



Australian Government

Defence Honours and Awards Appeals Tribunal

Hulse and the Department of Defence re: Parr DHAAT 9 (15 July 2022)

File Number	2021/018
Re	Lieutenant Colonel George Hulse OAM (Retd) on behalf of Mr Alan Parr OAM Applicant
And	The Department of Defence Respondent
Tribunal	Mr Stephen Skehill (Presiding Member) Mr David Ashley AM Ms Karen Fryar AM Major General Mark Kelly AO, DSC (Retd)
Appearances	Lieutenant Colonel George Hulse OAM (Retd), Applicant Brigadier Mark Bornholt (Retd) AM, Army Historical Honours and Awards Reviewing Officer, Directorate of Honours and Awards, Department of Defence
Hearing Date	2 June 2022

DECISION

On 15 July 2022, the Tribunal decided to recommend to the Minister that:

- a) the decision of the Chief of Army, Lieutenant General Rick Burr AO, DSC, MVO to refuse to recommend Mr Alan Parr OAM for the Medal for Gallantry should be rejected; and
- b) the Minister should instead recommend to the Governor-General that Mr Alan Parr OAM be awarded the Medal for Gallantry.

Further, the Tribunal suggests that the draft citation set out at paragraph 75 of these reasons be considered as appropriate to accompany conferral of that honour.

CATCHWORDS

DEFENCE HONOUR – Medal for Gallantry – Battles of Fire Support Bases Coral and Balmoral – gallantry in action – hazardous circumstances.

LEGISLATION

Defence Act 1903 – Part VIIC – Sections 110T, 110V(1), 110VB(1), 110VB(6)

Defence Regulation 2016 Section 35

Medal for Gallantry

Commonwealth of Australia Gazette No. S25 dated 4 February 1991, *Gallantry Decorations Regulations*

Introduction

1. The Applicant, Lieutenant Colonel George Hulse OAM (Retd), seeks review of a 25 October 2021 decision of the Chief of Army, Lieutenant General Richard Burr AO DSC MVO, that Mr Alan ‘Jack’ Parr OAM should not be recognised with the Medal for Gallantry for service at the Battles of Fire Support Bases Coral and Balmoral in Vietnam in 1968.¹

Decision under review

2. On 30 June 2017, Lieutenant Colonel Hulse wrote to the Chief of Army drawing his attention to nine individuals whose service he considered ‘was beyond the expectation of soldiers in combat’ and inviting him to ‘deliberate on whether or not they should receive a decoration befitting their contribution to their respective operational outcomes’.² Seven of the nine were for actions related to the Battles of Fire Support Bases Coral and Balmoral which occurred between 12 May and 6 June 1968. The remaining two were for other actions in Vietnam in 1969.

3. Private³ Parr was one of the individuals named by Lieutenant Colonel Hulse. He cited Private Parr for his actions on the first night of the Battle for Fire Support Base Coral when the mortar line of the 1st Battalion, the Royal Australian Regiment (1 RAR) was over-run by the enemy. During the battle, Private Parr was a radio operator in the 1 RAR Mortar Platoon. Lieutenant Colonel Hulse included in his letter a recommended citation ‘for an appropriate Australian Defence Force decoration befitting of the courage and dedication to duty in combat he displayed on 13 May 1968’.⁴ The draft citation stated that:

“...Despite the immediate presence of personal danger, Private Parr maintained communication with other units, and by his coolness under fire and dedication to his work, was instrumental in bringing down Australian mortar and artillery fire on top of his position and into the swarming ranks of the enemy. After this battle ended later that morning, Private Parr was given the opportunity by his officer, Lieutenant Anthony Jensen, to return to the relative safety of their home base at Nui Dat. Private Parr refused to go, and instead, elected to stay by his officer's side as the Lieutenant's radio operator. Private Parr was working again with his radio on 16 May 1968 when a bigger and more determined series of attacks was launch (sic) by the enemy against the units of Fire Support Patrol Base 'Coral'. Private Parr, again demonstrated his coolness under fire and his dedication to duty by assisting in the delivery of over 2,500 rounds of mortar ammunition into the attacking ranks of the enemy. By his outstanding personal courage and his dedication to duty, Private Alan Parr confirms

¹ Application for review, 4 November 2021.

² Lieutenant Colonel Hulse letter to Chief of Army dated 30 June 2017.

³ Mr Parr's rank at the time of the actions under consideration.

⁴ Lieutenant Colonel Hulse letter to Chief of Army dated 30 June 2017.

*the statement that is the motto on the badge of the Royal Australian Regiment - 'Duty First'.*⁵

4. On 22 June 2018, having received no reply to his earlier correspondence, Lieutenant Colonel Hulse again wrote to the Chief of Army concerning recognition for the nine individuals, along with a further nomination for another soldier to receive the Victoria Cross. Lieutenant Colonel Hulse indicated that he would proceed to the Tribunal seeking review on the basis that too much time had elapsed since his earlier approach.⁶

5. On 3 July 2018 the Director General Personnel - Army acknowledged Lieutenant Colonel Hulse's letter and asked that he clarify the level of award that he was seeking and provide further evidence to support the submission.⁷

6. On 12 November 2018 Lieutenant Colonel Hulse made application to Army seeking that Private Parr be awarded the Medal for Gallantry 'in recognition of his personal courage and dedication to duty under exceptionally hazardous combat circumstances that he displayed on 13 May 1968'.⁸ This was supported by a citation which was close to that provided in his submission of 30 June 2017, except that it stated that Private Parr had assisted in the delivery of over 3,000 rounds of mortar ammunition on 16 May 1968, rather than the previously quoted figure of over 2,500.⁹

7. On 25 October 2021, Lieutenant General Burr replied to Lieutenant Colonel Hulse refusing the application for the Medal for Gallantry. In doing so, Lieutenant General Burr referred to the eligibility criteria for the award, stating that while there was no doubt that Private Parr was in action and in hazardous circumstances on 13 May 1968, Lieutenant General Burr was not satisfied that Private Parr had performed acts of gallantry. Lieutenant General Burr went on to state that Private Parr and his colleagues had been recognised for their collective gallantry through the award of the Unit Citation for Gallantry, which he viewed as appropriate recognition for the bravery and courage Private Parr and his fellow mortarmen displayed during the action. On these bases, Lieutenant General Burr refused to recommend Private Parr for the Medal of Gallantry (or any other defence honour).¹⁰

8. On 4 November 2021, Lieutenant Colonel Hulse made application to the Tribunal seeking review of the Chief of Army's decision, arguing that Private Parr's actions were gallant.¹¹

⁵ Ibid.

⁶ Lieutenant Colonel Hulse letter to Chief of Army dated 22 June 2018.

⁷ Letter from Army to Lieutenant Colonel Hulse DGPERs-A OUT/2018/R30719978 dated 3 July 2018.

⁸ Lieutenant Colonel Hulse Application for Medal for Gallantry dated 12 November 2018.

⁹ Ibid.

¹⁰ Letter, Lieutenant General Burr to Lieutenant Colonel Hulse, OCA/OUT/2021/BQ12415005, 25 October 2021.

¹¹ Lieutenant Colonel Hulse Application for Review, Application for review, 4 November 2021.

Tribunal jurisdiction

9. Pursuant to s110VB(2) of the *Defence Act 1903* the Tribunal has jurisdiction to review a reviewable decision if an application is properly made to the Tribunal. The term *reviewable decision* is defined in s110V(1) and includes a decision made by a person within the Defence Force to refuse to recommend a person for a defence honour in response to an application. Regulation 35 of the *Defence Regulation 2016* lists the defence honours that may be the subject of a reviewable decision. Included in the defence honours listed in Regulation 35 is the Medal for Gallantry. Therefore, the Tribunal has jurisdiction to review decisions in relation to this defence honour.

10. As required by s110VB(6) of the Act, the Tribunal is bound by the eligibility criteria that governed the making of the reviewable decision. In accordance with s110VB(1) of the Act, as the Applicant seeks a defence honour, the Tribunal does not have the power to affirm or set aside the decision, but may make any recommendations to the Minister that it considers appropriate.

Conduct of the review

11. In accordance with its Procedural Rules, on 11 November 2021 the Tribunal wrote to the Secretary of the Department of Defence informing him of Lieutenant Colonel Hulse's application for review.¹² The Tribunal requested a merits-based assessment of Private Parr's actions against the eligibility criteria for the Medal for Gallantry and a report on the material questions of fact and reasons for the decision to refuse the original application. The Tribunal also requested that the Secretary provide copies of documentation relied upon in reaching the decision and any other relevant documents.

12. On 11 February 2022, the Director of Honours and Awards in the Department of Defence provided a submission on behalf of Defence.¹³ The Defence submission consisted of a report written by the Army Historical Honours and Awards Reviewing Officer, Brigadier Mark Bornholt AM (Retd). While this report provided a merits based assessment of Private Parr's actions, it did not provide copies of the documentation relied on by Lieutenant General Burr in reaching the decision, nor any other relevant documents (these were later sourced by the Tribunal Secretariat). The submission did however reiterate the view that Private Parr did not perform acts of gallantry on 13 May 1968. The submission also stated that, noting that the decision to refuse to recommend Private Parr was made by the professional head of the Australian Army, his professional expertise should be accorded significant weight, and that in the reviewing officer's opinion, Lieutenant Colonel Hulse had not advanced a persuasive argument or supplied evidence that would support any departure from the Chief of Army's decision.¹⁴

¹² Letter, Tribunal to Secretary, DHAAT/OUT/2021/529, dated 11 November 2021.

¹³ Directorate of Honours and Awards letter to the Tribunal DH&A OUT/2022/0005 dated 11 February 2022.

¹⁴ Ibid.

13. The Defence submission was forwarded to Lieutenant Colonel Hulse for comment on 14 February 2022. Lieutenant Colonel Hulse responded on 21 February 2022, setting out his disagreement with a number of points in the Defence submission, and submitting that Private Parr had demonstrated special and additional elements of courage, fearlessness, daring and heroism when compared to both his cohort group at FSPB Coral on 13 May 1968 and with any other Mortar Line radio operator in the history of the ADF. Lieutenant Colonel Hulse disagreed with Brigadier Bornholt's conclusion that Private Parr does not meet the criteria for the award of the Medal for Gallantry.¹⁵

Private Parr's service

14. Private Parr enlisted in the Australian Army on 31 January 1967 and discharged two years later at the rank of Lance Corporal, having completed his prescribed period of National Service.¹⁶ Relevant to this application, he arrived in Vietnam on 27 March 1968 and departed on 12 November 1968, having served with 1 RAR as a signaller (infantry). For his service, Private Parr has been awarded the following honours and awards:

- Unit Citation for Gallantry;
- Australian Active Service Medal 1945-75 with Clasp 'VIETNAM';
- Vietnam Medal;
- Australian Defence Medal;
- Anniversary of National Service (1951-1972) Medal; and the
- Republic of Vietnam Campaign Medal.

The Battles of Fire Support Bases Coral and Balmoral

15. These battles occurred to the north-east of Saigon in an area important to the North Vietnamese Army offensive operations being conducted and planned against Saigon in 1968. As part of a larger allied operation *Toan Thang* (complete victory), elements of the 1st Australian Task Force (1 ATF) were deployed to an Area of Operations (AO) in the Bien Hoa province defined as 'AO Surfers'. This deployment was an 'all consuming' operation for 1 ATF conducted some 120 kilometres from their base in Nui Dat and outside of their normal operating area in Phuoc Tuy province.

¹⁵ Letter, Lieutenant Colonel Hulse to the Tribunal, dated 21 February 2022.

¹⁶ Certificate of Discharge, Lance Corporal Alan James PARR, Australian Army Service Record, 1732616.

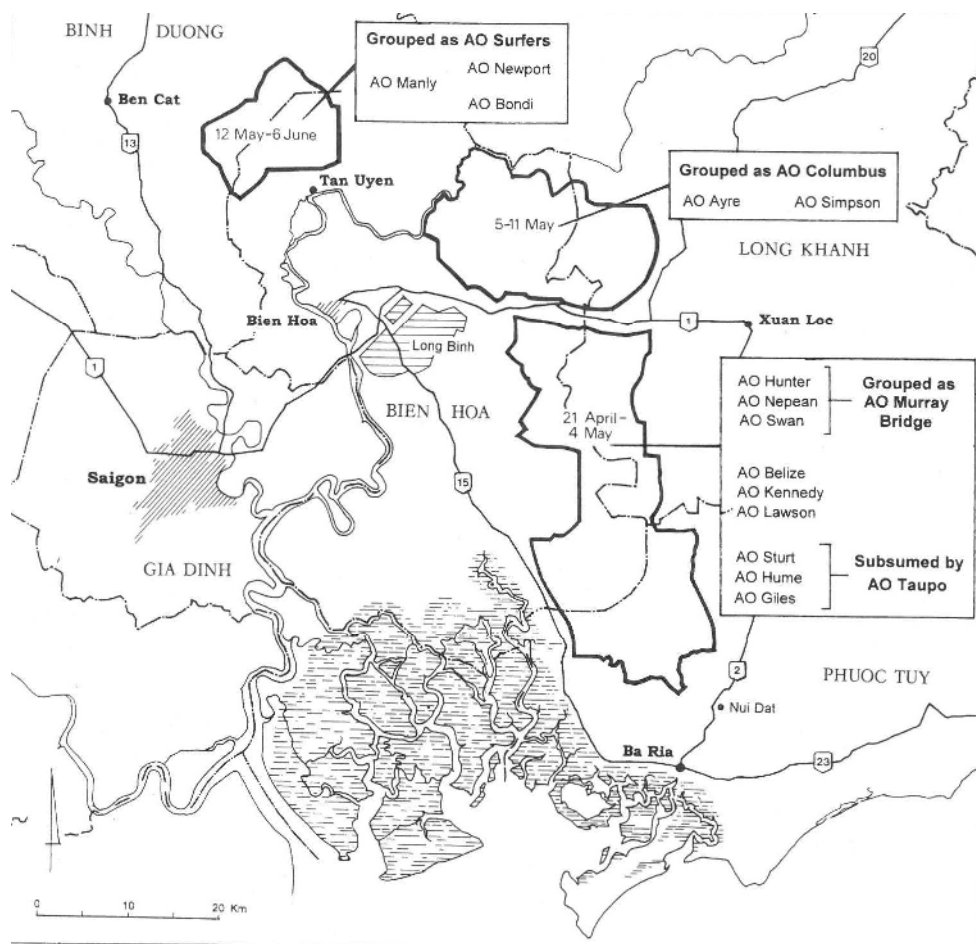


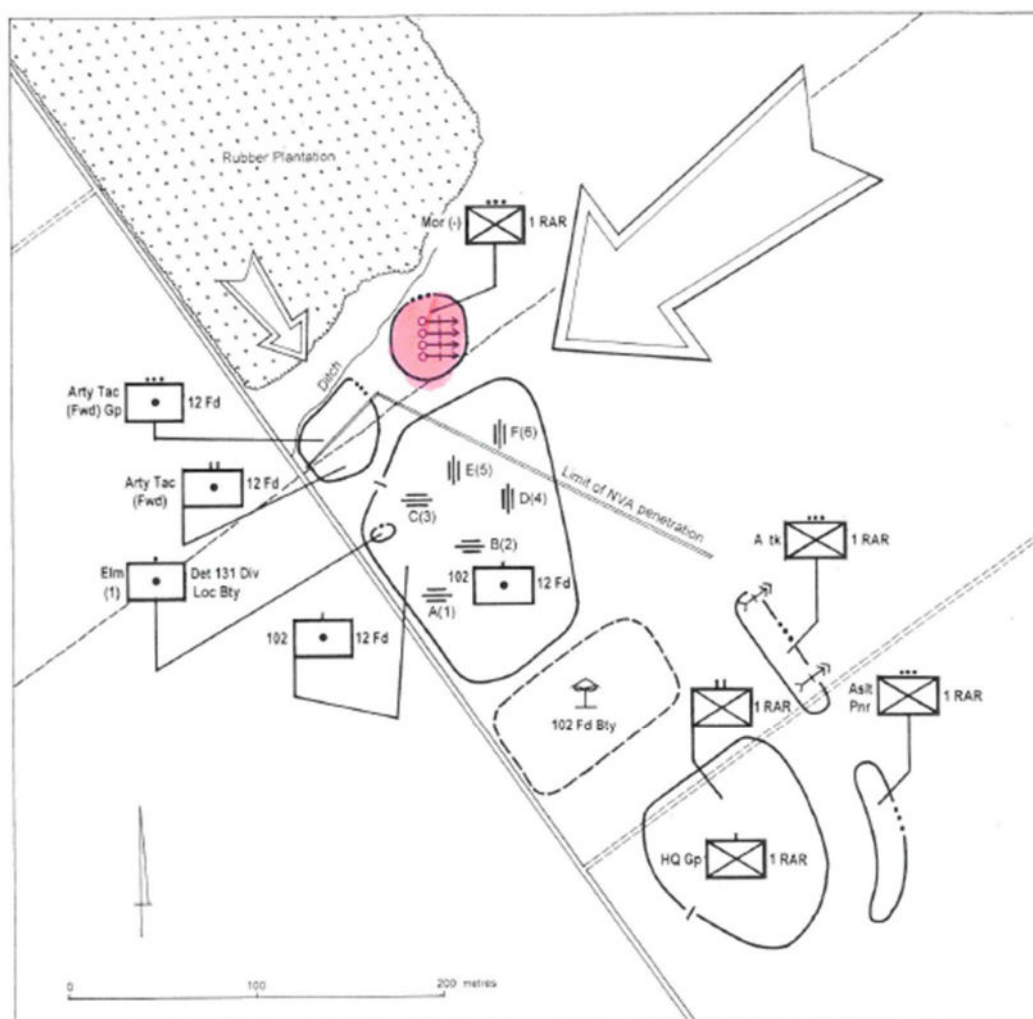
Figure 1. Extract from *On the Offensive* detailing the Areas of operation in Bien Hoa province – note Phuoc Tuy province to the southeast.¹⁷

16. Planning for Operation *Toan Thang* included the establishment of battalion patrol bases ‘Coral, Coogee and Balmoral’. Deployment to AO Surfers commenced on 12 May 1968.

17. Early in the morning of 13 May 1968, Fire Support Base Coral came under heavy and accurate mortar, rocket-propelled grenade and recoilless-rifle fire, followed by a determined infantry attack in estimated battalion strength. This attack was followed by a regimental strength attack on the night of 15/16 May. In the next phase of the battle, the task force deployed tanks in close support of infantry to conduct company-sized reconnaissance-in-force operations, locating and destroying enemy installations. Fire Support Base Balmoral was attacked with coordinated mortar and ground attacks on the nights of 25/26 May and 27/28 May 1968. A total of 26 Australian soldiers died during the battles and over 100 were wounded.¹⁸

¹⁷ McNeill & Ekins, *On the Offensive – the Australian Army in the Vietnam War 1967-1968*, Allen & Unwin, Crows Nest, 2000, p351.

18. During the 13 May attack on 'Coral', the 1 RAR mortar platoon position was located on the perimeter of the Fire Support Base and was over-run (see map below) along with one of 102 Field Battery's six 105 mm M2A2 howitzers in the base. The 1 RAR mortar platoon position is shown in red.



Map 12.4 First night attack on eastern area of Fire Support Base Coral, 12/13 May 1968

19. The Mortar Platoon was under the command of Captain Hugh McNally, who was stationed at the battalion command post. This left Lieutenant Anthony Jensen in charge of the mortar position.¹⁹ Individual shell scrapes less than one metre deep were prepared in the mortar position, some having groundsheets erected over them.²⁰

20. With the aid of extensive air support, the attack was beaten off by 6.30 am and the captured gun-pit was retaken. Eleven Australians were killed and 28 wounded, while the attackers lost more than the 52 bodies they left behind. A further three Australians died in patrol clashes on 14 May.²¹

¹⁹ McNeill and Ekins, *On the offensive*, p362.

²⁰ Ibid, p363.

²¹ <https://www.awm.gov.au/articles/encyclopedia/coral>, accessed 1 March 2022.

21. At 2.30 am on 16 May Coral again came under attack, this time from a North Vietnamese Army (NVA) force estimated at three battalions strong. The base was now defended by armoured personnel carriers of A Squadron, 3rd Cavalry Regiment, and 1 RAR's rifle companies, all of which were heavily engaged; part of the A Company position was occupied for a period, but the enemy was forced to withdraw. The attack was repelled after four hours of fighting, with the Australians having suffered five men killed and 19 wounded. Two members of an American battery which had reinforced the base were also wounded. Only 34 enemy bodies were recovered, but blood trails and drag marks indicated that many more casualties had been removed.

22. On 22 May Coral was subjected to yet another rocket and mortar barrage, but this time the NVA troops were dispersed by return fire from 1 RAR's mortars as they formed up to attack. Although there were further bombardments on 26 and 28 May, and patrols sent out from the base came into contact with the enemy, Coral was not seriously threatened again.²²

Lieutenant Colonel Hulse's submissions

23. Lieutenant Colonel Hulse's application to Defence was supported by a description of Private Parr's service at the Battle of Fire Support Base Coral. It discusses the circumstances Lieutenant Jensen and his men found themselves in on the morning of 13 May 1968, and Lieutenant Jensen's leadership of the 1 RAR Mortar Platoon. It states that *'the 1 RAR Mortar Platoon on 13 May 1968, had accomplished an almost impossible outcome. That any of the mortar platoon survived at all, is a miracle of survival. In depth research indicates that there has never been a Mortar Platoon action with a similar outcome in the Australian Army's rich military history.'*²³

24. Lieutenant Colonel Hulse referred to a 2016 recommendation for a Commendation for Distinguished Service written by the now retired Lieutenant Colonel Jensen that stated, in part:

'During the period 0230 hours and 0630 hours (13 May 1968) Private Parr operated the radio relaying vital information from Jensen to call for the fire support and adjust fire from the friendly artillery, mortars, helicopter gunship and 'Spooky'²⁴ up to and onto the 1 RAR mortar platoon position. Throughout this time Parr and Jensen were constantly fighting for their lives by engaging/killing enemy at short range, protecting each other and those around them. The enemy eventually were worn down by the weight of fire brought against them and withdrew. The 1 RAR Mortars suffered 5 killed in action and 8 wounded from the 18 on the position. The three remaining surviving mortarmen, were withdrawn to Nui Dat, the Task Force base and replaced by reinforcements. Jensen and Parr remained on duty at Fire Support Base CORAL. Parr continued to operate as a very effective mortar signaller for the remainder of the operation. He was not trained to operate in such a hostile situation

²² Ibid.

²³ Lieutenant Colonel Hulse Application for Medal for Gallantry dated 12 November 2018.

²⁴ A military version of the DC-3 aircraft fitted with 7.62mm miniguns.

but did so in an exemplary manner and significantly contributed to the successful defeat of the enemy in and around Fire Support Base CORAL.'

25. The description discusses the 'order' to Private Parr to return to Nui Dat following the morning of 13 May. It states that Private Parr argued that he was Lieutenant Jensen's right hand man with the radio, and if Jensen was going to fight on, so too, Parr would support him. The description states that Jensen accepted that, and Private Parr *'remained for what they both knew was a bigger more determined attack by the NVA on the Australian fire support base'*.²⁵

26. The description goes on to discuss the attack of 16 May 1968 and that *'the radio communication was constant and the pressure on the Mortar Platoon to provide fire support, intense. The essential link between the forward edge of the battle area and the mortar tubes was through Private Jack Parr...his personal disposition never wavered and he provided excellent communication support to his officer.'*

27. Lieutenant Colonel Hulse's proposed citation states:

"On 13 May 1968 at Fire Support Patrol Base 'Coral' during the War of South Vietnam, Private Alan Parr was working as a radio operator in the 1RAR Mortar Platoon. An enemy force over-ran the position in which he was located. Despite the immediate presence of personal danger, Private Parr maintained communication with other units, and by his coolness under fire and dedication to his work, was instrumental in bringing down Australian mortar and artillery fire on top of his position and into the swarming ranks of the enemy. Later that morning, Private Parr was given the opportunity by his officer, Lieutenant Anthony Jensen, to return to the relative safety of their home base at Nui Dat. Private Parr refused to go, and instead, elected to stay by his officer's side as the Lieutenant's radio operator. Private Parr was working again with his radio on 16 May 1968 when a bigger and more determined series of attacks was launch by the enemy against the units of Fire Support Patrol Base 'Coral'. Private Parr, demonstrated his coolness under fire and his dedication to duty by assisting in the delivery of over 3,000 rounds of mortar ammunition into the attacking ranks of the enemy. By his outstanding personal courage and his dedication to duty, Private Alan Parr confirmed the statement that is the motto on the badge of The Royal Australian Regiment - 'Duty First' ".²⁶

28. In a further submission to Defence dated 26 July 2021 and provided prior to its refusal of the application, Lieutenant Colonel Hulse stated that he had interviewed eye-witnesses to Private Parr's actions on the morning of 13 and 16 May 1968 and that the following information could be confirmed:

"On the morning of 13 May 1968 at Fire Support Patrol Base Coral, Private Parr was co-located in the same shallow weapon pit as his Mortar Line Officer, Lieutenant Tony

²⁵ Ibid.

²⁶ Ibid.

Jensen. His role was to operate the Mortar Platoon radio and keep communications open with their higher Headquarters and other fire support units such as the guns of 12 Field Regiment, 3RAR Mortar Platoon and combat aircraft overhead. He was aware at all times of the situation when the 1RAR Mortar Platoon was swarmed by human wave attacks by North Vietnamese Army soldiers and was forced to fight with his personal weapon on numerous occasions in order to stay alive. At the same time Private Parr provided Lieutenant Jensen with ongoing radio links which gave the Lieutenant the ability to communicate his situation with a raft of other callsigns in the area. Private Parr conducted himself in a quiet, efficient and professional manner and this was conducive to a large number of friendly units being able to bring fire down on the 1RAR Mortar Platoon position, and with it, the enemy unit which had over-run them.

There were a number of occasions when Lieutenant Jensen attempted to shout to an Artillery officer in 102 Battery RAA close by. However, when that was tried, enemy machine gunners opened fire on both officers and they had to get down on the ground to escape the fusillade of bullets. During this time, Private Parr was seen to engage the machine guns with his personal weapon and managed to silence one of the enemy machine gun teams. He then continued in his role as the platoon radio operator. There is no doubt, from eye-witness accounts, that the enemy returned fire at Private Parr narrowly missing him, but he remained in control of his emotions and got on with the job of fighting for survival and at the same time operating the platoon radio.

Private Parr controlled some of the minigun fire from “Spooky” – an aircraft fitted with ground attack weapons. He gave controlling fire instructions to the aircraft via the radio bringing the fire in as close as possible to the perimeter.

Private Parr used his initiative in requesting ‘Danger - Danger Close’ directional control for fire missions from 3RAR Mortars. He did this on his own initiative on hearing the NVA enemy firing their mortars ie primaries. This required an immediate response as mortars can fire and move rapidly from one position to the next. To effect the immediacy of the fire mission, Private Parr did this without referring to his Platoon Officer, Lieutenant Tony Jensen, (there wasn’t time for that) and made the request directly on the 3RAR Mortar Platoon. The counter-mortar fire mission was a success and the enemy mortars were neutralized.

Later that morning, after the enemy withdrew from the battle-space, there were four Australian Mortar Platoon soldiers still standing of whom Private Parr was one. Lieutenant Jensen ordered them back to their base area at Nui Dat for a rest and a chance to mourn the loss of their mates. However, Private Parr insisted on remaining at the FSPB in order to continue his role as Lieutenant Jensen’s radio operator.

On 16 May 1968, the enemy again attacked FSPB Coral in an attempt to envelope and over-run the Australian base with a force three times larger than the one used on 13 May 1968. The workload on the 1RAR (re-established) Mortar Platoon was intense and required close mental concentration by the Mortar Platoon control element to provide the amount of mortar fire being demanded by all units on the fighting perimeter. Again, Private Parr provided a calm, reassuring and professional communication capability to every callsign wanting to contact the 1RAR Mortar Platoon. This continued for several

*hours from around 0200hrs until well after 0700hrs 16 May 1968. The demeanour, resilience and professionalism of Private Parr was exemplary and augmented his performance as a combat soldier on 13 May 1968.*²⁷

29. The submission further argued that Private Parr's actions met the criteria for the Medal for Gallantry, although in Lieutenant Colonel Hulse's view the Mortar Platoon were in circumstances of great peril²⁸ (part of the criteria for the Star of Gallantry).

30. Lieutenant Colonel Hulse further argued that, having regard to the Tribunal's decision in *Jensen*, Parr should also be awarded the Medal for Gallantry, as *'there is nothing that can separate the difference in the personal courage, commitment and resilience of each man'*.²⁹ Lieutenant Colonel Hulse also claimed that Private Parr demonstrated courage, fearlessness and daring when he opened fire with a rifle against an enemy machine gun team and silenced them while they were firing at him, going on to state that the returning fire narrowly missed him.³⁰

31. In response to Lieutenant General Burr's refusal of the Medal for Gallantry, Lieutenant Colonel Hulse claimed that Private Parr was never trained to expect the circumstances under which he found himself on 13 May 1968. Lieutenant Colonel Hulse stated that, despite a number of hazards, Private Parr *'maintained his composure, operated his radio and was instrumental in the process that secured the 1 RAR mortar line from certain annihilation'*.³¹

32. Lieutenant Colonel Hulse claimed that in addition to operating the radio, Private Parr *'helped save his colleagues from a deadly burst of machine gun fire'* by engaging the enemy machine gun group that was preparing to fire at the surviving mortar line defenders with enfilade fire and that as expected, this drew fire on his own position.³²

33. A description of this action is set out in Private Parr's submission to the Inquiry into unit recognition for service at the Battles of Fire Support Bases Coral and Balmoral which states:

'I spotted an enemy group in the pre-dawn light approaching our position. They were about 10 metres away between the mortar CP and No 5 gun. I clearly saw the outline of the machine gun one was carrying and another had an RPG. They went to ground and I quickly swung my M16 around and engaged them in short bursts. I remember telling myself to deliberately fire low as we had been taught in training. (The M16 kicks higher when it is fired) The difficulty here was I had to fire over the top of Tony Jensen in his shell scrape and secondly I was firing directly towards No 5 Gun. After emptying two

²⁷ 1732616, Private Alan "Jack" Parr, Supplementary Information, dated 26 July 2021.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ Application for review.

³² Ibid.

*magazines I paused and there was no action from my target. We found three dead NVA around their RPD machine gun later.*³³

34. The submission provides a detailed personal account of Private Parr's actions during the attacks on Fire Support Base Coral. Despite it being referenced in Annex E to Lieutenant Colonel Hulse's application to Defence (a letter from Private Parr), it is not clear whether it was taken into account in the original decision by the Chief of Army, or in the Defence response to the application for review in the Tribunal. Along with the above description of Private Parr's attack on the enemy machine gun group, it discusses:

- Private Parr's duties as a signaller/radio operator for the Mortar Platoon and his links to the battalion command post on two separate nets;
- his reaction to the first attack on Coral on the morning of 13 May 1968;
- his role in providing information to the 1 RAR command post to bring 3 RAR's mortars, and possibly the guns from NZ 161 Field Battery to bear on the enemy, despite problems with his radio;
- his role in fixing the radio, and having to expose himself to enemy fire to do so;
- his direct communication with the 'Spooky' pilot and his role in co-ordinating fire from the gunship; and
- his role in the 1 RAR Mortar Platoon command group on 16 May 1968 and his role in co-ordinating fire.³⁴

35. Lieutenant Colonel Hulse also submitted a four page handwritten statement from Sergeant H.R. Smith of the 1 RAR signals platoon. This statement, dated 10 November 1998 was apparently written to the Department of Veterans' Affairs to assist Private Parr in receiving recognition of a service-related medical condition.³⁵

Other sources of information

36. The Tribunal also had access to a video recording from a 2008 interview with Private Parr that discusses, among other things:

- a more detailed description of mortar platoon communications and fire control procedures;
- his role on the first attack on Coral on the morning of 13 May 1968;
- his radio communications with the 'pilot or navigator' of the 'Spooky';
- his role in fixing the radio, and having to expose himself to enemy fire to do so;
- his role in the 1 RAR Mortar Platoon command group on 16 May 1968 and his role in co-ordinating fire; and

³³ Submission to the Inquiry into unit recognition for service at the Battles of Fire Support Bases Coral and Balmoral, Mr Alan Parr OAM.

³⁴ Ibid.

³⁵ Statement, Mr H.R. Smith, dated 10 November 1998.

- the attack on the machine gun, though Parr does not mention that the enemy returned fire.³⁶

38. Additionally, the Tribunal had access to ‘oral history’ interviews conducted by Ms Leonie Jones with Mr Parr, Lieutenant Colonel Jensen, Mr Brian Buzzard and Colonel Ian Ahearn (Retd). Ms Jones is a PhD student who has studied the Coral-Balmoral battles in some detail.

Defence’s position

39. Lieutenant General Burr’s refusal of Lieutenant Colonel Hulse’s application in respect of Private Parr was made following consideration of a decision brief dated 12 October 2021 and a research report prepared by Warrant Officer Langley on 4 September 2019.

40. The CA decision brief states in summary:

Summary submission. *Private Parr was the Mortar Platoon Radio Operator with 1 RAR at the Battle of Fire Support Base Coral. During the intense fighting on 13 May 1968 the enemy over-ran the Mortar Platoon position. Despite the immediate presence of danger, PTE Parr maintained communications and his actions contributed to the artillery and mortar fire that was directed onto the position. After this battle he was given the opportunity to return to Nui Dat but he elected to remain with LT Jensen (MOR PL COMD) and supported the reconstitution of the new mortar crews.*

Research findings. *WO 1 Mark Langley submitted a research report (Flag B) into this matter and made the following conclusions:*

a) The duties undertaken by PTE Parr are consistent with those detailed in the Roles and Responsibilities of Elements of a Mortar Platoon. This does not diminish the conditions experienced nor the intensity of the battle and loss of life; but it does affirm the responsibilities and roles expected of riflemen in a Mortar Platoon. This in itself does not equate to 'gallantry'. PTE Parr, along with the remainder of the Mortar Platoon were doing what they trained for.

b) There were a number of awards presented to 1 RAR personnel as a result of the Battle of Coral, including three Military Crosses. Additionally, the Tribunal recommended the Unit Citation for Gallantry (UCG) to all members of 1 ATF Vietnam for service during the period 12 May 1968 and 06 June 1968.³⁷

³⁶ Private Parr interview with Ms Leonie Jones, 27 January 2008.

³⁷ Chief of Army Decision Brief, drafted April 2021.

41. The research report by WO 1 Langley stated at Annex B that:

According to his personal file, PTE Parr was an Infantry Rifleman and also trained as an Infantry Signaller.

42. In his letter of 25 October 2021 conveying his decision to refuse to recommend Private Parr for the Medal for Gallantry or any other defence honour, the Chief of Army stated that

The evidence is that he 'relayed vital information' given to him by the mortar line officer. I am of the view that he was doing what was expected of him as a radio operator albeit in hazardous circumstances.

43. In Defence's submission to the Tribunal of 11 February 2022, Brigadier Bornholt stated that, *having considered all of the evidence provided by Lieutenant Colonel Hulse and having reviewed both the Official History and the Tribunal's Jensen report, the only material findings of fact as they relate to Private Parr's actions on 13 May 1968 are:*

- a) Private Parr was in hazardous circumstances, as were all of his colleagues, when the enemy overran their position.*
- b) Private Parr was a trained infantryman employed as a radio operator and was responsible for communications on the mortar net.*
- c) Private Parr was engaged in close combat as were all of his colleagues.*
- d) Private Parr relayed information given to him by the Mortar Line Officer over the radio.³⁸*

44. It does not appear that Private Parr's detailed account was taken into account by the reviewing officer, as it was not included by the applicant in his initial submission to the Chief of Army but is nonetheless referenced in that document.

The Medal for Gallantry

45. **Contemporary Gallantry Awards.** Australian service personnel received honours and awards under the Imperial system until February 1975 when the Government introduced the Australian system. The two systems – the Imperial and the Australian - then operated in parallel until October 1992 when the Government announced that Australia would no longer make recommendations for Imperial awards.³⁹ This means that only contemporary decorations may be considered. The eligibility criteria for gallantry awards in the Australian system are governed by Gallantry Decorations Regulations.⁴⁰

³⁸ Defence Submission to Tribunal, 11 February 2022.

³⁹ Prime Minister of Australia Media Release 111/92 dated 5 October 1992.

⁴⁰ *Commonwealth of Australia Gazette No. S25 – Gallantry Decorations Regulations* - dated 4 February 1991.

46. **Gallantry Decorations.** The Star of Gallantry, the Medal for Gallantry and the Commendation for Gallantry were established as Gallantry Decorations by Letters Patent on 15 January 1991 for the purpose of:

‘according recognition to members of the Defence Force and certain other persons who perform acts of gallantry in action.’

47. The honours are governed by Regulations set out in the Schedule, as amended in 1996:

Conditions for award of the decorations

(1) The Star of Gallantry shall be awarded only for acts of great heroism or conspicuous gallantry in action in circumstances of great peril.

(2) The Medal for Gallantry shall be awarded only for acts of gallantry in action in hazardous circumstances.

(3) The Commendation for Gallantry may be awarded for other acts of gallantry in action which are considered worthy of recognition.

3A. A decoration referred to in regulation 3 may be awarded for an act of a kind mentioned in relation to the particular decoration, although the act did not occur in action, if it occurred in circumstances similar to armed combat or actual operations and those concerned were deployed under military command.

...

Making of awards

*7. Awards of a decoration shall be made by the Governor-General on the recommendation of the Minister.*⁴¹

Tribunal Hearing

48. At the hearing of 2 June 2022, Lieutenant Colonel Hulse introduced oral evidence from Lieutenant Colonel⁴² Jensen, Mr Buzzard, Mr Harold Northwood and Mr Brian McInnery. Each was able to give highly detailed accounts of the events of 13 May 1968 and particularly about their personal observations of the conduct of Mr Parr⁴³ on that occasion. It was clearly emotionally difficult for them to relive the events of 13 May 1968 in this manner but it was apparent that they were driven to do so out of respect for Private Parr and their belief that his actions were significant in their own survival. Lieutenant Colonel Hulse also introduced oral evidence from Private Parr and his evidence was given in a calm and factual manner that evinced no element of self-aggrandisement. The Tribunal

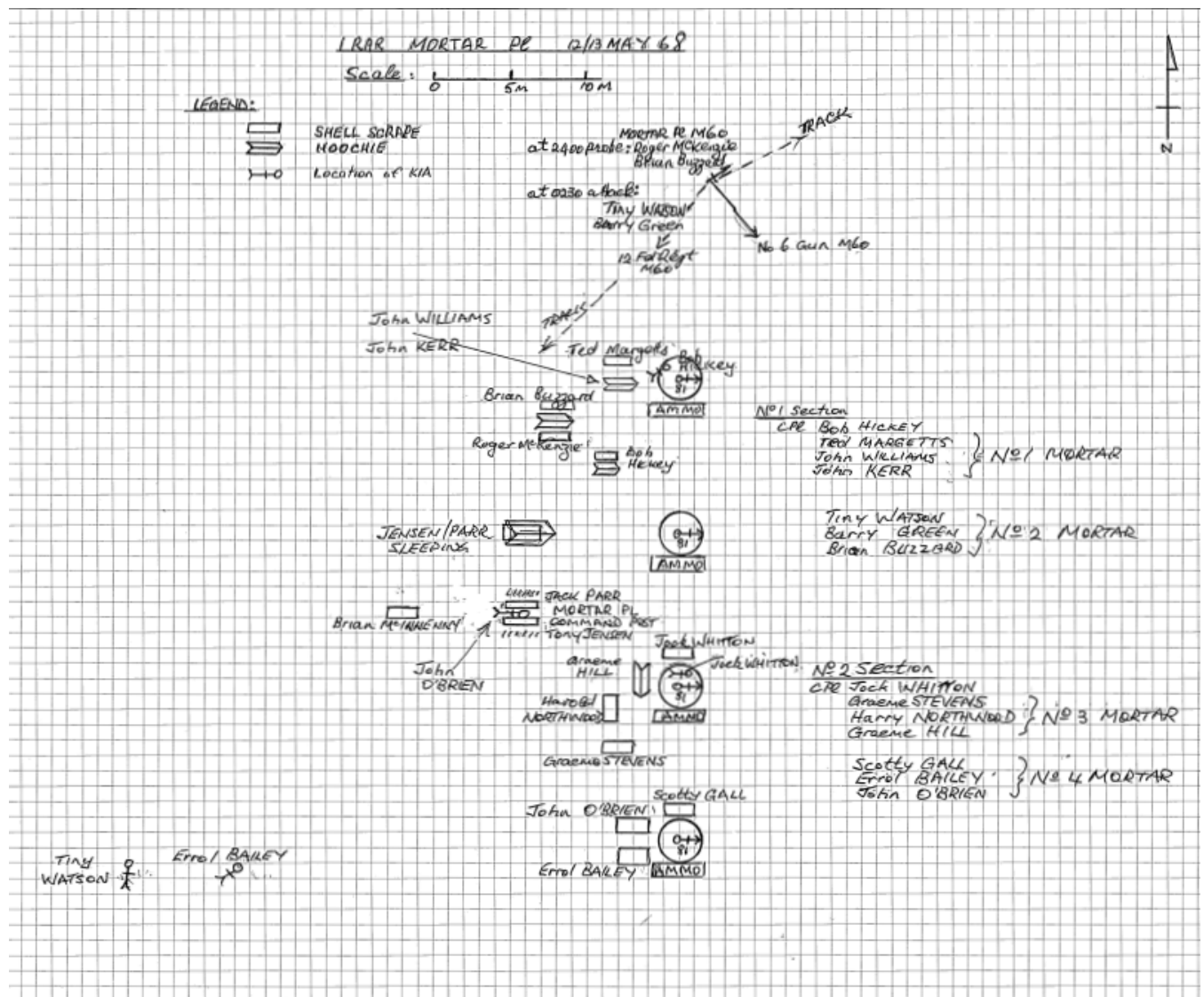
⁴¹ *Commonwealth of Australia Gazette No. S420 – Amendment of the Gallantry Decorations Regulations* - dated 6 November 1996.

⁴² Referred to as Lieutenant Jensen for the remainder of this report.

⁴³ Referred to as Private Parr for the remainder of this report.

greatly valued the evidence given by each witness as it added detail and “colour” to the written histories and allowed the Tribunal to delve further into what was recorded in the oral histories.

49. Additionally, Lieutenant Colonel Hulse tendered a diagram, shown below, prepared by Lieutenant Jensen which depicted the positions in which each member of the mortar platoon was deployed on 13 May 1968, and the locations at which those members who were killed in the action had died. This too was a valuable aid in better understanding the events of that day.



50. Following the evidence led by Lieutenant Colonel Hulse, Brigadier Bornholt maintained and reiterated the submissions advanced in the Defence Report and asserted that it had not been established that Private Parr met the eligibility criteria for the Medal for Gallantry or any other defence honour.

51. The Tribunal then questioned the witnesses to gain more detail than had been provided in the documents or oral submissions and in the evidence advanced in the hearing to that point, particularly in relation to the training that Private Parr had undertaken prior to the events in question, the actions that each of he and Lieutenant Jensen had collectively taken as a “team” on 13 May 1968, and the actions that Private Parr took of his own accord.

52. In response to that questioning, it became apparent that:

- Private Parr was not *trained as an Infantry Signaller* as had been asserted in WO 1 Langley’s report – rather, he had received only the basic training in radio operation provided to every infantryman. Lieutenant Jensen, who was himself a trained Infantry Signaller, testified that Private Parr’s performance in radio operations on the night of 13 May 1968 far exceeded the skill and proficiency that could reasonably have been expected of a soldier who had received only that basic training. This included repairing his radio that had become so water-affected that it would jam in the send position and thereby render the entire mortar net communication system unable to allow transmission by any other user;
- Private Parr had done far more than simply act as a conduit who *relayed vital information given to him by the mortar line officer*. Lieutenant Jensen gave evidence that, while Private Parr did at least that, he also proposed information to Lieutenant Jensen that he suggested should be relayed, discussed with Lieutenant Jensen proposals for information to be relayed and thereby assisted Lieutenant Jensen in making decisions about what he should direct to be relayed, engaged in interactive discussions on the radio with pilots and gunners in “Spooky” and helicopter gunships and, given that Lieutenant Jensen was at times otherwise occupied with other command functions, “may well have” of his own initiative given instructions for the redirection of supporting fire by those aircraft to better target the enemy. Private Parr testified that on a number of occasions he did indeed give such redirection instructions of his own initiative because the circumstances were so dire that he could not wait until Lieutenant Jensen was able to do so himself. Lieutenant Jensen testified that the giving of such instructions far exceeded the duties and what could be reasonably expected of an infantryman or indeed a trained infantry signaller and would ordinarily be determined by a mortar fire controller in the usual situation where a mortar platoon was protected by an artillery perimeter;
- Private Parr did far more than simply firing his personal weapon in defence of the position occupied by he and Lieutenant Jensen. Lieutenant Jensen testified that Private Parr frequently exposed himself to enemy fire in order to assist him in taking out an enemy machine gun position and to fire at enemy soldiers who had breached the mortar platoon perimeter. Lieutenant Jensen said that it was highly likely that, in so doing, Private Parr had killed at least some enemy soldiers – he said that both he and Private Parr were frequently firing at the same enemy positions and that, when dead bodies were found in those positions after the battle, it could not be ascertained whose fire was responsible.

53. At the conclusion of this stage of the hearing, Brigadier Bornholt intervened to say that, in light of the additional more detailed evidence that Private Parr, in addition to his requirement to perform as a rifleman, was not trained for the role of signaller in which he was employed and that he had accepted the additional responsibility of coordinating fire for which he was also not trained, he would now concede that Private Parr had performed acts of gallantry. In the opinion of the Tribunal, this concession by Brigadier Bornholt was entirely proper given that each of the members of the panel had been inexorably driven to the same conclusion.

54. When questioned by the Tribunal, Brigadier Bornholt agreed that his concession meant that Private Parr met the eligibility criteria for a gallantry decoration. He agreed that the award of a Commendation for Gallantry would be a necessary consequence. However he was not prepared to concede the claim maintained by Lieutenant Colonel Hulse that Private Parr qualified for the higher Medal for Gallantry. Brigadier Bornholt advanced the view that Private Parr's actions were not comparable to those of Lieutenant Jensen, although he did assist the latter as a commander and leader of the mortar line.

55. In these circumstances, it is incumbent on the Tribunal to consider which gallantry honour best fits the conduct of Private Parr.

Tribunal Consideration

56. The Tribunal has previously noted that all the gallantry decorations accord recognition for individuals 'who perform acts of gallantry in action'. Whilst 'in action' is a relatively straight forward concept, 'gallantry' is an abstract term, which is not defined in the Regulations. Various dictionary definitions such as 'dashing courage; heroic bravery',⁴⁴ and 'courageous behaviour, especially in battle';⁴⁵ are largely circuitous and unhelpful. Some countries have attempted to differentiate between 'bravery' and 'gallantry'; defining the later as recognition of military personnel who carry out acts which put their lives at risk while involved in operational service; whilst 'bravery' is defined as saving or attempting to save the life of another person in the course of which they place their own life at risk.⁴⁶ Again this is largely unhelpful in defining gallantry in the context of the Australian Honours and Awards system.

57. The Tribunal has previously observed that there is an expectation that all soldiers in battle conducting themselves in accordance with their training, will be acting bravely. The Tribunal has also observed that gallantry requires a higher standard of conduct than bravery and usually a special and additional element of courage, fearlessness, daring or heroism will have been demonstrated, and that what amounts to an 'act of gallantry', necessarily varies according to the individual circumstances of each action, and depending on many factors, including the level of threat, the person's training, role and responsibility, the risk to the

⁴⁴ The Macquarie Dictionary on-line accessed 8 August 2020.

⁴⁵ The Oxford Dictionary on-line accessed 8 August 2020.

⁴⁶ <http://medals.nzdf.mil.nz/category/d/index.html>.

individual and/or the group, and the consequences of undertaking, or not undertaking, the particular act.

58. The Tribunal has previously stated that the concept of gallantry is greater than collective or individual acts of bravery and above and beyond what was expected of an individual or group who were bravely doing what they were trained to do or expected to do as part of a role, rank or responsibility.

59. In this matter, it is clear that Private Parr, for the purposes of the Gallantry Regulations was ‘in action’.

60. As noted above, the more detailed evidence adduced during the Tribunal hearing inexorably led it to the conclusion that Private Parr had performed acts of gallantry. In making his concession, Brigadier Bornholt adopted the previous test propounded in previous Tribunal decisions as outlined in the preceding paragraphs. In reaching its own decision that Private Parr had performed acts of gallantry, the Tribunal has adopted and applied the same test.

61. Some, but not all, of the acts of gallantry performed by Private Parr were the same as the acts of gallantry found in *Jensen* to have been performed by Lieutenant Jensen and for which he was awarded the Medal for Gallantry. Others were different. The fact that each of their respective acts of gallantry may not have been identical is irrelevant. That Private Parr performed any act of gallantry is sufficient.

62. Brigadier Bornholt’s submission that Private Parr should not be awarded the Medal for Gallantry because he only assisted Lieutenant Jensen in the latter’s role as a commander and leader misses the point that, as between the Medal for Gallantry and the Commendation for Gallantry, the issue of distinction is simply whether or not the acts were performed “in hazardous circumstances”.

63. “Hazardous circumstances” is not defined in the Regulations.

64. In *Soldier P (re Soldier J) and the Department of Defence*, the Tribunal considered how one should distinguish an act of gallantry in action attracting the Commendation for Gallantry from an act of gallantry in action in hazardous circumstances attracting the Medal for Gallantry. The Tribunal considered that the term ‘hazardous circumstances’ was intended to take into account the particular circumstances of a soldier in action and required that the hazardous circumstances be considered in the context of the relevant combat situation.⁴⁷ It said:

... there is a risk associated with simply being in an operational area. That risk is increased significantly when engagement with the enemy occurs. But that risk is

⁴⁷ *Soldier P and the Department of Defence* [2014] DHAAT 27 (4 July 2014).

present for everyone in the area and it could be said that the level of risk when engaged in direct action with the enemy provides a standard or norm for that situation. To satisfy the meaning of 'hazardous circumstances' in the criteria for award of the MG the level of risk must be greater than the norm.

65. The Tribunal in *Reid and the Department of Defence* found that Private Reid, as a platoon medical assistant, was in hazardous circumstances when he tended casualties whilst exposed to enemy fire before, during and after treating the wounded and that he was personally in danger.⁴⁸

66. In *Jensen*, the Tribunal formed the view that every soldier in the mortar line on 13 May 1968 was personally under extreme threat. With the enemy having overrun them and being inside the perimeter, the circumstances were dire. The Tribunal stated that while the infantry is primarily trained for close combat, the probability of annihilation had the potential to cause a rout if not for Lieutenant Jensen's decision to stay and fight.⁴⁹ The Tribunal was of the view that Lieutenant Jensen displayed a special and additional element of courage when he decided to call fire onto his own position and then showed fearlessness when he continued to involve himself in the combat whilst that fire was falling. The Tribunal was of the view that the consequences of Lieutenant Jensen not acting as he did may have been significantly more casualties.

67. In *Hanuszewicz and the Department of Defence re Cameron*, the Tribunal had considered that 'circumstances of great peril' are likely to occur when both the individual and the group are threatened to such an extent that there is a distinct probability that the group would be overwhelmed by the enemy.⁵⁰

68. In *Jensen*, the Tribunal was satisfied that Lieutenant Jensen and his men had been overrun by a significantly superior force and were involved in desperate hand to hand combat at close quarters. Further, witnesses described the situation as dire, perilous and there was the real potential of annihilation. Additionally, there was the prospect that they would be killed or injured by their own fire support. The Tribunal observed that there was little cover and visibility was limited, confusion reigned and there was uncertainty and fear of the unknown. Accordingly, the Tribunal found that Lieutenant Jensen (and presumably those close to him) was in circumstances of great peril.

69. In these circumstances, the Tribunal is satisfied that Private Parr's actions involved a level of risk that exceed the standard or norm of risk inherently involved when engaged in direct action with the enemy. Private Parr's circumstances were worse than those of the other soldiers on the line. Every time he spoke on the radio to call in fire he drew the attention, and therefore the fire, of the enemy. He moved around the position, often standing or

⁴⁸ *Reid and the Department of Defence* [2017] DHAAT 02 (30 November 2017).

⁴⁹ *Hulse and the Department of Defence re Jensen* [2020] DHAAT 15 (27 August 2020).

⁵⁰ *Hanuszewicz and the Department of Defence re Cameron* [2019] DHAAT 08 (23 May 2019).

kneeling up (for example, firing over the top of Jensen's pit to engage the enemy machine gun), thereby being exposed to the enemy more than those in the safer (though no one was 'safe' on that line) shell scrapes or laying down or crawling.

70. Mr Parr's gallantry in the performance of his duties had some consequential effects. Mr Buzzard testified that Mr Parr's loud and clear radio transmissions acted as a beacon for him, guiding him to the command post despite injuries inflicted by the enemy which meant that he had to crawl and could therefore not see the command post, where field dressings were then applied to his wounds. And Mr Parr's composure in hazardous circumstances allowed him to provide assistance to Private O'Brien who, having been shot while making his way to the command post, was dragged by Mr Parr into his shell scrape where, despite the protection thereby afforded, he nevertheless died of his wounds.

71. The Tribunal is further satisfied that the circumstances in which Private Parr acted were in essence indistinguishable from those of Lieutenant Jensen, for which the latter was awarded the Medal of Gallantry.

72. Accordingly, the Tribunal concludes that Private Parr performed his acts of gallantry in what were at least "hazardous circumstances".

73. This conclusion appears to have also been reached by the Chief of Army who, while not accepting that Private Parr had performed an act of gallantry, stated that he had acted "albeit in hazardous circumstances".

74. Accordingly, the Tribunal has concluded that Private Parr exceeded the eligibility criteria for the Commendation for Gallantry and met the higher eligibility criteria for the Medal for Gallantry.

Draft citation

75. Having reached that conclusion, the Tribunal suggests that the following citation be considered as appropriate to accompany conferral of such an honour:

For acts of gallantry in action in hazardous circumstances as the radio operator in the 1st Battalion, the Royal Australian Regiment's mortar line during the Battle for Fire Support Base Coral in Vietnam on 13 May 1968.

On 12 May 1968 the 1st Battalion, the Royal Australian Regiment with other elements of the 1st Australian Task Force (Forward) deployed into Area of Operations SURFERS on the border of the Dinh Duong and Bien Hoa Provinces of South Vietnam and Fire Support Base Coral was occupied late on 12 May 1968.

The enemy assaulted Fire Support Base Coral in the early hours of 13 May 1968. The exposed mortar line was attacked by a numerically vastly superior force, estimated at

twenty-to-one. With the mortar line facing annihilation and, with enemy in its pits, its soldiers were in close combat with the enemy for at least one hour and suffered serious casualties, with five killed in action and another eight wounded of a strength of eighteen men.

During the enemy attack Private Parr was co-located in the same shallow weapon pit as his Mortar Line Officer. His role, for which he had not received full training, was to operate the Mortar Platoon radio and keep communications open with their higher Headquarters and other fire support units such as the guns of 12 Field Regiment, 3 RAR Mortar Platoon and combat aircraft overhead. He was forced to fight with his personal weapon on numerous occasions in order to stay alive. At the same time Private Parr provided his Mortar Line Officer with ongoing radio links which gave the Lieutenant the ability to communicate his situation with a raft of other callsigns in the area.

There were a number of occasions when the Lieutenant attempted to shout to an Artillery officer in 102 Field Battery close by. However, when that was tried, enemy machine gunners operating an RPD machine gun opened fire on both officers and they had to get down on the ground to escape the fusillade of bullets. Immediately after this, Private Parr and the Mortar Line Officer engaged the enemy gunners with their personal weapons and managed to silence the machine gun, killing its three man crew.

Private Parr conducted himself in a quiet, efficient and professional manner and this was conducive to a large number of friendly units being able to bring fire down on the 1 RAR Mortar Platoon position, and with it, the enemy unit which had overrun them.

Although not trained for this role, Private Parr controlled some of the close air support provided by the miniguns of the US “Spooky” DC-3 Gunship and the Helicopter Light Fire Teams, and gave clear fire control instructions to the aircraft via the radio and brought the fire in as close as possible to 1 RAR mortar line perimeter. The counter-mortar fire missions that he called for and adjusted from the supporting artillery and mortars were successful in neutralising the enemy mortars.

The gallant actions of Private Parr and his coolness under fire were instrumental in the 1 RAR mortar platoon repelling a numerically superior force, preventing significantly greater Australian casualties. His actions were in keeping with the finest traditions of the Australian Army and the Australian Defence Force.

Tribunal decision

76. In light of the above, the Tribunal has decided to recommend to the Minister that:

- a) the decision of the Chief of Army, Lieutenant General Rick Burr AO, DSC, MVO to refuse to recommend Mr Alan Parr OAM for the Medal for Gallantry should be rejected; and
- b) the Minister should instead recommend to the Governor-General that Mr Alan Parr OAM be awarded the Medal for Gallantry.

Further, the Tribunal suggests that the draft citation set out in the preceding paragraph of these reasons be considered as appropriate to accompany conferral of that honour.