical examination - Vietnam.** At no time after the mine explosion did Mr Lockrey return to Nui Dat for debriefing or grief counselling. He stayed in location. He was therefore not classed as a 'battle casualty' and there was no notification of his injury via signal. He said he was only returned to Nui Dat for a routine medical examination at the Regimental Aid Post prior to going on scheduled R & R. There are no surviving records of this examination, if indeed they ever existed.¹⁵

40. Mr Lockrey only recalled being asked by medical staff if he had any transmittable or venereal diseases. He was never asked about any problems with nightmares or mental health issues he may have been experiencing. Mr Lockrey did not volunteer any information because he never spoke of his issues to anyone at the time and he did not want to 'let his mates down'.¹⁶

41. **Rest and Recreation leave - Australia.** Mr Lockrey was not evacuated or repatriated to Australia for medical reasons. As part of his service entitlement Mr Lockrey was entitled to seven days R & R. He returned to Australia on Saturday 12 July 1969 in readiness for the christening of his daughter the following day. Within four days of returning home, he would be hospitalised with 'traumatic neurosis'.

¹⁵ Letter from Mr Case, Pensions and Veterans, Lake Macquarie Vietnam Veterans to DH&A dated 14 September 2016.

¹⁶ Mr Lockrey's Application to the Tribunal.

42. On Sunday 13 July 1969 Mr Lockrey became aggressive and suffered a mental breakdown. He left the church and ‘walked in front of a slow-moving car causing minor damage’ to himself. The next two nights Mr Lockrey was violent to his wife whilst having nightmares. His father-in-law contacted Army Family Liaison for help.

43. **Medical treatment – Australia.** Mr Fenwick submitted that service medical records detail that on 16 July 1969 Mr Lockrey was admitted to 2 Military Hospital.¹⁷ He was seen that night by Dr Spragg who diagnosed him with traumatic neurosis, which was noted as manifesting after the mine explosion of 15 June 1969.¹⁸ The records set out that Mr Lockrey presented to hospital staff with:

*“bad nerves”, with attacks of the shakes for two plus months since being involved in a patrol in South Vietnam when platoon commander and two NCOs were killed in a mine explosion – condition fluctuating since then until he was adjacent to another mine explosion on 15 June 1969 when three comrades were killed and nineteen others injured. Nerves worse since then – **has not consulted with MO about it until it until he came home on R & R leave** (emphasis added by Tribunal)”...*¹⁹

44. Mr Lockrey was hospitalised for some 22 days, from 16 July 1969 to 6 August 1969. He submitted that he was heavily medicated and sedated during this time and has little recollection of it.

45. **Medical discharge - Australia.** Mr Lockrey was told that he would not be returning to Vietnam given Dr Spragg’s diagnosis. Medical Boards were undertaken on 25 July²⁰ and 20 August 1969 and Mr Lockrey was declared ‘medically unfit’. He was subsequently recommended and approved for discharge on 19 September 1969 which took effect on 9 October 1969.²¹

46. Mr Lockrey submitted that ‘but for’ his mental breakdown he would have returned to Vietnam at the conclusion of his R & R leave.

47. Submissions were also made about qualifying service. While Mr Lockrey and Mr Fenwick accepted that Mr Lockrey did not have the 181 days qualifying service required for the RVCM, there was a dispute as to the number of days qualifying service rendered by Mr Lockrey. (Defence submitted he had 147 days only). Mr Lockrey submitted that the seven days on R & R and potentially the 22 days spent in hospital in Australia from 12 July 1969 should be counted as qualifying service for the RVCM. (This would make either 153 days or 176 days but still less than the required number of days).

¹⁷ Record of Service Van Hulst, Arnoldus Johanus (now Lockrey, Arnold John) 2790009.Clinical Notes

¹⁸ Ibid.

¹⁹ Ibid, In-patient case sheet.

²⁰ Record of Service Dept Veterans’ Affairs letter to Directorate Army Health Services –Application for Repatriation Benefits.

²¹ Record of Service, Certificate of Discharge.

Post hearing

48. On 11 October 2021, further material and written submissions concerning the operation of MBI 102-4 were provided by Defence subsequent to the hearing.²² Mr Lockrey and Mr Fenwick provided their further submissions on that material on 18 October 2021.²³

49. After the exchange of these documents, Mr Lockrey continued to contend that he met the eligibility criteria, in that he was ‘wounded in action’ but, according to Defence, he did not meet the eligibility criteria as set out in the Australian Instruments.²⁴

50. To date, the Australian Instruments had been applied by Defence and the Tribunal in determining the eligibility criteria for the RVC. Because the Australian Instruments set out slight, but critically important, differences in the eligibility criteria, particularly around medical evacuees,²⁵ the Tribunal decided to seek further advice from AGS regarding their operation and validity. Together with seeking that advice, the Tribunal also sought to obtain a copy of the Vietnamese instruments of 22 March 1966 and 8 October 1965 which, according to the Vietnamese Order of 31 August 1966, amended the Vietnamese Directive of 1 September 1965.

The 2022 AGS Advice

51. On 16 May 2022, AGS provided the Tribunal with further advice on the eligibility criteria for the RVC, in particular the operation of the Australian Instruments and how they apply to servicemen wounded in action during their service in Vietnam.

In summary, the AGS advice states:

- The eligibility criteria for the RVC are specified in the September 1965 Directive, as amended by the March 1966 Directive. Article 2 of the September 1965 Directive relevantly provides that foreign military personnel are eligible for the RVC if they were ‘WIA (wounded in action)’ during the Vietnam War.
- In AGS’ view, this is the relevant eligibility criterion which should be applied by Australian decision-makers when assessing whether an ADF member qualifies for the RVC in circumstances where they sustained a casualty when taking part in operations against the enemy. Due to the unique history and nature of the RVC, AGS does not think that the Australian Government has the power to amend this eligibility criterion or to substitute a different eligibility criterion.

²² Letter, Ms Petrina Cole, Director DH&A to the Tribunal dated 11 October 2021.

²³ Email, Mr Fenwick to Mr Lockrey forwarded to the Tribunal on 18 October 2021.

²⁴ Instruction (Air Force) PERS 10-9 of 15 February 1983 relating to Air Force personnel (AI) and the 1970 Australian Navy Order (ANO) 516/70 relating to Naval personnel. (Attached).

²⁵ Note the Army, Air Force and Navy Forces have interpreted the Vietnamese eligibility criteria beyond just ‘wounding in action’, ‘killed in action’ and ‘captured and later released or escaped’. Further, the Instructions and Orders are slightly differently from each other. ‘Wounding in action’ requires evacuation for Navy and Air Force personnel and for Army a battle casualty requiring notification is required. Air Force also have a specific definition for ‘wounded in action’. For Army personnel, the requirement to serve 6 months (182.5 days) has become ‘181 days’.

- AGS is of the view that the Secretary’s 1966 Memorandum purports to introduce an additional qualification, in that it requires that an ADF member must have been evacuated from the theatre of operations as a result of being wounded in action.
- The evacuation qualification is not expressly included in the Vietnamese Directives, nor does AGS think it can reasonably be inferred. It considers that the evacuation qualification goes beyond merely *interpreting* the eligibility criteria in the Vietnamese Directives and arguably involves the introduction of a new or amended criterion.
- For this reason, AGS advises that if the Tribunal were to apply the evacuation qualification in an inflexible manner, there is a risk a court would find that the Tribunal has misinterpreted the relevant eligibility criteria set out in the Vietnamese Directives, or that it has applied the wrong eligibility criteria.

The Vietnamese criteria – amending Directives

52. After considerable searches through official and non-official channels, regrettably, the Vietnamese directives of 22 March 1966 and 8 October 1965 could not be found. Obviously, obtaining these documents is rendered all the more difficult given the fall of the Republic of Vietnam in 1975. However the Tribunal was able to locate, in the online Vietnam War Archive of the Texas Tech University, a copy of a United States Military Assistance Command Vietnam honours and awards file which includes a copy of the amended Directive for the RVCM which, critically, makes reference to the 22 March 1966 and 8 October 1965 amendments. Relevantly, the amended Article 2 states:

Article 2: Military personnel who do not have the length of service required in Article 1 of this Directive but fall in one of the following conditions are also eligible for a Campaign Medal award:

“-Wounded by the enemy (military actions connected wound)

...

The conditions specified in this Article must have come to pass in war time”

53. A copy of this file, together with a 1972 Vietnamese Directive on RVNAF awards to foreign personnel, and a copy of the corresponding US Army Regulation on the RVCM, were provided to the applicant and to Defence for comment, along with the AGS advice. Mr Fenwick on behalf of Mr Lockrey²⁶ and Defence²⁷ provided submissions in relation to the AGS advice and its implications for Lockrey’s case.

54. This research and the obtaining of AGS advice resulted in considerable delay in handing down our decision and reasons.

²⁶ Letter, Mr Fenwick on behalf of Mr Lockrey dated 23 May 2022.

²⁷ Letter, Mr Ian Heldon, Director Honours and Awards, Directorate of Honours and Awards, Department of Defence of 28 June 2022.

Eligibility criteria for the RVCM

55. In considering any application for review, the Tribunal is bound by the relevant eligibility criteria for a particular honour or award: s110VB(6) of the *Defence Act 1903*. In that regard, the Tribunal has no discretion. With this in mind, it is critical that the correct eligibility criteria are identified, and applied.

56. To date, the Tribunal and Defence have applied the Australian Instruments as being the authoritative documents which set out the conditions for the award of the RVCM to members of the Australian forces. Until now, the Tribunal has generally proceeded on the basis that the Vietnamese Directives are not exclusively binding on Australian decision makers but provided assistance if there is ambiguity or uncertainty with the Australian Instruments by Army, Navy and Air Force.

Source documents

57. From the documents sourced during the Tribunal's research, the Tribunal was able to ascertain that on 31 August 1966, the Chief of the Joint General Staff of the RVNAF made orders awarding the RVCM to all Australian military personnel eligible for the award under the terms prescribed in 1 September 1965 Directive. This Directive was amended by the Republic of Vietnam Armed Forces Directive of 22 March 1966 and a Memorandum of 8 October 1965.²⁸

Observations concerning the Vietnamese Directives

58. Neither the original Vietnamese Directive, or the recently located amended version refer to the need for 'evacuation' as part of the exceptions for qualification for the award.

59. We know that Australian and, for at least some time, US authorities, both interpreted the qualifications for the award for those wounded in action as involving the additional need for evacuation.²⁹ It is however not clear how this additional requirement came into being for either country. It does not come from the Vietnamese Directives and we do not have the amending memoranda of 1965 and 1966 to determine if it came from either of those documents. But, given we now have an amended version, clearly made in reference to those documents, we are not willing to infer that they stipulated evacuation.

60. We can only speculate that the additional evacuation requirement may have been inserted for ease of identifying those personnel who were not able to complete their service as a result of being wounded in action. However, as this review has shown, such additional criteria would be insufficient for that purpose given it does not provide coverage for those

²⁸ Whilst this document was referred to by the Tribunal's 2013 inquiry as being accessed, the Tribunal Secretariat could not confirm that this was indeed the case.

²⁹ On 13 July 1966, vide Cable 882, the Australian Embassy in Saigon reported, among other things, that the United States Department of Defence has interpreted qualifications for the award as follows:

"...
(B) If killed on active service or wounded in action and evacuated before completion of six months service".

who were wounded in action, left Vietnam for other reasons, and found themselves unable to return to the theatre of war as planned, solely due to their ‘military actions connected wound’.

The relevant Articles of the Vietnamese Directives

61. We set out the relevant Articles of the Directives below:

Vietnamese Directive of 1 September 1965

62. Article 1 of the original Vietnamese Directive of 01 September 1965 stated that military personnel of the Vietnamese Armed Forces (RVNAF) with 12 months service in the field during wartime ‘may claim’ for the award.

63. Article 2 stipulated that:

“The RVNAF personnel who don’t possess the eligibilities prescribed in Art. 1, but happen to be under one of the following circumstances, are qualified for Campaign Medal award:

- *WIA (wounded in action)*
- *captured in action by enemies or missing while performing his missions, but released later, or an escape has taken place.*
- *KIA or die while performing a mission entrusted.*

The above anticipated cases must take place during the war.

64. Article 3 stated:

“Allied soldiers assigned to the Republic of Vietnam after 6 months in war time with mission to assist the Vietnamese Government and the RVNAF to fight against armed enemies are eligible for Campaign Medal decorations; they would be awarded with Campaign Medal under conditions anticipated in Article 2 of this Directive.”

The Amended Vietnamese Directive

65. Article 2 was amended to:

“Military personnel who do not have the length of service required in Article 1 of this Directive but fall in one of the following conditions are also eligible for a Campaign Medal Award:

- *Wounded by the enemy (military actions connected wound)*
- *Captured by the enemy during actions or in line of duty, but later rescued or released.*
- *Killed in action or in line of duty*

The conditions specified in this Article must have come to pass in war time”

Foreign authorities will determine eligibility of their personnel for this award.

66. A new Article 3 was substituted:

“Foreign military personnel serving in South Vietnam for six months during wartime and those serving outside the geographic limits of South Vietnam and contributing direct combat support to the RVNAF for six months in their struggle against an armed enemy will also be eligible for the award of the Campaign Medal.”

Summarising the Vietnamese Directives

67. The eligibility criteria as set out in the Vietnamese Directives, can be summarised as follows:

Australian naval and military personnel will be eligible if:

- they have served six months in South Vietnam; or outside the geographic limits of South Vietnam providing direct combat support to the RVNAF.

or if they fall within an exception to the above, by being:

- ‘wounded in action, by way of ‘a military actions connected wound’, or
- captured by the enemy during actions or in (the) line of duty, but later rescued or released; or
- killed in action or in (the) line of duty

The above conditions must have occurred in wartime.

68. As stated, there is no reference to the need to be evacuated in either the original or amended Vietnamese Directives.

The Australian Instruments

69. The Australian Instruments differ from the Vietnamese Directives above, in that they interpret ‘wounding by the enemy’ or ‘wounding in action’ to include the additional requirement for ‘evacuation’.

Memorandum from the Secretary of 16 September 1966.³⁰

71. The Secretary’s Memorandum of 1966 sets out;

- (a) Special service – as defined by the *Repatriation (Special Overseas Service) Act 1962* – for a minimum of six months duration, either continuous or aggregated, in Vietnam with retrospective effect to 31st July 1962.

³⁰ The Secretary stated the conditions for the grant of the award to Australian servicemen, ‘which are in line with those laid down by the United States authorities’.

(b) ‘Special service’ in Vietnam of less than six months duration since 31st July 1962 if

- (1) killed on active service or **wounded in action and evacuated** (emphasis added by Tribunal),
- (2) captured and later released or escaped.³¹

Applicant’s submissions on eligibility criteria to be used

72. Mr Lockrey, submitted via Mr Fenwick that the Tribunal should use the criteria as set out by the Vietnamese Directives and not the Australian Instruments which require the additional step of evacuation. Given Mr Lockrey’s unique circumstances, this would lead to a most unfair result. In short, Mr Lockrey contended the Tribunal should adopt the advice of the AGS and find in his favour.

Defence Submissions on eligibility criteria to be used

73. **Initial submissions.** Defence submitted that the Vietnamese Directives and the Australian Instruments were required to be read ‘conjointly’ to understand the eligibility criteria. Defence stated that Mr Lockrey had not served the required number of days and that days spent on R & R and thereafter could not rightfully be considered. Further, Defence stated that there was no discretion to consider ‘special circumstances’ notwithstanding that all the documents were written at a time before modern-day knowledge of PTSD and its latent affects. Defence observed there had been instances of servicemen who had nervous breakdowns and were ‘wounded in action’ during their Vietnam service and had been duly evacuated and recorded so as a result. Defence explained that it was only these cases which fell within the eligibility criteria.

74. Defence accepted that psychological injury could be a wounding and that Mr Lockrey’s wounding resulted from combat action whilst in Vietnam. Critically, Defence agreed he had been wounded in action. Defence observed that this was both ‘incurred as a result of enemy action’ and clearly noted on Defence records post his return home on R & R. Defence accepted that while Mr Lockrey could be considered ‘wounded in action’ on the evidence, he had not been evacuated as further required by the Australian Instruments. As a result, he was considered ineligible for the RVCN.³²

75. **Subsequent submissions.** However, after receiving the AGS advice Defence changed its position. Defence accepted that the AGS advice is clear concerning the qualifications set out in the Secretary’s 1966 Memorandum and the accompanying Australian Instruments. Defence accepted that it is the criteria as set out in the Vietnamese Directives which are to be applied.³³ This being the case, and without the requirement for notification of evacuation, the Tribunal extrapolates that Defence concedes that in the particular circumstances of Mr Lockrey he fulfils the eligibility criteria for the RVCN as he was ‘wounded in action’.

³¹ Military Board Instruction 102-4 dated 23 December 1968.

³² Letter, Ms Cole to the Tribunal, dated 19 March 2021.

³³ Letter, Mr Ian Heldon, Director Honours and Awards, Directorate of Honours and Awards, Department of Defence of 28 June 2022.

TRIBUNAL CONSIDERATION

76. We considered first whether the eligibility criteria to be applied were the Vietnamese Directives, the Australian Instruments, or some amalgam of the two. We then considered Mr Lockrey's facts and circumstances against what we determined to be the correct criteria.

Eligibility criteria

77. The RVCM is a foreign medal. Due to the unique history and nature of the RVCM it has been the consistent advice of AGS³⁴ that the Australian Government does not have the power to amend the eligibility criteria or substitute different eligibility criteria. We find that this includes interpreting the criteria in a more restrictive manner, such as the additional requirement for those wounded in action to have been evacuated.

78. As the evacuation requirement is not expressly included in either the original or amended Vietnamese Directives we find, consistent with the advice from AGS, that requirement cannot reasonably be inferred.

79. Therefore, to the extent the various Australian Instruments adopt different requirements from the Vietnamese Directives, we disregard those requirements. Insofar as this review is concerned, this includes the requirement for evacuation as set out in MBI 102-4.³⁵ We also disregard the parts of MBI 102-4 which include the need for notification as a battle casualty and any requirement for a member's illness to have been recorded or notified in a particular manner at the time as stipulated in various instructions.

Does Mr Lockrey fall within an exception to the eligibility criteria?

80. We find that Mr Lockrey did not serve the required six months qualifying service as acknowledged by him. We then looked to see whether any exclusion applied within the Vietnamese Directives.

81. Mr Lockrey was not killed or captured. But was he wounded by the enemy as a result of a 'military actions connected wound'?

82. As a preliminary observation, we find the phrase 'wounded by the enemy (military actions connected wound)' to be synonymous with simpler phrase – 'wounded in action'. 'Wounded by the enemy (military actions connected wound)' has perhaps even broader application than 'wounded in action'. This is because a wounding may manifest itself after the action has concluded but still be connected to earlier military action. This distinction probably matters not, noting that 'wounding in action' has been more recently broadly interpreted to cover wounding subsequent to the 'action'. We therefore find that these phrases can be used interchangeably.

83. Consistent with the broad meaning given to 'wounded in action', we note the Tribunal in the 2014 *Report of the Inquiry into Eligibility for the Republic of Vietnam Campaign Medal* recommended that 'wounded in action' could be interpreted to include 'psychological injury'. We are also of the view that measure of discretion can be applied to

³⁴ See AGS advices of 3 February 2015 and 16 May 2022.

³⁵ We note that there are other Australian Instruments (attached) that have hitherto been applied to determine eligibility of RAN and RAAF personnel.

the interpretation of phrases, such as ‘wounding in action’, as was done by the Tribunal in a recent decision in *Hoebee*³⁶ in respect of a member who could not complete his service in Vietnam due to a Hepatitis A infection, acquired as a result of his service in Vietnam.

84. However, we find that Mr Lockrey was wounded in action. Our reasons are as follows:

- we firstly find that Mr Lockrey suffered a wounding, namely ‘traumatic neurosis’, now classified as PTSD;³⁷
- secondly, we find that he was ‘wounded by the enemy’. This is because Dr Spragg clearly linked the triggering of Mr Lockrey’s condition to the trauma he suffered in the mine explosions in Vietnam. The hospital staff notes of 16 June 1969 confirm that Mr Lockrey reported his ‘bad nerves’ from when he was in action, in particular the mine explosion at Dat Do;
- thirdly, we find that his ‘wounding by the enemy’ was incurred ‘in action’ and clearly has a military connection.
- finally, it occurred during ‘war time’, that is, in Vietnam but manifested itself shortly thereafter in Australia. To us, there is a clear military connection to his PTSD.

85. We also observe that Defence has submitted that Mr Lockrey was wounded in action and that his injury was incurred as a result of enemy action.

86. For these reasons the Tribunal considers Mr Lockrey’s service to falls within the one of the exceptions to the eligibility criteria.

Concluding remarks

87. We firstly take this opportunity to acknowledge Mr Lockrey’s significant commitment and contribution through his service as a National Serviceman, including his active service, and the significant adverse consequences which led to his discharge. We also acknowledge Mr Fenwick’s worthy service to his country and representation of Mr Lockrey.

87. But we also note the wider implications of this decision. This is departure from the eligibility criteria applied by Defence and the Tribunal in the past. The implications of this decision have equal application to Navy and Air Force personnel as to Army. It is for these reasons we also make the recommendation below.

DECISION

The Tribunal

- (a) sets aside the decision of the Directorate of Honours and Awards of the Department of Defence that Mr Arnold Lockrey is not eligible for the award of the Republic of Vietnam Campaign Medal and substitutes its decision that he be recommended for the Republic of Vietnam Campaign Medal.

³⁶ *Hoebee and the Department of Defence [2018] DHAAT 25.*

³⁷ Mr Lockrey continues to suffer from PTSD as confirmed by Dr Altman.

- (b) pursuant to section 110VB(3) of Defence Act, and consistent with the rationale of the above decision, recommends to the Minister that the Department of Defence be directed to consider whether there are any other Vietnam veterans that should similarly be recommended for the Republic of Vietnam Campaign Medal.

ATTACHMENTS

VIETNAMESE DOCUMENTS

Vietnamese Directive of 1 September 1965

Vietnamese Directive (as amended)

Vietnamese Order of 31 August 1966

AUSTRALIAN INSTRUMENTS

Secretary's Memorandum of 16 September 1966

Military Board Instruction 102-4 dated 23 December 1968

Australian Navy Order (ANO) 516/ 70, *Vietnamese Campaign Medal Award for Service in South Vietnam*

Defence Instruction (Air Force) PERS 10-9, *The Republic of Vietnam Campaign Medal*, 15 February 1983³⁸

³⁸ Which replaced Air Instruction 5/30 *Republic of Vietnam Campaign Medal Award for Service in South Vietnam* between 31 July 1962, a date to be determined, issued no. 127, 21 December 1966

D I R E C T I V E

Pertaining to awarding of
Campaign Medal.

DECORATION OFFICE

HT. 655 - 430

Reference to Decree No. 149/SL/CT dated May 12, 1964 creating
"Campaign Medal"

Decree No. 332/QL dated Nov 11, 1964 prescribing
the decoration awarding authority.

Ø

This directive has a purpose to prescribe the eligibilities
authorities, and procedures for awarding Campaign Medal.

The directive consists of 4 chapters:

- Chapter 1 : Eligibilities
- Chapter 2 : Authorities
- Chapter 3 : Procedures
- Chapter 4 : Miscellaneous

CHAPTER I : ELIGIBILITIES

Article 1 : All military personnel of the RVNAF who
have 12 month service in the field during war time, may claim
for Campaign Medal award.

Article 2 : The RVNAF personnel, who don't possess the
eligibilities prescribed in Art.1, but happen to be under one of
the following circumstances, are qualified for Campaign Medal
award:

- WIA (wounded in action)
- Captured in action by enemies or missing while
performing his missions, but released later, or an escape has
taken place.
- KIA or die while performing a mission entrusted.

The above anticipated cases must take place during the
war.

Article 3 : Allied soldiers assigned to the Republic
of Vietnam after 6 months in war time with mission to assist the
Vietnamese Government and the RVNAF to fight against armed
enemies, are eligible for Campaign Medal decorations; they would
be awarded with Campaign Medal under conditions anticipated in
Article 2 of this Directive.

CHAPTER 2 : AWARDING AUTHORITIES

Article 4 : The Chief of Joint General Staff of the
Republic of Vietnam Armed Forces is authorized to issue Campaign
Medal awarding decision to all eligible military personnel.

Article 5 : If need be, the Chief of Joint General Staff of
the RVNAF may delegate awarding authority to his subordinate
troop commandants.

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Article 6 : The Chief of Joint General Staff of the RVNAF has to confer with various friendly countries before awarding Campaign Medal to the troops of respective nations.

Campaign Medal awarding decision can only be made when an agreement between the host government and the respective government has been reached on prescribed principles.

In case troops from a friendly country participate in the Vietnam conflict in great numbers, the Chief of Joint General Staff of the RVNAF may issue a Campaign Medal general awarding decision for these troops.

Awarding procedures applied for each individual who possesses appropriate eligibilities will be accordingly made by various military authorities from the respective country.

CHAPTER 3 : PROCEDURES

Article 7 : Campaign Medal is awarded according to unit commander's proposal.

Article 8 : Campaign Medal award proposal is made by using one of these two following forms:

- One form used for military personnel having requirements prescribed in Art. 1.

- Another form used for military personnel possessing requirements prescribed in Article 2.

Article 9 : Recommendations are made monthly and forwarded to respective awarding authorities through channel by using either forms as prescribed in Article 8.

Military personnel proposed for decorations must possess all prescribed eligibilities as of the last day of the preceding month.

Each recommendation must contain unit commander's signature and the signature of the NCO who administers the military personnel's records.

Article 10 : All recommendations established for eligible military personnel as prescribed in Article 2 of this Directive must be supported by following documents:

- A copy of Awarding decision of the Order of Purple Heart.

- A copy of unit commander's report concerning circumstances relating to imprisonments, escapes or releases made by enemies.

- A copy of death certificate if the respective soldier was killed in action or die as the nature of his mission dictated.

Article 11 : Allied soldiers who have all conditions required will be recommended for Campaign Medal awarding as mentioned in Articles 7, 8 and 9 or particularly required by Article 8 of this note.

As to allied soldiers eligible for decorations as required by Article 2 of this Directive, the recommendations do not need supporting documents as prescribed in Article 10.

Campaign Medal awarding recommendations for eligible allied soldiers will be formed by various respective friendly countries and submitted directly to JGS/RVNAF.

Article 12 : Upon reception of recommendations, awarding authority begins to conduct a study for each recommendation, discards the recommendations which do not meet requirements as prescribed as in Article 2 of this Directive, issues awarding decisions for those who possess all prescribed requirements, and returns approved recommendations to original units with awarding decisions attached hereto for filling in the recipient's records.

Article 13 : The recipients may wear the medal upon his formal reception of awarding decision.

Premature and unofficial awardings subject to final certifications shall not be approved.

Article 14 : All military personnel eligible for Campaign Medal Decorations who have not been awarded, may claim for their rights by submitting demands to their respective authorities through appropriate channels.

CHAPTER 4 : MISCELLANEOUS

Article 15 : Campaign Medal decorations may be awarded to military personnel in different wars.

Article 16 : Each soldier can be awarded one time in each war.

Article 17 : Each period of war has a different annual inscription cluster which shows the year in which the war takes place and that in which the war ends.

Article 18 : Annual inscription is engraved in relief on a rectangular cluster. The cluster is obliquely pinned either on the cloth with pendant or on the ribbon w/o pendant.

Article 19 : The Chief Joint General Staff of the RVNAF prescribes the lengths of time which will be called periods of wartime.

Article 20 : Military personnel eligible for decorations will be offered a ribbon of Campaign Medal w/o pendant.

Ribbons with pendant will be procured by the recipients themselves.

Article 21 : Campaign Medal is awarded w/o certificate.

Article 22 : Under no circumstance should the Campaign ribbons awarded in a ceremony; upon reception of the awarding decisions the Campaign Medal is automatically worn by the recipients w/o further orders.

Article 23 : Campaign Medal conformation and methods applied for medal wearing will be prescribed by a Directive the issuance of which will be coming soon.

Article 24 : This Directive will take retroactive effect starting from March 8 1949 and the same time rescind or replace Directive No. HT. 655/430 dated June 23rd 1965.

Saigon September 1 1965
Major-General NGUYEN-HUU-CO
Chief of Joint General Staff of the
Republic of Vietnam Armed Forces
(signed and sealed)

EXCERPTS FROM REPUBLIC OF VIETNAM ARMED FORCES ORDER NUMBER 48,
DIRECTIVE HT 655-430, AND MEMORANDUM NO. 2655

- A. Republic of Vietnam Armed Forces Order Number 48: "ARTICLE 1: The 'Vietnam Campaign Medal' with device [1960-] is awarded to all US military personnel eligible as prescribed in Republic of Vietnam Armed Forces Directive Nr. HT-655-430 dated 1 September 1965, as changed by amendment dated 22 March 1966, and Republic of Vietnam Armed Forces Memorandum Nr. 2655/TIM/VP/PCP/3 dated 8 October 1965, Joint General Staff, Republic of Vietnam Armed Forces."

"ARTICLE 2: Eligibility of individuals for the award will be determined by US authorities and will be recorded in the personnel record of eligible personnel in accordance with procedures currently being applied by US Forces. No action is required by RVNAF authorities other than that outlined in Article 4 of this order."

"ARTICLE 3: The precedence and manner of wearing the 'Vietnam Campaign Medal' by US military personnel will be determined by US authorities."

"ARTICLE 4: The Joint General Staff, RVNAF, is responsible for providing the ribbons of the Vietnam Campaign Medal for US personnel who are awarded this medal. A bulk allocation of ribbons will be furnished the United States Military Assistance Command, Vietnam, on a quarterly basis for this purpose. US authorities will determine quarterly requirements and advise the Joint General Staff, RVNAF, of their needs."

- B. Republic of Vietnam Armed Forces Directive HT 655-430 (amended):
"Article 2: Military personnel who do not have the length of service required in Article 1 of this Directive but fall in one of the following conditions are also eligible for a Campaign Medal award:

"- Wounded by the enemy (military actions connected wound)

"- Captured by the enemy during actions or in line of duty, but later rescued or released.

"- Killed in action or in line of duty.

"The conditions specified in this Article must have come to pass in war time."

"Article 3 (new): Foreign military personnel serving in South Vietnam for 6 months during wartime and those serving outside the geographic limits of South VN and contributing direct combat support to the RVNAF for 6 months in their struggle against an armed enemy, will also be eligible for the award of the Campaign Medal. Foreign authorities will determine eligibility of their personnel for this

award. Foreign military personnel are also entitled to the award under the special conditions provided for in Article 2 of this Directive."

"Article 20: The award receiver will be issued a bar of the Campaign Medal. The complete medal will be procured by the receiver from the market."

C. Republic of Vietnam Armed Forces Memorandum Number 2655:
"IV. WAR TIME:

"Wartime is not absolutely considered and based from the date since the war situation has been announced throughout the country. But the period of war can be counted from the date that military action has taken place to fight armed enemies over the country.

"From the formation of the Armed Forces to the present, the struggle against Communism is divided into two periods which are temporarily considered as Period 1 and Period 2.

- "- Period 1: 8 Mar 49 - 20 Jul 54
- "- Period 2: 1 Jan 60 - the end of war.

"Because of the reasons mentioned above, personnel who are awarded the Campaign Medal for the 1st Period, will have a device as 1949-54 pinned on the ribbon of the medal. Those who are eligible for the 2d Period will have a device as 1960- pinned on the suspension ribbon of the medal or 60- pinned on the ribbon bar of the medal (the last year of period 2 will be determined when the war is over).

"Those who are credited for both periods 1 and 2 will have both devices pinned on the ribbon or suspension ribbon the medal."

"Annex I

"Description

"The Campaign Medal consists of:

"I. The Medal: Gold Plated, $1\frac{1}{2}$ m/m thick, w/2 stars, one overlaid on the other; each star is composed of 6 points. The star above has a diameter of 42 m/m, the points are white-enamelled in relief, 14 m/m long w/gold border which is 1 m/m wide. The star underneath has a diameter of 37 m/m; the points are carved in relief, gold plated, 7 m/m long with many small brass angles directed toward the center of the medal. In the center of the medal a round frame is shown with a diameter of 18 m/m with a gold border which is 2 m/m wide. The inside of this frame is green with the outline of the Vietnamese country of gold plated and a red flame w/3 rays upright in the center.

"On the reverse of the medal, 2 words VIET-NAM and 2 words CAM-PAIGN MEDAL have been carved in.

~~"The medal is connected with the suspension by 2 trapezoidal rings and a small cylindrical ring."~~

"II. The Suspension: 37 m/m large, 50 m/m long with 7 stripes; the two stripes near the borders (each side) of this suspension are green with 2 m/m of width, then two white stripes (one at each side) of $5\frac{1}{2}$ m/m wide, closed to these white stripes are 2 green stripes of 8 m/m of width and a white stripe of 6 m/m wide in the center.

"III. The Device:

"a. On the Suspension: Metal, silver plated, $1\frac{1}{2}$ m/m thick, rectangular, 20 m/m long, 5 m/m wide and at the two extremities of this device are the outline of the two small arrow's bottoms. The border of this device is carved in relief denoting the period of war. For example: '1949-54'.

"b. On the Ribbon: Similar to that of pinned on the suspension but smaller, 10 m/m of length, $3\frac{1}{2}$ m/m of width. The device just denotes 4 digits: '49-54,' or '60- '."

CHIEF OF JOINT GENERAL STAFF
Republic of Vietnam Armed Forces

REPUBLIC OF VIETNAM

MINISTRY OF DEFENSE

JOINT GENERAL STAFF
RVNAF

ADJUTANT GENERAL

Nr: 183 /TTM/QĐ/CĐBT

REFERENCES :

- Decree Nr 149-SL/CT dated 12 May 1964 establishing the 'Vietnam Campaign Medal',
- Directive Nr HT-655-430 dated 1 September 1965 outlining criteria and procedures for the award of the 'Vietnam Campaign Medal',
- Memorandum Nr 2655/TTM/VP/PCP/3 dated 8 October 1965 prescribing the limitation of authority for the award of the 'Vietnam Campaign Medal',

O R D E R S :

ARTICLE 1. - The 'Vietnam Campaign Medal' with device ~~160~~ is awarded to all Royal Australian military personnel eligible as prescribed in Directive Nr HT-655-430 dated 1 September 1965 as changed by amendment dated 22 March 1966, and Memorandum Nr 2655-TT/VP/PCP/3 dated 8 October 1965, Joint General Staff Republic of Vietnam Armed Forces.

ARTICLE 2. - Eligibility of individuals for the award will be determined by Royal Australian authorities and will be recorded in the personnel record of eligible personnel in accordance with procedures currently being applied by Royal Australian Forces. No action is required by RVNAF authorities other than that outlined in Article 4 of this order.

ARTICLE 3. - The precedence and manner of wearing the 'Vietnam Campaign Medal' by Royal Australian military personnel will be determined by Royal Australian authorities.

ARTICLE 4. - The Joint General Staff, RVNAF, is responsible for providing the ribbons of the Vietnam Campaign Medal for Royal Australian personnel who are awarded this medal. A bulk allocation of ribbons will be furnished the Royal Australian Contingents in Vietnam Headquarters, on a quarterly basis for this purpose. Royal Australian authorities will determine quarterly requirements and advise the Joint General Staff, RVNAF, of their needs./.

SAIGON, August 31, 1966

Lieutenant General CAO-VAN-VIEN
Chief of the Joint General Staff, RVNAF

Distribution : Royal Australian Armed
Forces in Vietnam, HQS.



Copy received through Dept of Army
18/11

MEMORANDUM FOR :

16 SEP 1966

The Secretary,
Department of the Army,
CANBERRA. ... A.C.T.

The Secretary,
Department of Air,
CANBERRA. .. A.C.T.

The Secretary,
Department of the Navy,
CANBERRA. ... A.C.T.

VIETNAMESE CAMPAIGN MEDAL

As announced by the Prime Minister, members of the Australian forces who comply with the conditions laid down by the Vietnamese authorities may qualify for the Campaign Medal issued by the Vietnamese Government for service in the Vietnam war.

2. A copy of a Directive dated 1st September, 1965 issued by the Vietnamese Department of National Defense on the institution of the Campaign Medal is attached. Article Three of the Directive was subsequently amended on 22nd March 1966 and now reads as follows :-

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* "Article Three : Foreign military personnel serving in South Vietnam for six months during wartime and those serving outside the geographic limits of South Vietnam and contributing direct combat support to the RVNAF for six months in their struggle against an armed enemy will also be eligible for the award of the Campaign Medal.

Foreign authorities will determine eligibility of their personnel for this award. Foreign military personnel are also entitled to this award under the special conditions provided for in article two of this Directive."

3. This amendment was specifically requested by the United States authorities to cover those United States servicemen in the Seventh Fleet, Thailand and Guam, who are participating in the present conflict. The United States interpretation of this amendment is that it covers all members of the Seventh Fleet serving in waters off the coast of Vietnam, as well as the aircrews of aircraft operating out of Thailand and Guam. The Americans do not interpret the amendment to cover ground support staff in Thailand and Guam.

4. Our interpretation is the same as that of the United States. At present no Australians serving with Australian units outside the Vietnamese theatre would be eligible for the award.

.../2

5. The conditions for the grant of the award of the Vietnamese Campaign Medal to Australian servicemen, which are in line with those laid down by the United States authorities, are as follows :-

- (a) "Special service" (as defined by the Repatriation (Special Overseas Service) Act) of a minimum of 6 months duration, either continuous or aggregated, in Vietnam with retrospective effect to 31st July, 1962;
- (b) "Special service" in Vietnam of less than six months' duration since 31st July 1962 if
 - (i) killed on active service or wounded in action and evacuated,
 - (ii) captured and later released or escaped.

6. No provision, such as that provided for in British campaign medals, is made for the award to be granted immediately to personnel awarded a decoration for gallantry or bravery in action prior to completion of the minimum qualifying period.

7. Arrangements are being made with the Vietnamese authorities for the Commander, Australian Force Vietnam or his Deputy to be delegated authority to determine the grant of the award to members of the Australian Task Force. The New Zealand authorities will be asked if they wish to agree with this procedure in respect of the award of the Vietnamese Campaign Medal to members of their element of the Task Force.

8. Arrangements are also being made with the Vietnamese authorities for a bulk allocation of medal ribbons to be furnished to the Commander, Australian Force Vietnam with replenishments of stocks at quarterly intervals.

9. The question of a bulk allocation of medals will also be taken up with the Vietnamese authorities.

Wh
Secretary

*After discussion with E.O. ...
... that we would encourage the ...
... in para 5 ...
... or 182 days for aggregated ...*

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MBI 102-4

23 DEC 68MEDALS - THE VIETNAMESE CAMPAIGN MEDAL

1. The Government of the Republic of Vietnam has issued a Campaign Medal for service in the Vietnam War. Her Majesty ~~The~~ Queen has been graciously pleased to grant unrestricted permission for the acceptance and wearing of the Vietnamese Campaign Medal by eligible members of the Australian Military Forces and accredited Philanthropic Organizations. T

Description

2. The medal is a gold and white enamelled star with a green, red and gold centre motif. The medal is classified as a Foreign Medal and is therefore worn last and, if with other Foreign Medals, is won in order of date of award.

3. The medal ribbon to be worn is one and three eighths inches in width, green in colour with three vertical white stripes.

4. The device known as the annual cluster is to be worn on the ribbon of the Vietnamese Campaign Medal. When the ribbon and medal are worn the large annual cluster showing the date "1960 -" is to be worn. When the ribbon is worn alone the small annual cluster showing the date "60-" is to be worn. The cluster is to be fixed to the ribbon by sewing or pinning as appropriate so that it is placed centrally on the ribbon with the straight sides of the scroll parallel to the vertical stripes of the ribbon. Diagrams showing the clusters affixed to the ribbon are at Annex A to this Order.

Persons Eligible

5. Members of the Australian Military Forces and members of the following Philanthropic Organizations who are accredited to the Australian Army and who qualify under the same conditions as Army personnel and provided they wore uniform:

Australian Red Cross Society.
The Salvation Army.
The Young Men's Christian Association.
Campaigners for Christ.
The Australian Forces Overseas Fund.

Qualifying Conditions

6. To qualify for the award a member must be allotted for "Special Service" in Vietnam as defined by MBI 216 - 1, and one of the following:

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.../a.

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- a. Must serve in Vietnam for a minimum period, either continuous or aggregated, of 181 days from 31 Jul 62 inclusive to a future date,
- b. Have served in Vietnam for a period of less than 181 days from 31 Jul 62 inclusive to a future date if:
 - (1) Killed on active service.
 - (2) Wounded in action (i.e. classified as a Battle Casualty in a NOTICAS signal vide MBI 38 - 1).
 - (3) Captured and later released or escaped.

Provisional Approval to Wear the Ribbon

- 7. a. COs may give provisional approval for members to wear the ribbon. An entry, signed by an officer, is to be made in the member's Regimental Record of Service (AAB 83) as follows:

"Approved to wear the ribbon of the Vietnamese Campaign Medal, subject to verification by CARO".
- b. This provisional authority is not an approval for the issue of the medal.

Issue of Ribbon

- 8. A free initial issue of the ribbon, to be recorded in the Members AAB 83, is to be made in accordance with the appropriate block scale, to all ranks authorized to wear it. Indents are to be submitted through the normal channels.

Issue of Medal

- 9. a. Approval has been given for the Vietnamese Campaign Medal to be engraved with the Army number, initials and surname of the recipients.
- b. Units are to send to CARO, for confirmation, promulgation and issue of the medal, a nominal roll of serving members provisionally authorized to wear the ribbon.
- c. The format of the nominal roll is to be:

.../CLAIM

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MBI 102-4
23 DEC 68

CLAIM FOR AWARD OF THE VIETNAMESE CAMPAIGN MEDAL

<u>ARMY NO</u>	<u>RANK</u>	<u>NAME</u>	<u>INITIALS</u>	<u>PERIOD OF SERVICE IN VIETNAM</u>	<u>REMARKS</u>
----------------	-------------	-------------	-----------------	---	----------------

d. Former members should be advised to apply direct to CARO stating their Army number, rank, full name, period of service in Vietnam and the address to which the medal is to be sent.

e. Deceased members. Vietnamese Campaign Medals earned by deceased members of the AMF are to be distributed in accordance with the War Services Estates Act 1942. Next of kin or other persons who consider that they are entitled to the award due to a deceased member should be advised to apply direct to CARO stating:

- (1) Full name and address of applicant.
- (2) Army number, rank and full name of deceased.
- (3) Relationship of applicant to deceased.

CARO is responsible for determining to whom the award is to be sent and for advising applicants accordingly.

Miniatures

10. Miniatures of the Vietnamese Campaign Medal may be worn by those who are entitled to the award. Purchase is at individual expense.

Forfeiture and Restoration

11. The Vietnamese Campaign Medal may be forfeited or restored in accordance with MBI 102-1.

(AG: 445-R32-5)

Index:

Dress
Honours and Awards

RESTRICTED

RESTRICTED

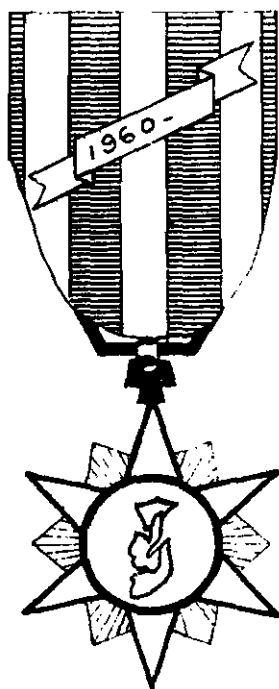
ANNEX A TO

MBI 102-4

23 DEC 68

POSITIONING THE ANNUAL CLUSTERS ON
THE RIBBON OF THE VIETNAMESE CAMPAIGN MEDAL

(See paragraph 4)



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vessels which visit Vietnam for the purpose of transporting personnel and equipment are not so allotted but may count actual time spent in harbour in Vietnam as qualifying service under (d) of the above conditions.

6. The qualifying service as described in Sub-paragraph 4 (a) and (d) will be waived where a member's service is brought to an end because of death or evacuation owing to wounds or other disability due to service, or the member is awarded a British Honour, Decoration or Medal of the status of the British Empire Medal or above, a Mention in Despatches or a Queen's Commendation for gallantry on a specific occasion during the uncompleted qualifying period.

7. The manufacture and issue of the medal will be undertaken as soon as possible. In the meantime the ribbon will be supplied and is to be worn by eligible members.

8. It is the responsibility of officers and sailors, who carry out service in Vietnam under 4 (d) above as individuals rather than as members of Naval units, to ensure that Navy Office is advised of such service including times and dates of arrival and departure.

9. A provisional list of HMA ships with the periods of qualifying service towards the Vietnam Medal will be promulgated by Confidential Australian Navy Order. This list will be amended from time to time as additional details of qualifying service are received.

10. This order will be reprinted for posting on notice boards.

(HIPB 38/201/21)

(Navy Order 362 of 1966)

UNCLASSIFIED

500—Vietnamese Campaign Medal—Award for Service in South Vietnam

Approval has been given for members of the Australian Forces, who comply with the conditions laid down by the Vietnamese Authorities, to qualify for the campaign medal issued by the Vietnamese Government for service in the Vietnam war.

2. The medal is a gold and white enamelled star with a green, red and gold centre motif. The medal ribbon to be worn is one and three-eighths inches in width, green in colour with three vertical white stripes. The date cluster worn on the ribbon by members of the Republic of Vietnam Armed Forces is not to be worn by members of the Australian Forces.

3. The approved conditions for the grant of the award of the Medal to Australian Servicemen are as follows:—

(a) Allotment for special service in Vietnam (as defined by the Repatriation (Special Overseas Service) Act—see Navy Order 362 of 1966) of a minimum of six months duration, either continuous or aggregated, with retrospective effect to 31st July, 1962.

(b) Allotment for special service in Vietnam of less than six months duration since 1962 if—

- (i) killed on active service or wounded in action and evacuated;
- (ii) captured and later released or escaped.

4. No provision, such as that provided for in the Vietnam Medal, is made for the award to be granted immediately to personnel awarded a decoration for gallantry or bravery in action prior to completion of the minimum qualifying period.

5. Some time will elapse before the medals are available for issue. In the meantime ribbon will be supplied and is to be worn by eligible personnel.

6. This Navy Order will be reprinted for posting on notice boards.

(HIPB 38/201/21)

(Navy Order 362 of 1966)

Section 4

EQUIPMENT, STORES AND SERVICING

UNCLASSIFIED

501—Alteration and Addition Item—HMAS QUEENBOROUGH

The following Alteration and Addition Item is approved to be carried out in HMAS QUEENBOROUGH—

Chiv List Item No. 3944 (Ex TDL "NOAV")

- (a) Item:
- (i) To improve stowage arrangements in Naval Stores by fitting two cabinets in place of bin stowages centre line and re-positioning gauge board in No. 2 Naval Store and removing fixed cable reels in Nos. 1 and 2 Naval Stores.
 - (ii) To provide combined spare gear store in existing Electrical Spare Gear Store, and fit out with commercial type racking. Changes in weight are to be reported.

- (b) References:
- (i) ACNH signal 06231SZ March, 1966.
 - (ii) GIMWD memorandum 238/60/50 dated 17th March, 1966.
 - (iii) NOM 400/252/94 dated 12th April, 1966.

(CNTS 400/252/114)

UNCLASSIFIED

502—Naval Stores—General—Embossing Machine, Identification Tape—Accounting

The undermentioned item has been introduced into service—

Group/Class	Catalogue No.	Description	Acctg. Class.
7490	66-026-5375	Embossing Machine, Identification Tape, (Dymo M29)	Permanent

2. This machine supersedes 7490-66-019 6450 Embossing Machine, Identification Tape, (Dymo M29), introduced by Navy Order 572 of 1965, which is no longer in production. Although obsolescent the M29 machines already in use are to be retained until they are beyond economical repair.

3. The M29, capable of embossing both 1-in. and 1/2-in. tapes, is fitted with a dual tape track for quick changes of tape widths. Letter spacing can be altered from regular to wide instantly by a simple movement of the selector knob.

4. In the interests of economy 1/2-in. tapes will normally be issued for use with these machines and strict control over their use is to be maintained.

(Navy Order 572 of 1965)

(DSAP 514/62,218)

Section 2 PERSONNEL

UNCLASSIFIED

514/70—Charges for Victualling and Accommodation in HMA Ships and Establishments

The following amendments, operative from 1 September 1970, are to be made in manuscript in Annex A to Navy Order 207/70:

Heading of first column:

Delete 'Personal', insert 'Personnel'.

Under General Mess—Victualling and against Personnel Categories A (i), A (ii), B (i) (c), B (ii) (b) and B (ii) (c):

Delete \$0.96, insert \$0.98.

(201/58/98 DNA)

(Navy Order 207/70)

UNCLASSIFIED

515/70—Vietnam Medal—Award for Service in South Vietnam

1. Her Majesty the Queen has approved the award of a medal in recognition of Service by Australian and New Zealand Forces in repelling aggression in Vietnam since 29 May 1964. This medal is to be known as the Vietnam Medal.

Design

2. The medal is to be of cupro-nickel and circular in shape. It will bear on the obverse side the crowned effigy of the Queen and on the reverse the word 'Vietnam' inscribed above a symbolic representation of the ideological war in Vietnam, depicting the figure of man in the centre of the medal standing between spherical shapes.

3. The ribbon is 1½ inches wide and is yellow surmounted by three thin red vertical stripes in the centre, flanked by red stripes of a deeper hue, with broad dark blue on the left and broad light blue on the right. The design incorporates the colour of the national flag of South Vietnam and the colours traditionally symbolic of the three Services.

Qualifying Service

4. The qualifying conditions for the award of the Vietnam Medal are common to all three Services, from 29 May 1964 to a date yet to be determined, and are as follows:

- Service of twenty-eight days, continuous or aggregated in ships or craft employed in operations on inland waters or off the coast of Vietnam.
- Service of one day or more on the posted strength of a unit or formation on land in Vietnam; or
- One operational sortie over Vietnam or Vietnamese waters by aircrew on the posted strength of a unit allocated for direct support of operations in Vietnam.

- Service of thirty days either continuous or aggregated on official visits, inspections or other occurrences of a temporary nature or duty by members of Australian or New Zealand Navies or Armies or Air Forces in Vietnam or in ships or craft engaged in operations off the Vietnamese coast.

5. In order to qualify under condition 4a a member must be on the posted strength of a ship or craft allotted for Special Duty in the Special Areas of Vietnam and/or the waters adjacent thereto—see Navy Order 472/68. The crews of Naval vessels which visit Vietnam for the purpose of transporting personnel and equipment are not so allotted but may count actual time spent in harbour in Vietnam as qualifying service under d of the above conditions.

6. The qualifying service as described in Sub-paragraphs 4a and d will be waived where a members service is brought to an end because of death or evacuation owing to wounds or other disability due to service, or the member is awarded a British Honour, Decoration or Medal of the status of the British Empire Medal or above, a Mention in Dispatches or a Queens Commendation for gallantry on a specific occasion during the uncompleted qualifying period.

7. The manufacture and issue of the medal will be undertaken as soon as possible. In the meantime the ribbon will be supplied and is to be worn by eligible members.

8. It is the responsibility of officers and sailors, who carry out service in Vietnam under 4d above as individuals rather than as members of Naval Units, to ensure that Navy Office is advised of such service including times and dates of arrival and departure.

9. A provisional list of HMA ships with the periods of qualifying service towards the Vietnam Medal will be promulgated by Confidential Navy Order. The list will be amended from time to time as additional details of qualifying service are received.

10. Navy Order 499/67 is hereby cancelled.

(38/201/32 HPB)

(Navy Orders 499/67 and 472/68)

UNCLASSIFIED

516/70—Vietnamese Campaign Medal Award for Service in South Vietnam

1. Approval has been given for members of the Australian Forces, who comply with the conditions laid down by the Vietnamese Authorities to qualify for the campaign medal issued by the Vietnamese Government for service in the Vietnam war.

2. The medal is a gold and white enamelled star with a green, red and gold centre motif. The medal ribbon to be worn is 1½ inches in width, green in colour with three vertical white stripes. The medal will be issued with a Service Ribbon Attachment Clasp for wearing with the medal and a Service Ribbon Attachment Emblem for wearing when the ribbon alone is worn.

3. The Service Ribbon Attachment Emblem is to be fixed on the ribbon by sewing or pinning as appropriate so that it is placed centrally on the ribbon with the straight sides of the scroll parallel to the vertical stripes of the ribbon. Diagrams showing the emblems affixed to the ribbon are shown at Annex A to this order.

4. The approved conditions for the grant of the award of the Medal to Australian servicemen are as follows:

- a. Allotment for the special service in Vietnam (as defined by the Repatriation Special Overseas Service Act—see Navy Order 472/68) of a minimum of six months duration, either continuous or aggregated, with retrospective effect to 31 July 1962.
- b. Allotment for special service in Vietnam of less than six months duration since 1962 if:
 - (1) killed on active service or wounded in action and evacuated;
 - (2) captured and later released or escaped.

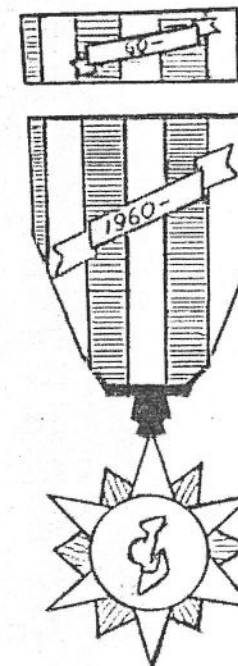
5. No provision such as that provided for in the Vietnam Medal is made for the award to be granted immediately to personnel awarded a decoration for gallantry or bravery in action prior to completion of the minimum qualifying period.

6. Some confusion exists regarding the order of wearing of the United Nations Service Medal and the Vietnamese Campaign Medal. The United Nations Service Medal is neither a British nor a foreign award, but is granted under the authority of the United Nations of which the United Kingdom and other Commonwealth countries are member nations. The United Nations Service Medal is therefore worn immediately after the British Korea Medal or if that medal has not been awarded, in order of date of award in the same way as an official war medal. The Vietnamese Campaign Medal is regarded as a foreign award and, as such, is worn in date order with other foreign awards after all other medals including Long Service and Good Conduct Medals.

7. Navy Order 500/67 is hereby cancelled.

ANNEX A

Positioning the Annual Clusters on the Ribbon of the Vietnamese Campaign Medal



(38/201/31 HPB)

(Navy Order 500/67)

Section 4

EQUIPMENT, STORES AND SERVICING

UNCLASSIFIED

517/70—Alteration and Addition Item—HMAS BANKS

The following Alteration and Addition Item is approved to be carried out in HMAS BANKS:

Class List Item No 19 (Ex TDL '3/70').

- a. Item: (1) To remove existing 19 gallon lubricating oil storage tank from brackets on Engine room Port bulkhead between frames 16 and 18; and
- (2) to replace this item with a cupboard of steel or aluminium construction to be mounted upon the same existing brackets.

THE REPUBLIC OF VIETNAM CAMPAIGN MEDAL

(AF265/19/152)

Attachment G

Introduction

1. The Republic of Vietnam Campaign Medal was issued by the Vietnamese Government for service in the Republic of Vietnam between 31 July 1962 and a date to be determined.
2. Her Majesty the Queen has granted approval for eligible members of the Australian Defence Force to accept and wear the Medal.

Design

3. The Medal is a gold and white enamelled star with a green, red and gold centre motif. The ribbon is 35mm wide, green in colour with three vertical white stripes.
4. An integral part of the medal is the date cluster. When the ribbon alone is worn, a small scroll bearing the legend '60 -' is attached centrally to the ribbon. When the ribbon and Medal are worn, a larger scroll with the legend '1960-' is attached.

Eligibility

5. Officers and airmen who fulfil the conditions of qualifying service from 31 July 1962 are eligible for the award of the Republic of Vietnam Campaign Medal.

Qualifying Service

6. Qualifying service for the Republic of Vietnam Campaign Medal is:
 - a. 'special service' (as defined by the Repatriation (Special Overseas Service) Act) of a minimum of six months' duration, either continuous or aggregated, in Vietnam from 31 July 1962; or
 - b. 'special service' in Vietnam of less than six months' duration since 31 July 1962 if:

SPONSOR: DPSA-AF

- 2 -

- (1) killed on active service,
- (2) wounded in action and evacuated, or
- (3) captured and later released or escaped.

7. To satisfy the condition of 'special service' members must normally have served for a minimum of six months, either continuous or aggregated, on the posted or attached strength of a unit or formation in the Republic of Vietnam for the purpose of assisting the Vietnamese Government and the Republic of Vietnam Armed Forces.

8. For the purpose of paragraph 6.b., 'wounded in action' means a condition that resulted from an engagement with the enemy, a hostile act by the enemy, or an operational duty in the vicinity of the enemy. An injury or illness which is not the result of combatant duty does not fall within this interpretation and cannot be considered 'wounded in action'.

End of Qualifying Period for Medal

9. The Republic of Vietnam Campaign Medal was instituted by the South Vietnamese Government without an end date. As this Government was deposed and the country incorporated into a single Vietnam state, the issuing authority ceased to exist and the means by which a terminal date might have been determined were lost.

Returned from Active Service Badge

10. A member who qualifies for the Republic of Vietnam Campaign Medal should also qualify for the award of the Returned from Active Service Badge (DI(AF) PERS 10-11).

Precedence

11. The Republic of Vietnam Campaign Medal is classified as a foreign medal and is to be worn in accordance with the order of precedence detailed at Annex B to DI(AF) PERS 10-1 and the dress instructions detailed in DI(AF) PERS 12-4.

Awards of Medals

12. A member who considers he is eligible for the award of the Republic of Vietnam Campaign Medal, in accordance with this Instruction, should apply in writing to his CO. After verification from unit documents, the CO is to forward the application direct to DEFAIR (DPSA-AF) for confirmation. Where entitlement has been confirmed, the member's Personal Record Extract will be updated accordingly and this will be the authority for the wearing of the medal ribbon.

13. DEFAIR (DGPS-AF) is the final authority for the award and issue of the Republic of Vietnam Campaign Medal to entitled members.

Issue of Medals

14. DEFAIR will issue the Medal to entitled members.

Issue of Ribbons

15. Units are to demand on the appropriate stores depot for supplies of the ribbon as required. A free initial issue of 65mm is to be made in each case.
