

From: [Heldon, Ian MR](#)
To: [Kopplemann, Jay MR](#)
Cc: [DHA Tribunal](#)
Subject: 2001 Ministerial briefing and approval - "ADF Medals Policy - Where we have been and where we are going" and approved conditions for the award of the ASM [SEC= OFFICIAL]
Date: Wednesday, 7 December 2022 9:21:26 AM
Attachments: [ADF Medals Policy - Where we have been and where are we going - June 2001 \(HDPE minute removed\).pdf](#)
[2001 Minister agreed specific conditions for the award of the ASM.pdf](#)
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Good morning Jay,

Noting the Tribunal Chair's views expressed at the recent hearing about the Defence position on the separation of definitions which apply to nature of service and honours and awards, I provide the attached documents which detail the 28 June 2001 approval by the then Minister Assisting the Minister for Defence, Bruce Scott MP, of the policy for the future award of the ASM and ASM 1945-1975 including specific conditions for which the ASM may be awarded (paras 27-28). The Minister agreed 'that the ASM should still be awarded for service which, although it may not be subject of a formal declaration of 'non-warlike' operation by the responsible Minister, can still be regarded as non-warlike service and declared accordingly under the ASM 1945-75/ASM regulations'.

Butterworth is briefly mentioned in Paras 18c and 25. The documents are matter of public record and may be shared with all parties.

The 'Agreed policy for the Australian Service Medal' was referenced and an appendix to the report of the Tribunal Inquiry into recognition for members of the Australian Defence Force for service in Papua New Guinea after 1975.

Regards,

Ian

Ian Heldon

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Appendix 4 – Policy relating to the Australian Service Medal

AGREED POLICY FOR THE AUSTRALIAN SERVICE MEDAL

In 2001, the then Minister Assisting the Minister for Defence agreed to the specific conditions for which the Australian Service Medal (ASM) may be awarded, together with absolute exclusions. These are as follows:

- a. activities or operations where an overarching non-warlike declaration by the Minister for Defence exists;
- b. service rendered in situations that include international security treaties or agreements and there are required operational or security outcomes, eg. Multinational Force and Observer (MFO) group in Sinai;
- c. service involving that with an international coalition force and where other countries involved have recognised their defence personnel with a medal, eg. United Nations deployments, MFO and situations such as the Gulf crisis 1990/91;
- d. activities conducted in Australia or overseas at the direction of Government, rather than an ADF decision alone, which require the use of military skills unavailable to civilian organisations at the time and hazardous conditions exist as a result of civil unrest or threat which are beyond the normal requirements of peacetime service, which also result in control being given to the ADF to conduct activities in part or in full;
- e. humanitarian service as a result of human disaster involving civil unrest, rather than natural disaster, where that service involves a military presence for self protection and protection of the community involved, eg. Kurdish relief after the Gulf War in Iraq in 1991 and Rwanda in 1994; and
- f. qualification be set at 30 days except where activities involve an imminent threat of war, activities are so short of warlike that they carry similar hazards, special operations outside of normal operations involving associated increased risks, or particularly dangerous or hazardous situations, eg. forward intelligence operations, hot extractions, etc.

Absolute exclusions are:

- a. service involving warlike activities in a state of declared war or combat operations against an identified enemy or belligerents, ie. an area declared 'warlike' by the responsible Minister;
- b. normal overseas service in diplomatic, representational, exchange, training or Defence cooperation activities (this exclusion does not

apply to members conducting these activities in an area subject to a formal declaration of non-warlike where tasking is associated with the operation at hand);

- c. assistance in Defence Force Aid to the Civil Community, either in Australia or overseas, where that service is integrated with other Commonwealth, State or civilian agencies such as the State Emergency Service Organisations or National Parks and Wildlife, and that service or threat does not require the use of uniquely military skills, eg. relief or assistance as a result of natural disasters such as drought or bushfires, and assistance to Australian National Antarctic Research Expeditions;
- d. normal duties carried out either in Australia or overseas involving no military risk or threat, whether in a capacity of regular, reserve or conscripted service in order to meet Government/ADF ceilings; and
- c. service on exchange duties with a foreign defence force, even if in a hazardous area not declared by the responsible Minister as a non-warlike area of operations for ADF deployment (although in some cases it may be appropriate to assess such service on its merits against a particular reason behind a formal third country deployment approval).



Office of the Chief of the Defence Force

MINUTE

PE 97-24314
CDF 777/2000

B 8/11

Minister Assisting the Minister for Defence

ADF MEDALS POLICY – WHERE WE HAVE BEEN AND WHERE WE ARE GOING

RECOMMENDATION

That you:

- **approve** the recommended policy for the future award of the ASM and ASM 1945-1975, and
- seek to establish a bipartisan approach to the proposed policy for the future award of the ASM and ASM 1945-1975.

OVERVIEW

- On 22 May 00, you requested a well developed paper on medal's policy as to where we have been and where we are going. Due to the complexity of the issue, it was agreed that considerable time would be allowed to develop the paper.
- During the development of the paper, it was further requested that it be honest and forthright in its approach. Accordingly, any criticism or observations made are constructive and demonstrate the facts as they exist.
- The paper is written mainly around recognition of 'non-warlike' service by the awards of the Australian Service Medal (ASM) and/or ASM 1945-75, as it is mostly these medals which come under argument by the current and ex-Service communities.
- The paper demonstrates that some benchmark needs to be identified beyond which awards will not be made and that it needs to be enshrined in ADF and bipartisan policy.
- Bringing the matters raised in the paper to your attention should assist in current and future Government policy direction concerning the ASM and ASM 1945-75.
- The paper has been cleared by the three Service Chiefs.

Sensitivity. Yes: Possible criticism from ex-Service groups who consider that their interests have not been considered.

Resources. Nil.

AUTHORISED:

APPROVED/NOT APPROVED

C.A. BARRIE
Admiral, RAN
Chief of the Defence Force

BRUCE SCOTT MP

28/6/01

2 Jan 01

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SENSITIVITY

The recommended policy will not meet with the interests of some ex-Service groups such as National Servicemen's Associations who have been lobbying for the ASM 1945-75 or a special medal to recognise their service, or the RSL which has a 'medal for all' policy.

BACKGROUND

The enclosed paper has been developed under direction that it was to be honest and forthright in its approach. This requirement follows the increased political, media and public interest in medals over the last few years since the 1993/94 'Committee of Inquiry into Defence and Defence Related Awards', the Coalition's service medals policy leading into the 1996 election and the more recent 'Independent Review of Service Entitlements Anomalies in Respect of South-East Asia Service for the Period 1955-1975'.

It was requested that the paper:

- a. demonstrate the way in which the Australian honours and awards system is managed now, and has been in the past, in relation to Defence service medals;
- b. indicate what has changed in the past few years and why; and
- c. provide recommendations as to how medals should be used in the future.

As a result of consultation with your staff, the paper has been written mainly around recognition of 'non-warlike' service, as opposed to service in 'non-warlike operations' per se. Accordingly, it provides a background on the intent of the ASM describing the changes in its award brought about by political intervention and resultant changes in its award for non-warlike service, and makes recommendations as to a way ahead.

As it was specified that the paper be honest and forthright, it is somewhat critical of past reviews and political intervention into what is highlighted as essentially an ADF matter on how the service by its members should be recognised. Under the circumstances, any criticism or observations made are constructive and demonstrate the facts as they exist. Bringing these to your attention should assist you in considerations of current and future Government policy.

CONSULTATION

The Three Service Chiefs of Staff have been consulted in the preparation of the paper.

COMMUNICATION ASPECTS

Once a decision is made on the recommendations of the paper, an appropriate Defence Instruction will be drafted with advice being communicated, through PACC, to ex-Service organisations.

ATTACHMENT

Paper entitled "ADF Medals Policy - Where We Have Been and Where We Are Going"

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ADF MEDALS POLICY WHERE WE HAVE BEEN AND WHERE WE ARE GOING

INTRODUCTION

1. The earning, receiving and wearing of medals is an integral part of Service culture. Service medals are awarded in recognition of operational service, in activities which are clearly and markedly more demanding than normal peacetime duties. In addition, other medals are also awarded for gallantry, distinguished service or considerable, long and efficient service. However, the award of a medal, just for service in the Australian Defence Force has never been a tenet of the Australian Honours and Awards system.
2. Unfortunately, the issue of medals in the Service and ex Service community creates a passion and interest like no other. Those that crave recognition through the award of a medal continually press to have the guidelines amended to make them eligible for a medal. Others agitate against the changing of guidelines as they believe the process diminishes their own achievements and medals. In short, no one group will ever be satisfied.
3. In the past eight years the guidelines for the awarding of medals has been the subject of particularly rigorous lobbying and change. In recognition of this it has become necessary to clearly redefine the criteria for medal eligibility criteria. The Minister Assisting the Minister of Defence directed the Defence Personnel Directive (DPE) to:
 - a. demonstrate the way in which the Australian honours and awards system is managed now, and has been in the past, managed in relation to Defence service medals;
 - b. indicate what has changed in the past few years and why; and
 - c. provide recommendations as to how medals should be used in the future.
4. The aim of this paper is to meet the requirements of the Minister.
5. In achieving the aim the focus of this paper will be on the Australian Service Medal (ASM) 1945-75 and the current ASM for recognition of non-warlike service. Non-warlike service is one of the two tests for recognition of operational service. The other test is warlike service. These are defined in annex A.

WHERE WE HAVE BEEN

The Vietnam Logistic and Support Medal (VLSM)

6. The VLSM was established in 1993 in a response to strong lobbying by former Royal Australian Navy (RAN) members who were not posted to the Vietnam area of operations, ie. did not meet the basic qualifying conditions for warlike service as shown in annex A, but carried out support functions, mainly on HMAS SYDNEY. As most did not serve the 28 days, required at the time under the 'visitor' rule for the Vietnam Medal (VM), the then Labor Government established the VLSM as a 'default' medal for not receiving the VM. This was the first time a medal had been established to be used in this way and it drew criticism from

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holders of the VM that it was a 'second rate' medal. This criticism continues today and as a result a VLISM lobby has developed. This lobby seeks to translate the VLISM into the VM.

7. The establishment of the VLISM met a particular circumstance that has not been replicated since as all ADF elements involved directly as part of a deployed force in an operation are now considered equitably, for example RAN operations in respect of East Timor. Unfortunately, however, the VLISM can be seen as the catalyst which has brought criticism by veterans of past conflicts that their service has become devalued, along with the Australian honours and awards system.

Australian Service Medal (ASM)

8. When the current ASM was introduced in 1992, it was intended that it would be awarded for operational service which was declared non-warlike by the Minister. At the time it was agreed between the three Services that the criteria for its award would be as follows:

- a. Specific exclusions:
 - (i) normal overseas service in diplomatic, representational, exchange, training or Defence cooperation activities, regardless of the hazards associated with that service; and
 - (ii) assistance in ADF aid to the civil community, either in Australia or overseas, where that service is integrated with other civilian organisations and any threat does not require the use of uniquely military skills, eg. humanitarian relief or assistance as a result of natural disasters.
- b. Activities not so excluded be judged against:
 - (i) service not involving warlike service activities in a state of declared war or combat operations against an identified enemy or belligerents;
 - (ii) the likelihood of service being conducted overseas;
 - (iii) being activities military in nature, utilising military skills and specialist resources according to the area (circumstances) and/or self protection, eg. rather than an activity involving skills that are available within civilian organisations;
 - (iv) involving elements of military threat and hazard;
 - (v) conducted at the direction of Government, rather than an ADF decision alone; and
 - (vi) likelihood of the activity being of a prolonged duration of 30 days or more.

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9. Activities could extend to service in Australia which involved the use of military skills where civil powers did not have the capacity to deal with the situation at hand, eg. low level insurgency by foreign forces into Australia. This is why the ASM was not called the Australian *Overseas* Service Medal and has since been considered, for example, in the award of the Clasp 'Special Ops' in cases where the ADF may be involved in the resolution of a terrorist act in Australia or other hazardous occurrences that may be considered as 'special' by the particular Service Chief. In addition, it was considered that the ASM would only be awarded for operational service that had not been recognised by another internationally accepted medal, eg. the United Nations (UN) Service Medal. However, this did not occur and as a result, the ASM is now awarded for UN and other service where another foreign medal may be awarded, thus perpetuating a 'double medalling' system. ||

The 1993/94 Committee of Inquiry into Defence and Defence Related Awards (CIDA)

10. In 1993, the CIDA was established as the first part of a two stage review of the Australian honours and awards system. The first stage was a comprehensive review of Defence and Defence related areas of interest, including the application of existing Australian awards in recognition of service. The second stage was to review the honours and awards system and its application to the Australian community generally (this is not covered in this paper). During its deliberations, CIDA established 10 guiding principles which have been accepted as a basis for the awarding of medals for service, particularly when assessing past activities. These do not detract from the conditions agreed by the three Services in 1992, but assist in assessing entitlements on the basis of equity. The Principles are attached at annex B.

11. CIDA handed down its report in 1993 and amongst its recommendations was the establishment of a retrospective ASM 1945-75 to recognise service that had otherwise gone unrecognised by an 'Australian' award during the period 1945 to 1975. It was considered that it would not be appropriate to use the existing ASM for service prior to 14 February 1975, the date of the introduction of the Australian honours and awards system. The ASM 1945-75 was established under the same conditions as the existing ASM.

12. Under the ASM and ASM 1945-75 regulations, an operation has to be declared non-warlike by the Governor-General. This declaration does not need to be linked to one by the Minister. It therefore allows flexibility for the medal to be granted outside such a declaration, eg. service with the RAN with the Far East Strategic Reserve, service in Japan post WWII with the British Commonwealth Occupation Forces (BCOF) and service with the UN Command Korea by ADF Defence Attachés in relation to maintaining the Demilitarised Zone. However, CIDA took a very benevolent approach with its recommendation for the award of the ASM 1945-75 for service in Papua New Guinea from the establishment of the Pacific Island Regiment in 1951 to independence in 1975. This benevolent approach contradicted its own principles, particularly Principle No 1 at annex B and has generated consistent criticism since. The criticism is well founded considering the current situation in PNG. ||

13. Other significant recommendations made by CIDA were:

- a. ASM 1945-75 for 30 days service in Korea after the armistice 1953-57;
- b. ASM 1945-75 for 30 days service on the Thai-Malay Border 1961-64;

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- c. ASM 1945-75 for 30 days service at Ubon in Thailand as part of a South East Asian Treaty Organisation agreement 1962-68;
- d. VM to nurses who conducted medical evacuations but were not posted to a unit in the operational area of Vietnam (against the conditions of the VM warrant); and
- e. VLISM to civilian groups who served in Vietnam such as QANTAS air crews, diplomatic couriers and entertainers who were not under ADF command; and
- f. a review of the 1989 Australian Government *Guidelines Concerning the Acceptance and wearing of Foreign Honours and Awards by Australians (Foreign Awards Guidelines)* with a view to liberalising the criteria.

14. **Former Government.** All CIDA recommendations at paragraph 13 were accepted by the then Labor Government. Although the recommendations of CIDA satisfied many in the ex-Service community, it created many other anomalies in attempting to solve those which existed or were perceived to exist at the time. That the CIDA recommendations were not considered to have gone far enough has been manifested by a 125% increase in correspondence to both Members of Parliament and the Department of Defence. With regard to medals, most of the ministerial correspondence centred on the following:

- a. complaints by Korean War veterans that the ASM 1945-75 should have been extended to them, not just those who served after the Armistice (this is despite the fact that nearly all Korean War veterans had two medals for their service, while many of those who served in Korea after the Armistice war had none);
- b. complaints by BCOF personnel that service from 1947 until the cessation of BCOF in 1952 should have been recognised;
- c. calls for recognition of service in PNG to be backdated to the cessation of World War II in 1945, and other post war service in the South West Pacific to be recognised;
- e. complaints from former RAN personnel that the CIDA recommendations on service in the Far East Strategic Reserve (FESR), particularly during the period of the Malayan Emergency 1955-60, did not go far enough;
- f. that an End of War List for Vietnam should be pursued;
- g. that service on the Thai-Malay Border and Ubon in Thailand should be reassessed as warlike for medals and veterans' entitlements;
- h. the qualifying criteria for the ASM 1945-75 should be reduced to allow more ex-Service personnel to qualify for it; and

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- i. recognition of the service rendered by National Servicemen from both the 1950s and 1960s intakes (these groups arguing that they were forced into service in times of war against their will and 'suffered' accordingly).

15. In short, the result of CIDA raised medals matters to a new political high with Members of Parliament responding to active and aggressive lobbying by their ex-Service constituents. Consequently, toward the end of 1995, the then Labor Government reviewed some of the concerns raised and effected the following changes in the award criteria of the ASM 1945-75 prior to its election defeat in 1996:

- a. recognition for BCOF service extended to 1952;
- b. recognition for service with the Berlin Airlift 1948/49 recognised; and
- c. a review of service in the South West Pacific, immediately following World War II (this was not completed until later in 1996).

WHERE WE ARE NOW

16. In its 1996 election policy written by the then Shadow Minister for Defence Industry Science and Personnel, Wilson Tuckey MP, the Coalition released a policy which they considered addressed the concerns of ex-Service community. Highlights of the Coalition's policy were:

- a. ASM 1945-75 Clasp 'FESR' for RAN service with the FESR for the period 1955-71;
- b. award of the ASM 1945-75 for warlike service (except Vietnam) between 1945-75;
- c. an End of War List-Vietnam to be established, limited to those whose nominations which were recommended at the highest level in Vietnam but downgraded or rejected in Australia;
- d. recognition of service in PNG backdated to 1945;
- e. reduction of qualifying service for the ASM 1945-75 reduced to 30 days in all cases;
- f. award of the 1939-45 Star for service in the last six months of World War II for less than the required six months eligibility; and
- g. a reduction of eligibility for the Australia Service Medal 1939-45 to 30 days for full-time service and 90 days for part-time service from 18 months and three years respectively.

17. Whilst the aim of the Coalition's policy was to meet the concerns raised by the ex-Service community, inevitably like CIDA, it created more anomalies than it resolved.

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Except for subparagraph 16.e. above, for each of the positives gained from the Coalition's policy initiatives, there were equal negatives. These were:

- a. the award of the ASM 1945-75 for RAN with the FESR met with a great deal of criticism from those who served with land based forces in the Far East at the time;
- b. the ASM 1945-75 not being awarded to Vietnam veterans met with much criticism from this group;
- c. Vietnam veterans were critical that a full End of War List review was not conducted and that the Coalition's policy was an easy way out;
- d. Service in PNG post 1975 not being recognised;
- e. the award of the 1939-45 Star for any period of service in the last six months of World War II being too restrictive by not including all World War II veterans, thus devaluing the service of those who may have missed out on the award prior to that last six months, particularly by a day or two; and
- f. the reduction of the criteria for the Australia Service Medal 1939-45 seen by many World War II veterans as devaluing the award from its original intention of recognising 18 months or more 'long service' to the war effort, particularly when the British War Medal already existed to recognise 28 days or more 'short service'.

The Independent Review of Service Entitlements Anomalies in Respect of South-East Asia Service for the Period 1955-1975 (SEA Review)

18. As a result of ongoing representations from the ex-Service community, the SEA Review was established in an attempt to resolve many of the outstanding issues and concerns. As it is still in its implementation stage, it is too early to predict what the full impact of the SEA Review recommendations will have in respect of new or further anomalies. Some which have been identified are:

- a. Claims that service in other parts of the world under similar conditions to FESR should be recognised. For example RAN deployments to the North West Indian Ocean with naval elements from the United Kingdom and United States of America.
- b. The further extension of the VM, for additional medical evacuation sorties into Vietnam from units outside the area, which are over and above the CIDA recommendation, has strengthened arguments from other groups for access to the medal rather than the VLISM, particularly former RAN members.
- c. Criticism from ex-Service organisations that the recommendations of the Review did not go far enough for recognition of service in Butterworth after cessation of the FESR in 1971, or for service in PNG post 1975.

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19. One very significant principle established by MAJGEN Mohr, during his deliberations on service in South East Asia, was that if ADF personnel are placed in circumstances where they may be used to react to an assessed threat made by Australian Government Intelligence agencies, it has to be considered operational service. This is regardless of whether that threat is realised or not. MAJGEN Mohr based this principle on opinion made in his capacity as a South Australian State High Court Justice.

Impact of Changes and Perceptions since CIDA

20. The recommendations of CIDA, the Coalitions Government's service medals policy and the SEA Review have changed Australia's approach to the awarding of Defence service medals. Despite the 1992 agreement by the three Services to a set of criteria for the award of the ASM and the principles established by CIDA, there have been awards of the ASM outside of these. Consequently, the independence of the Chief of the Defence Force to make decisions relating to how members of the Defence Force should be best recognised for their service has also been reduced.

21. Since these reviews and policies, two significant themes behind most complaints concerning medals have become apparent. These are:

- a. many individuals feel that they cannot belong to an ex-Service association (particularly the Returned and Services League of Australia (RSL)) or march on ANZAC Day without a medal; and
- b. members of unit associations with less medals as a result of different, or less service in certain activities than their associates, consider they should have the same array of medals as their 'mates'.

22. These themes have resulted in unreasonable and unjustifiable claims for medals; or lobbying for the qualifying conditions for some medals to be changed. Such examples have been:

- a. a call for the VLSM to be awarded to all ADF personnel who served during the period of the Vietnam War whether service was rendered in Vietnam or Australia;
- b. the award of the ASM 1945-75 for National Service due to their obligation to serve Australia against their will as opposed to regular servicemen who volunteered for duty;
- c. the award of the 1939-45 Star and Defence Medal to all WWII veterans as they perceive their duty to have been operational because they served during wartime and in the defence of Australia; and
- d. an award of a medal for service by virtue of being in the Defence Force (under the 15 years period required for a long service medal) as they perceive that such service is inherently more demanding and hazardous than any other occupation.

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23. The RSL supports such claims on the basis that they have a responsibility for their constituency. It also realises that to maintain current membership levels, or in fact increase the membership, the award of medals would assist this by seizing on the sentiments of those who fall into the category that believe they cannot belong to the RSL without a medal. This was highlighted at the QLD State Congress in 1999 (and other RSL meetings since) where a motion was overwhelmingly supported that a medal should be awarded for all ADF service since 1945 with a minimum qualification period of two years. The basis for the motion was that there are potentially 900 000 ex-Service personnel who, if they had a medal, would possibly join the RSL.

24. Despite arguments to the contrary, there is no precedence to recognise normal peacetime service rendered by regular, reserve or national service personnel either in Australia or overseas with the award of a medal. The award of the Australia Service Medal 1939-45 is cited as a precedent by the National Servicemen's Association and other ex-Service organisations in that it was awarded for service in Australia to those who never saw operational service overseas. However, the intent of the award was to recognise 'long service' during a time of war when Australia was on a war footing. This was changed in the Coalition's service medals policy, following representations by certain World War II service personnel. However, despite the change, it does not detract from the original intent of the medal.

No Aust. Honours matter.

25. Significantly, CIDA and the more recent SEA Review have turned what is essentially an ADF matter into a highly political one. This is demonstrated by the Coalition's service medals policy in response to CIDA and current correspondence from Members of Parliament concerning the SEA Review. The decisions to award the VLSM for short service in Vietnam; the ASM 1945-75 for service in PNG during 1951-75 and RAN service with the FESR between 1955-71; and now service in South East Asia generally for the period 1955-71 have considerably changed the benchmark for awarding service medals. These decisions go against ADF policy and the CIDA Principles and have placed a new set of expectations into the current and ex-Service communities regarding the types of service which may now be recognised by a medal. These decisions have reduced the ASM (in its generic sense) to recognising service that has been carried out as part of normal Defence Force duties, albeit overseas and in some cases under uncomfortable (but not hazardous) circumstances. For example, most of the service in Singapore and Butterworth was rendered under normal peacetime garrison conditions with additional luxuries not experienced in Australia such as the availability of housemaids and servants.

WHERE WE ARE GOING

26. The unfortunate result of the more liberalised approach is that it has become increasingly difficult to maintain the ASM for the purpose for which it was originally intended. Although it may be considered that such liberalisation is a small cost in an effort to solve strong lobbying by ex-Service groups and individuals, and possibly to bolster morale in the ADF, some benchmark needs to be identified beyond which awards will not be made. This needs to be enshrined in ADF and bipartisan policy.

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Way Ahead

To retain some value, it is recommended that the ASM should be awarded for service which, in every case, is the subject of a formal declaration of 'non-warlike' operation or activity by the responsible Minister."

27. To retain some value, it is recommended that the ASM should still be awarded for service which, although it may not be the subject of a formal declaration of 'non-warlike' operation by the responsible Minister, can still be put into a category which may be regarded as non-warlike service and declared accordingly under the ASM 1945-75/ASM regulations. Using the 1992 Services agreement as a basis, but adjusted to cater for the new benchmark set by recent changes as a result of CIDA, the Government's policy and the SEA Review, a prescriptive minimum set is recommended as follows:

- a. service rendered in situations that include international security treaties or agreements, eg. FESR, SEATO, ANZUK, MFO, Five Power Agreement etc;
- b. service involving that with an international coalition force and where other countries involved have recognised their defence personnel with a medal, eg. UN deployments, MFO and situations such as the Gulf crisis 1990/91;
- c. activities conducted at the direction of Government, rather than an ADF decision alone, which require the use of military skills unavailable to civilian organisations at the time and are of a nature that allow the activity to be declared non-warlike on the recommendation of CDF vide the ASM 1945-75/ASM regulations."
- d. humanitarian service as a result of human disaster involving civil unrest, rather than natural disaster, where that service involves a military presence for self protection and protection of the community involved, eg. Kurdish relief after the Gulf War in Iraq in 1991 and Rwanda in 1994;
- e. activities of a special or particularly dangerous or hazardous nature, in Australia or overseas, involving military skills not available to civil powers at the time which result in control being given to the ADF to conduct the activity in part or in full, (this recommendation meets with the CIDA recommendation, accepted by CDF and the Government in 1994, that certain hazardous activities of a special nature, eg. counter terrorist activities and other similar activities, should be considered for awards of the ASM based on their own merits);
- f. qualification be set at 30 days except where activities involve an imminent threat of war, activities are so short of warlike that they carry similar hazards, special operations outside of normal operations involving associated increased risks, or particularly dangerous or hazardous situations, eg. those outlined in subparagraph e. above, service such as that rendered immediately before the Gulf War in 1991, forward intelligence operations, hot extractions; and

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- g. service on exchange duties with a foreign defence force in a hazardous area, not declared by the responsible Minister as a non-warlike area of operations for ADF deployment, be generally excluded (although in some cases it may be appropriate to assess such service on its merits against a particular reason behind a formal third country deployment approval).

28. Absolute exclusions recommended are:

- a. service involving warlike service activities in a state of declared war or combat operations against an identified enemy or belligerents (an area declared 'warlike' by the responsible Minister);
- b. normal overseas service in diplomatic, representational, exchange, training or Defence cooperation activities (this exclusion does not apply to members conducting these activities in an area subject to a formal declaration of non-warlike);
- c. assistance in ADF Aid to the Civil Community, either in Australia or overseas, where that service is integrated with other Commonwealth, State or civilian agencies such as the State Emergency Service Organisations or National Parks and Wildlife, and that service or threat does not require the use of uniquely military skills, eg. relief or assistance as a result of natural disasters such as drought or bushfires, and assistance to Australian National Antarctic Research Expeditions; and
- d. normal duties carried out either in Australia or overseas involving no military risk or threat, whether in a capacity of regular, reserve or conscripted service in order to meet Government/ADF ceilings.

The consistent application of these criteria would be enhanced if a bipartisan approach to their use could be agreed to.

CONCLUSION

29. The award of a medal, just for service in the ADF, has never been a tenet in the Australian Honours and Awards System. However, the System has been under considerable pressure in recent years from various Service related lobby groups because the issue of medals in the Service and ex Service community creates a passion and interest like no other. This pressure has resulted in a number of modifications to the criteria applied for the awarding of the ASM and ASM 1945-1975 over the past eight years. These modifications, and the precedence they have established, has resulted in new anomalies developing which have led to further interest group pressure.

30. The use of medals to serve the perceptions and requirements certain groups needs to be resisted and consequently the time has now arrived where a new set of criteria, for the awarding of the ASM and ASM 1945-1975, need to be agreed to and strenuously applied. In developing a new set of criteria to the Government should be mindful of the types of activities in which the ADF has recently been, and will continue to be, engaged. The new criteria also

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need to meet the expectations and attitudes of former and serving ADF personnel. This means, acceptance of the changes made over the last few years; retention of the 'operational perspective' as applied by MAJGEN Mohr in his SEA Review recommendations; and recognition of the intent of the ASM. In addition, the CIDA Principles need to be applied in assessing the relative merits of service, particularly those which are being assessed in respect of the past. The criteria outlined in paragraph 27 meet all these requirements. Finally, to ensure that a consistent approach is made towards to any future awards of the ASM and ASM 1945-1975 the adoption of a bipartisan policy on this issue would be advantageous.

RECOMMENDATIONS

31. It is consequently recommended that the Government:
- a. agree to use the criteria, detailed in paragraphs 27 and 28, as the future test to be applied in relation to the award of the ASM and ASM 1945-1975, and
 - b. endeavour to establish a bipartisan approach to policy with regard to the future award of the ASM and ASM 1945-1975.

Annexes:

- A. Definitions of Warlike and Non-Warlike Service
- B. Statement of the Principles of the 1993/94 Committee of Inquiry into Defence and Defence Related Awards (CIDA)

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DEFINITIONS OF WARLIKE AND NON-WARLIKE SERVICE

Following discussions between Defence and Cabinet in 1994 it was decided that the following definitions would be applied to warlike and non-warlike service:

Warlike

Warlike operations are those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties. These operations can encompass but are not limited to:

- a state of declared war;
- conventional combat operations against an armed adversary; and
- Peace Enforcement operations which are military operations in support of diplomatic efforts to restore peace between belligerents who may not be consenting to intervention and may be engaged in combat activities.

Normally, but not necessarily always, they will be conducted under Chapter VII of the UN Charter, where the application of all necessary force is authorised to restore peace and security or other like tasks.

The eligibility criteria for the award of a service medal for warlike service is generally one day or more on the posted strength of a unit or formation allotted (or assigned) to and serving in the operational area, or one operational sortie into or over the operational area from a unit allotted for such service. Visits or occurrences of a temporary nature usually attract a 30 day qualifying period.

Non-Warlike

Non-warlike operations are defined as those military activities short of warlike operations where there is risk associated with the assigned task(s) and where the application of force is limited to self defence. Casualties could occur but are not expected. These operations encompass but are not limited to:

- **Hazardous.** Activities exposing individuals or units to a degree of hazard above and beyond that of normal peacetime duty such as mine avoidance and clearance, weapons inspections and destruction, Defence Force aid to civil power, Service protected or assisted evacuations and other operations requiring the application of minimum force to effect the protection of personnel or property, or other like activities.
- **Peacekeeping.** Peacekeeping is an operation involving military personnel, without powers of enforcement, to help restore and maintain peace in an area of conflict with the consent of all parties. These operations can encompass but are not limited to:

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- activities short of Peace Enforcement where the authorisation of the application of force is normally limited to minimum force necessary for self defence
- activities, such as the enforcement of sanctions in a relatively benign environment which expose individuals or units to 'hazards' as described above under hazardous;
- military observer activities with the tasks of monitoring ceasefires, re-directing and alleviating ceasefire tensions, providing 'good offices' for negotiations and the impartial verification of assistance or ceasefire agreements, and other like activities; or
- activities that would normally involve the provision of humanitarian relief.

The eligibility criteria for the award of a service medal for non-warlike service is generally 30 days or more in the operational area, or 30 or more sorties into or over the operational area. Visits or occurrences of a temporary nature also usually attract a 30 day qualifying period.

Notes:

1. Humanitarian relief in the above context does not include normal peacetime operations such as cyclone or earthquake relief flights or assistance.
2. Peacemaking is frequently used colloquially in place of Peace enforcement. However, in the developing doctrine of Peace operations, Peacemaking is considered as the diplomatic process of seeking a solution to a dispute through negotiation, inquiry, mediation, conciliation or other peaceful means.
3. Peacetime is routine operations short of warlike or non-warlike.

**STATEMENT OF THE PRINCIPLES OF THE 1993/94 COMMITTEE OF INQUIRY
INTO DEFENCE AND DEFENCE RELATED AWARDS (CIDA)**

CIDA recognised that the Australian system of honours and awards is underpinned by values which are held in high regard in our society and which characterise the way Australians view the world around them. These values include a sense of fairness, equity and compassion, and an egalitarian commitment to acknowledge the quality of service and substance of action without regard to status or class. Accordingly, CIDA developed ten principles to guide its consideration of the many submissions placed before it and the diversity of issues raised therein. These principles are as follows (however, amended to remove CIDA specific statements to account for use as the general guide as discussed above):

- 1. Recognition of service by medals (other than medals for long service or special occasions such as a coronation) should only occur when that service has been rendered beyond the normal requirements of peacetime. Normal duties such as training and garrison duties should not be recognised by the award of a medal, even though they may be demanding, hazardous and uncomfortable, and may be undertaken in countries other than Australia. As a general rule, medals should be reserved for the recognition of service in military campaigns, peacekeeping or other military activities clearly and markedly more demanding than normal peacetime service.**

Normal service in the Defence Force does not in its own right warrant a medal. The conditions of service and salary structure of the Defence Force recognise hazardous duty, relocation and difficulties which arise during the normal course of employment. Medals should be reserved for those who have done something special. It is recognised that in certain countries, medals are given to mark various stages in the careers of service personnel. This has never been the practice in Australia and should remain the case.

- 2. Normally only one medal within the Australian system of honours and awards should be given in recognition of a single period of service. In the case of a major or protracted conflict consisting of different campaigns in different theatres, such as the two world wars, it is appropriate to consider a range of campaign awards. It is recognised that overseas service by Australian Defence personnel in certain military operations may attract foreign awards or recognition from organisations such as the United Nations. This should not affect the decision to award an Australian medal. The same considerations apply in relation to medals issued by philanthropic organisations, such as the International Red Cross.**

The Imperial tradition of avoiding duplication of awards has been adopted by the Australian system of honours and awards.

- 3. To maintain the inherent fairness and integrity of the Australian system of honours and awards care must be taken that, in recognising service by some, the comparable service of others is not overlooked or degraded.**

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Consistency must be maintained in making recommendations to Government. The standards of measurement for service that apply must be transparent and fair in the eyes of the community.

4. **Existing Regulations for defence and defence-related awards and decorations in the Australian system allow for access to these awards by civilians. This is appropriate. However, access by civilians should be limited to those closely involved with military activities or in clear support of military efforts in the theatre of operations to which the award relates. Deserving civilians performing humanitarian functions in or near the operational theatre should be considered for a non-defence award.**

Under the Imperial system certain groups of persons such as Merchant Mariners who were closely involved in military activities, qualified for war medals. Where the Australian Defence Force (ADF) has to call on civilian technical and other expertise during the course of its activities in a theatre of operations and these civilians work in close collaboration with the ADF as part of ADF operations, it is appropriate that their eligibility for defence and defence-related awards and decorations be considered on the same basis as the eligibility of ADF personnel in the same situation.

5. **Decisions to recognise service through the award of a medal must be made against the background of a range of practical considerations, including the practicability of confirming the accuracy of claims and identifying the eligible participants. Another consideration is the passage of time and the proportion of total persons eligible who might be able to claim personally a medal for service which they rendered.**

The integrity of any system of honours and awards requires service to be recognised by a medal to be validated and verified through official records. However, it is recognised that this is not possible in certain cases because of an absence of official records. In this instance, if a member or veteran is able to provide substantive proof, then this can be considered. There is also a consideration that generally those who rendered the service should be the ones who enjoy personally the celebration of that service through a decoration or award.

6. **In relation to Imperial awards, amendment to the terms and conditions governing them will only be contemplated under the most exceptional circumstances where a clear anomaly or manifest injustice can be established. Otherwise solutions will be sought within the established terms and conditions for these awards and situations will only be addressed where an anomaly or injustice in application may have occurred.**

Should anomalies or injustices in either the terms and conditions or application of Imperial awards be detected, the preferred method of rectification is to grant access to the Imperial award for which persons would now be considered to qualify. In cases where the Imperial system did not provide recognition for a particular service but where it is believed that recognition is warranted, it should be made under the Australian system. Account should be taken of the views of Her Majesty The Queen that issues relating to Imperial honours and awards for World War II are closed. Her Majesty's preference is also noted where she stated in 1992 that Australian governments no longer make recommendations under the Imperial

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system of honours and awards, now that Australia has its own comprehensive national system. However, this is balanced with an approach to issues from the perspective of what is considered fair and reasonable today.

7. **Adherence is given strongly to the official view that honours and awards given to Australians on the recommendation of Australian governments under the Imperial system are Australian awards.**

All awards made on the recommendation of an Australian government are Australian awards, whether they are awards made under the Imperial or Australian system. All such awards are an expression of gratitude from a grateful nation for services rendered, and have been granted in this light. It may be possible to criticise the Imperial system for not serving the needs of Australia to the same extent as our own system, but it is not appropriate to belittle awards made under that system as inferior or non-Australian.

8. **When viewing past service through the eyes of today, it is considered that appropriate benchmarks in considering hitherto unrecognised service prior to 1975 (the year of introduction of the Australian system of honours and awards) are the terms and conditions currently attached to an award of the AASM and ASM. Service rendered prior to 1975 which generally meets those terms and conditions should receive retrospective and comparable recognition.**

It is considered that the terms and conditions attached to the AASM for service in warlike operations and the ASM for service in non-warlike military operations, and the standards of measure which have been used in relation to these awards are a fair and contemporary expression of the level of service which is worthy of recognition through a medal.

9. **While regard is given to previous decisions and interpretations on awards made by the Australian Government and military authorities, consideration of service for an award is not constrained by these. Assessing authorities will always take into account any new or additional information which is made available and will operate according to the normal standards of fairness.**

Assessing authorities will always have to take a fresh look at all issues as they arise and seek to deal with them fairly and equitably.

10. **Matters relating to honours and awards should be considered on their merits in accordance with these principles, and these considerations should not be influenced by the possible impact, real or perceived, on veterans' entitlements.**

However mindful that a nexus may exist between medals and entitlements under the *Veterans' Entitlements Act 1986*, such entitlements are a separate matter for consideration by the Australian Government and its agencies.

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From: [Heldon, Ian MR](#)
To: [Kopplemann, Jay MR](#)
Cc: [DHA Tribunal](#)
Subject: Cabinet Decision JH2000/88 (JH00/0088/CAB of 21 March 2000) [SEC= OFFICIAL]
Date: Wednesday, 7 December 2022 11:36:23 AM
Attachments: [image001.png](#)
[Cabinet Decision JH00_0088 CAB of 21 March 2000.pdf](#)

OFFICIAL

Good morning Jay,

The url below links to Cabinet Decision JH2000/88 (Decision JH00/0088/CAB of 21 March 2000) agreeing to implement recommendations arising from the Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975 (scanned copy attached):

<https://recordsearch.naa.gov.au/SearchNRetrieve/NAAMedia/ShowImage.aspx?B=202981469&T=PDF>

These Cabinet papers were opened for public access in November 2021.

Cabinet agreed that 'the awarding of medals is not a suitable test for repatriation entitlements and, where appropriate, any such nexus be removed from the Act'

This document was referred to and a footnote to Defence response of 16 Nov 2022 to Tribunal questions.

Regards

Ian

Ian Heldon

Director Honours and Awards
Defence People Group

BP33-1-054 | Brindabella Park ACT

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From: Heldon, Ian MR
Sent: Wednesday, 7 December 2022 9:21 AM
To: Kopplemann, Jay MR <jay.kopplemann@defence.gov.au>
Cc: DHA Tribunal <dha.tribunal@defence.gov.au>
Subject: 2001 Ministerial briefing and approval - 'ADF Medals Policy - Where we have been and where we are going' and approved conditions for the award of the ASM [SEC=OFFICIAL]

OFFICIAL

Good morning Jay,

Noting the Tribunal Chair's views expressed at the recent hearing about the Defence position on the separation of definitions which apply to nature of service and honours and awards, I provide the attached documents which detail the 28 June 2001 approval by the then Minister Assisting the Minister for Defence, Bruce Scott MP, of the policy for the future award of the ASM and ASM 1945-1975 including specific conditions for which the ASM may be awarded (paras 27-28). The Minister agreed 'that the ASM should still be awarded for service which, although it may not be subject of a formal declaration of 'non-warlike' operation by the responsible Minister, can still be regarded as non-warlike service and declared accordingly under the ASM 1945-75/ASM regulations'.

Butterworth is briefly mentioned in Paras 18c and 25. The documents are matter of public record and may be shared with all parties.

The 'Agreed policy for the Australian Service Medal' was referenced and an appendix to the report of the Tribunal Inquiry into recognition for members of the Australian Defence Force for service in Papua New Guinea after 1975.

Regards,

Ian

Ian Heldon

Director Honours and Awards
HR Services Branch, People Services Division
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Cabinet Submission JH00/0088 - Review of Service Entitlement Anomalies in Respect of South-East Asian
Service 1955-1975 - Decision JH00/0088/CAB

Copy No. 057

JH00/0088/CAB

21 March 2000

CABINET MINUTE

Submission	JH00/0088	REVIEW OF SERVICE ENTITLEMENT ANOMALIES IN RESPECT OF SOUTH-EAST ASIAN SERVICE 1955-75
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1. The Cabinet agreed, subject to paragraph 2 below, that:

- (a) repatriation benefits under the *Veterans' Entitlements Act 1986* ('the Act') be extended to those deployments assessed as 'warlike' or 'non-warlike' service as indicated in Attachment C to the Submission, including the Naval component of the Far East Strategic Reserve;
- (b) eligibility for medals be extended to cover deployments and activities as detailed in Attachment D to the Submission;
- (c) any inconsistencies in dates of service within the Act and the proposals referred to in paragraphs 1(a) and (b) above be corrected as a result of new evidence contained in the Mohr Report on the Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75 ('the Mohr Report');
- (d) the awarding of medals is not a suitable test for repatriation entitlements and, where appropriate, any such nexus be removed from the Act;
- (e) some minor matters identified but not resolved in the review be further considered and settled by the Department of Defence and the Department of Veterans' Affairs against the 'warlike' and 'non-warlike' service criteria with costs to be absorbed within existing resources or considered within a future Budget context;



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- (f) in the event of any further anomalies emerging, the process identified in Cabinet Minute JH97/0057/CAB/2 of 22 April 1997 continue to apply; and
- (g) a single medalling policy for each operational deployment normally be adopted.

2. The Cabinet further agreed that the financial implications of a full response to the Mohr Report be considered by the ERC in the 2000-01 Budget context.

original authorised by

Secretary to Cabinet



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Copy No. 57

CABINET SUBMISSION

JH00/0088

TITLE: REVIEW OF SERVICE ENTITLEMENT ANOMALIES IN RESPECT OF SOUTH-EAST ASIAN SERVICE 1955-75**MINISTER(S):** THE HON BRUCE SCOTT MP, MINISTER FOR VETERANS' AFFAIRS AND MINISTER ASSISTING THE MINISTER FOR DEFENCE**MINISTER'S EXECUTIVE SUMMARY**

PURPOSE: To seek agreement to a response to the Mohr Report on the Review of Service Entitlement Anomalies in Respect of South East Asian Service 1955-75, being included in the Budget for 2000-01, to extend repatriation entitlements and eligibility for medals.

KEY ISSUES: The Review canvasses a number of perceived anomalies in the award of medals and repatriation entitlements, which the Government, in our election commitments, undertook to address. The report of the Review has a high profile within the veteran community, particularly the ex-Navy community, and there is an expectation of a prompt response with some positive outcomes from the Government.

The review concludes that there are a considerable number of deployments of ADF and other personnel to SE Asia 1955 -75 where the determination of entitlements to medals and repatriation benefits is anomalous. On the basis of the new information provided in the Mohr Report, the Department of Defence has reassessed each deployment against the criteria of 'warlike' and 'non-warlike' as directed by Cabinet on 22 April 1997 in Cabinet Minute JH/0057/CAB/2. The results are in most cases identical to the recommendations of the Mohr Report. While extending those entitlements, I propose to reject the Mohr Review's policy analysis which could have significant flow-on effects under the Veterans' Entitlements Act 1986. I propose instead to affirm the current set of objective criteria for assessment of 'warlike' and 'non-warlike' service and thereby provide the framework against which any further historic claims and all future service can be assessed.

The recommendations contained in this submission will not significantly affect existing regional and rural services or jobs.

CONSULTATION: Prime Minister and Cabinet; Treasury, Finance and Administration; Attorney-General; Defence; Health and Aged Care; Family and Community Services. There is agreement (See Attachment A).

FINANCIAL IMPLICATIONS: The Department of Finance and Administration has agreed to the figures. ERC to consider funding aspects if appropriate.

	Fiscal balance (\$m)	Underlying cash balance (\$m)	Operating balance / Net assets (\$m)
1999/00	0.0	0.0	0.0
2000/01	-6.8	-6.7	-6.8
2001/02	-8.3	-8.4	-8.3
2002/03	-8.3	-8.2	-8.3
2003/04	-7.5	-7.5	-7.5

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RECOMMENDATIONS

1. I recommend that the Cabinet agree that:
 - (a) repatriation benefits under the *Veterans' Entitlements Act 1986* (the Act) be extended to those deployments assessed as 'warlike' or 'non-warlike' service as indicated in Attachment C, including the Naval component of the Far East Strategic Reserve;
 - (b) eligibility for medals be extended to cover deployments and activities as detailed in Attachment D;
 - (c) any inconsistencies in dates of service within the Act and the proposals referred to in (a) and (b) be corrected as a result of new evidence contained in the Mohr Report on the Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75 (the Mohr Report);
 - (d) the awarding of medals is not a suitable test for repatriation entitlements and that, where appropriate, any such nexus be removed from the Act;
 - (e) some minor matters identified but not resolved in the review (outlined in paragraph 17) be further considered and settled by the Departments of Defence and Veterans' Affairs against the 'warlike' and 'non-warlike' service criteria with costs to be absorbed within existing resources or considered within a future Budget context;
 - (f) in the event of any further anomalies emerging, the process identified in Cabinet Minute JH97/0057/CAB/2 of 22 April 1997 continue to apply; and
 - (g) a single medalling policy for each operational deployment be adopted.
2. I also recommend that the Cabinet agree to a full response to the Mohr Report being considered by the ERC in the 2000-01 Budget context on the condition that genuine offsetting savings are identified, involving increased resourcing (as allocated between agencies and outcomes at Attachment B) of;

	Resourcing (\$m)	Impact on fiscal balance (\$m)	Impact on underlying cash balance (\$m)
1999-00	0.0	0.0	0.0
2000-01	6.8	-6.8	-6.7
2001-02	8.3	-8.3	-8.4
2002-03	8.3	-8.3	-8.2
2002-04	7.5	-7.5	-7.5

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BACKGROUND

1. In honouring an election commitment, a Defence Review conducted in 1996/97 found anomalies with respect to repatriation entitlements for a number of deployments to South East Asia 1955-1975. Cabinet agreed to the recommendations of that review on 22 April 1997 (JH97/0057/CAB/2).
2. The announcement of that decision prompted immediate representations from people engaged on other deployments not considered in the 1996/97 Defence Review, claiming that their service had been overlooked, and/or that eligibility for medals also needed to be determined. In two cases, RAN service in the Far East Strategic Reserve (FESR) and RAAF service in Ubon, it was claimed that the consideration of their service had been inadequate.
3. As a result of these representations, and consistent with the election commitment, the Prime Minister agreed to my proposal that an independent review be conducted of service during the period 1955-1975. Accordingly I appointed Major General RF Mohr to conduct the review, assisted by Rear Admiral PGN Kennedy. Their report was tendered to me formally on 9 February 2000. The terms of reference and summary of recommendations are at Attachment E and Attachment F. I released the Report to the general community on 2 March 2000.
4. In Cabinet Minute JH00/0041/ER of 8 March 2000 ERC noted my intention to bring forward this submission to Cabinet with funding aspects to be considered by ERC, if appropriate.

ISSUES

5. The Review has concluded that a considerable number of deployments within the period have been treated inconsistently for repatriation benefits and medals. This conclusion gives substance to the concerns expressed in representations and submissions to the review. The Review also adds substantially to the information held on many of the deployments, enabling a more accurate assessment of entitlements than was previously possible.

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Repatriation benefits

6. In considering the recommendations of the Review, I have been mindful of Cabinet's direction that such reconsideration should be reviewed by the Department of Defence against the principles established by the 1996/97 Review, viz, the current criteria for 'warlike' and 'non-warlike' service. The Mohr Review concerned itself primarily with perceived inequities. Accordingly I asked the Department of Defence to consider the evidence identified in the Mohr Review and to make a further assessment of each matter against the modern 'warlike' and 'non-warlike' criteria. A copy of that assessment is at Attachment F.
7. In summary, the Department of Defence assessment has produced an outcome in nearly all cases similar to the Mohr Review's recommendations. This confirms the appropriateness of the Government's approach and maintains a consistent and transparently fair basis for all future consideration. As acceptance of the Review recommendations will be popular, I do not expect the approach I have taken will cause major concerns.
8. While there is no specific recommendation on the matter, in its general discussion, the Mohr Review expresses a view on current repatriation policy for determining entitlement to full repatriation benefits. That policy includes a longstanding requirement that a veteran must have incurred actual danger, as distinct from a perceived danger, from hostile forces of the enemy at a time when that person was engaged in operations against the enemy. The Review adopts a particular approach to the decision on whether actual danger was incurred, and then uses this approach as the basis of the Report's recommendations to grant full repatriation benefits. The approach adopted by the Review is considered by the Department of Veterans' Affairs to be at odds with judicial precedent. If accepted, it could significantly extend veteran benefits in other circumstances. While the Defence consideration of 'warlike' and 'non-warlike' service has come to the same conclusion as the Mohr Review on benefits for the particular deployments, it has done so on grounds that are different from those in the Review. When responding to the report it

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will be necessary to explain to veterans why the logic expressed in the report is not accepted.

9. Included in this submission are my proposals relating to four ships which served in Malaysian waters during the Indonesian Confrontation when escorting supply vessels to Borneo. The ships' complements were not considered by the Mohr Review, but have now been assessed by Defence, and are included in Attachment C. Based on that assessment the crews of those ships should be entitled to compensation benefits, that is disability pension, but not 'qualifying service', under the *Veterans' Entitlements Act 1986*.
10. I also draw attention to the consideration given in the Review to the entitlement of civilians for both medals and repatriation benefits, specifically for Vietnam. While the policy with respect to medals allows their award to civilians, the policy on repatriation benefits for civilians has consistently required an attachment to the ADF whereby such civilians were subject to ADF command and conditions. I believe that the current policy should stand.
11. Two groups of civilians are recommended for repatriation benefits in the Mohr Review. The first group is the civilian doctors and nurses who provided medical and surgical services in South Vietnam under Australian commitments to the South East Asia Treaty Organisation (SEATO). The Review recommends that repatriation benefits should be extended but provides little or no evidence that the group operated under ADF command. Because of the lack of evidence I believe that the Review recommendation on this group should be rejected.
12. The second group of civilians considered were the merchant mariner crew of the HMAS *Jeparit* and HMAS *Boonaroo* which sailed to Vietnam as supply vessels under naval command. It would therefore be consistent with existing policy to accept the Review recommendation for repatriation benefits for the merchant crew of these two ships.
13. In remedying these anomalies it would be prudent to avoid further distinctions between the status of the new groups of beneficiaries and those already covered for the same deployments or those in other deployments of the same era. I therefore propose that

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repatriation benefit eligibility be extended through a process of retrospective allotment for service. The requirement that a member of the ADF should have been 'allotted' for the specific purpose of serving in a specified area for a specified conflict and to have actually served in that specified area began with service in Korea. This required a written instrument by the ADF to declare that a particular person or unit or ship had been 'allotted' for that purpose. It was then a matter for checking that the claimant had actually served in the declared area. These areas are already detailed in Schedules to the *Veterans' Entitlements Act 1986*. It has always been within the power of the Australian Defence Force to retrospectively allot a person, unit or ship. This has the advantage of maintaining the current meaning of 'qualifying service' and does not create a new or different approach, which might give rise to further concerns of anomalous treatment.

Medals

14. During the period of the inquiries, the Review was advised of the requirement to also consider the 10 guiding principles for assessing medals entitlements established by the 1993/94 Committee of Inquiry into Defence and Defence Related Awards (CIDA). Those principles have, for the most part, been applied.
15. A constant theme in the Mohr Report is the inappropriateness of maintaining any connection between the award of medals and entitlements to repatriation benefits. This is consistent with the theme of CIDA which considered that matters relating to honours and awards should be considered on their merits and should not be influenced by the possible impact, real or perceived, on veterans' entitlements. I believe that this policy should be adopted formally and the existing nexus should be removed as part of the legislative amendments required.
16. Now that the Mohr Report has addressed the majority of existing anomalies relating to medal entitlements, it is timely for Cabinet to endorse a single medalling policy for each operation. This would arrest the current tendency towards awarding two or more medals for the same operation and avoid a growing proliferation of awards, which is not an inherent principle of the Australian honours and awards system. This would also reduce the potential for future anomalies to arise.

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Other matters to be addressed

17. There is a need to alter some dates of service in the *Veterans' Entitlements Act 1986* to reflect new evidence in the Review. In particular, the periods relating to Indonesian Confrontation and service in Thailand need to be reviewed. Additionally there are some matters that were outside the terms of reference for the Mohr Review but which are reported on briefly. Included in this are Kashmir and Malta and a number of single issues that should be further investigated by the Departments of Defence and Veterans' Affairs, applying the 'warlike' and 'non-warlike' criteria.

RESOURCE IMPLICATIONS

18. Within my 2000/01 Budget package I identified in advance the possibility that funding of \$20 million approximately over four years would be required to satisfy the outcome of the naval component of the Far East Strategic Reserve during the Malayan Emergency being granted 'warlike' status. Given the extent of the findings in the final report and the depth of new information provided, further groups have had to be considered. However, I now believe that in fact the cost of extending repatriation benefits is now \$29.1m over the next four years (Attachment H). The cost of the further issue of medals as a result of the Department of Defence assessment is estimated at \$1.7m.

17 MARCH 2000

BRUCE SCOTT

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ATTACHMENT A

COORDINATION COMMENTS

Defence

Defence has been closely involved in the preparation of the cabinet Submission and fully supports the recommendations contained therein.

The recommendation that Cabinet endorse a single medalling policy for each operation is supported by Defence. The general notion of the AASM and the ASM has not been successful and Defence are now reviewing this concept.

Defence notes that the \$29.5m cost referred to in relation to the response to the Review of Service Entitlement Anomalies in Respect of South East Asian Service (1955- 75) includes \$1.7m associated with the production of additional medals and the engagement of temporary staff to deal with enquiries and the issuing of medals. Defence further notes that in accordance with the FINANCIAL IMPLICATIONS summary covering the Submission, it will be supplemented in full for these costs.

Family and Community Services

The Department of Family and Community Services notes that the proposal would be beneficial (principally through access to the Gold Card) for a small number of Social Security pensioners (around 2,800) who would become qualified for Service Pension.

Attorney Generals

The Attorney-General's Department confirms that amendment to the Veterans Entitlements Act 1986 will be necessary.

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ATTACHMENT A

Finance and Administration

DOFA supports DVA's proposal to respond to perceived anomalies noted in the Mohr report through the extension of repatriation entitlements and eligibility for medals in respect of South East Asian Service 1955-75.

DOFA notes that, while the response proposed will rectify anomalies in respect of South East Asian Service in 1955-75, the Mohr report also makes a number of recommendations regarding further investigations and actions that either the Department of Veterans' Affairs or Department of Defence should pursue. DVA does not respond to these recommendations in its submission.

DOFA recommends that agreement to the response proposed should be subject to the provision of adequate genuine offsetting savings by DVA. Further, the funding in respect of medals for the Department of Defence of \$1.7m in 2000-01 should be absorbed by Defence as the provision of medals is a core business function.

Prime Minister and Cabinet

The Department of the Prime Minister and Cabinet supports the recommendations of the submission but notes that funding should be contingent on realisation of genuine offsetting savings as identified in the Veterans' Affairs 2000-01 Portfolio Budget submission to be considered by ERC shortly.

There is considerable interest within the veteran community regarding the Mohr report. This submission clarifies the criteria for consideration of repatriation entitlements and addresses a number of outstanding anomalies. However, the Department notes that the recommended response is unlikely to resolve all issues relating to veterans' entitlements and supports recommendation 1(f) that in the event of any further anomalies emerging, the current criteria of "warlike" and "non-warlike" service continue to apply.

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Health and Aged Care

The Department of Health and Aged Care has no objection to the proposal, but notes that it would have a very small impact on future aged care expenditure in respect of veterans. This Department agreed with the Department of Veterans' Affairs that the impact on the Health side of the portfolio will be \$0.8m in 2000-01, \$1.5m in 2001-02, \$1.5m in 2002-03 and \$1.5m in 2003-04.

Treasury

Treasury supports recommendation 1(a) to extend repatriation benefits under the Veterans' Entitlements Act 1986 to those deployments assessed as 'warlike' service as indicated in Attachment C of the Submission, subject to genuine offsetting savings being identified by the portfolio. Treasury notes that this will address anomalies with respect to repatriation entitlements for deployments to South East Asia 1955-1975.

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**ATTACHMENTS REFERRED TO IN CABINET
SUBMISSION JH00/0088**

**REVIEW OF SERVICE ENTITLEMENT ANOMALIES IN RESPECT OF SOUTH-
EAST ASIAN SERVICE 1955-75**

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ATTACHMENT B

Major Measure Title		Implementation of recommendations contained in the Mohr Report on "Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75"
Affected Agencies		1 Department of Veterans' Affairs 2 Department of Defence 3 Department of Health and Aged Care 4 Department of Family and Community Services
Affected Outcomes	DVA	1 Eligible veterans, their war widows and widowers and dependants have access to appropriate compensation and income support in recognition of the effects of war service. 2 Eligible veterans, their war widows and widowers and dependants have access to health and other care services that promote and maintain self sufficiency, wellbeing and quality of life.
	DoD	1 The prevention or defeat of armed force against Australia or its interests.
	HAC	2 Access to Medicare.
	FaCS	3 Economic and social participation.

Financial Implications (\$m) [Expense/Revenue]

	2000-01 (\$m)	2001-02 (\$m)	2002-03 (\$m)	2003-04 (\$m)
DVA Departmental Impact: (A)	1.1	0.9	0.9	0.9
DVA Administered Impact: (B)	17.6	35.5	36.1	36.0
DoD Departmental Impact: (C)	1.7	0.0	0.0	0.0
DoD Administered Impact: (D)	0.0	0.0	0.0	0.0
Health and Aged Care Departmental Impact (E)	0.0	0.0	0.0	0.0
Health and Aged Care Administered Impact (F)	-0.8	-1.5	-1.5	-1.5
FaCS Departmental Impact (G)	0.0	0.0	0.0	0.0
FaCS Administered Impact (H)	-12.9	-26.6	-27.2	-27.8
Measure – Total Change in Resourcing: (A+B+C+D+E+F+G+H)	6.8	8.3	8.3	7.5
Measure Total (Impact on Fiscal Balance):	-6.8	-8.3	-8.3	-7.5
Measure Total (Impact on Underlying Cash):	-6.7	-8.4	-8.2	-7.5
Measure Total (Impact on Operating Result):	-6.8	-8.3	-8.3	-7.5

Explanation

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This measure will provide service pensions to members of the ADF with qualifying service, extend disability pension coverage to a small number of RAN members and grant medal entitlements as a result of the acceptance of certain recommendations of the Mohr Report on the "Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75".

This measure will align all service in South East Asia 1955 to 1975 with a common set of objective criteria, involving decisions as whether the service is 'warlike' or 'non-warlike'. This will remove anomalies that exist when looking at one deployment against another. It will also clearly distinguish those who served in a period of hostilities from those who have peacetime service outside Australia, such as RAAF at Butterworth after the Malayan Emergency and after Indonesian Confrontation.

Further Information

An independent review by Major General Mohr, former judge on the Supreme Court of South Australia, into repatriation benefits and medal entitlements was concluded with the release of his Report on 2 March 2000.

It should be noted that medals do not equate to repatriation benefits. There are 43,000 new medal recipients but just 3,000 veterans who will be newly eligible for service pension. Most veterans of the period 1955 to 1975 will have repatriation coverage for other Malayan service or Vietnam.

Amongst the recommendations are extension of qualifying service and appropriate medal entitlements to

- RAN members of the Far East Strategic Reserve (FESR);
- RAAF members serving at Ubon during involvement in Vietnam;
- RAAF elements who were not previously covered for service in the FESR;
- Eligibility to claim disability pension for service on HMA Ships Yarra, Vampire, Parramatta and Sydney during Confrontation;
- Other ADF service in South East Asia where such service was equivalent to 'warlike' service.

SUPPORTING INFORMATION

Supporting Argument:

- Acknowledgement of RAN FESR service and other ADF deployments will remove perceived anomalies that have troubled veterans and their organisations for many years. The commitment to and delivery of early action on the recommendations of the Mohr Report will generate goodwill amongst the veteran community and balance those issues that were not recommended for change.

Implementation Date:

- 1 January 2001

Community/Regional Impact:

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- It is estimated that there are 3200 or so veterans who served in South East Asia between 1955 and 1975 who do not currently have qualifying service for service in WW2, Korea, Vietnam or Malaysia. For some of these deployments more than 40 years have passed and the likelihood is that many are of Age pension age. Being able to transfer to a Veteran's Service Pension will create community goodwill.

Legislation/ Regulation

- Amendments to Part 1 Section 6 and Section 7A of the *Veterans' Entitlements Act 1986*.

Performance Information:

Achieve at least 75% service pension coverage of the projected numbers of eligible veterans by 31 December 2001.

Achieve a 30% delivery of medal entitlements by 30 June 2001.

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DEPLOYMENTS AND TYPE OF SERVICE

VEA Coverage and Medals¹

Warlike

Deployment	Number expected to gain qualifying service benefits ²	Reasons
Naval FESR Malayan Emergency 1 July 1955 to 31 July 1960	2427	The Malayan Emergency is already recognised as 'warlike' service for the Army and RAAF. RAN units participated in the Emergency within the operational area and thus rendered warlike service in a similar fashion to the Army and Air Force. A more current analogy is that all three service involved in INTERFET were considered to be on a 'warlike' basis.
Service at Butterworth to 31 July 1960 only ³	206	No distinction between arms of the ADF in the same conflict already recognised for qualifying service.
Radio Operators HMS Terror and Kranji W/T 11 May 1960 to 31 July 1960	2	This unit has been overlooked in the past for 'warlike' service during the Malayan Emergency. It simply requires the allotment of this unit for entitlement to occur.
Thai Malay Border 1 August 1960 to 27 May 1963	8	After the official end of the Malayan Emergency there were sporadic attacks and operations in the northern states of Malaysia only. For troops involved the service was 'warlike'.
Service on Malay Peninsula (incl Singapore) 17 August 1964 to 30 Sep 1967 ⁴	316	During Confrontation with Indonesia.

¹ The Mohr Report covers both medals and VEA eligibility. Any recommendation where the deployment is already covered is not included in this summary, eg. Official War Correspondents in Malaya serving with the ADF are already eligible.

² The numbers involved will always be greater than the number who gain qualifying service because most have already, or will later acquire qualifying service for another conflict including some who will gain in another extension as a result of the assessment of the Mohr Report.

³ This service is already recognised. The reform is to simplify the VEA.

⁴ This date does not correspond to the end of Confrontation on 11 August 1966.

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Secondment to Royal Malaysian Armed Forces	3	During Confrontation with Indonesia any member of the ADF who served with RMAF in this period was providing service equal to that of the ADF. Members need to be allotted and then they will have coverage under the VEA.
Army Air Dispatch personnel on Thai Malay border service 1 August 1960 to 27 May 1963	3	Only those attached to 55 AD Coy RASC or FARELF for service in the border area only will be covered. Troops so attached were performing duties in 'warlike' operations.
FESR service in Thailand (Ubon) 26 June 1965 to 31 August 1968	164	Because of changes in function and changes to the Rules of Engagement, because of Australian involvement in Vietnam and the involvement of the base in support of USAF operations in Vietnam and thus the increased risk to the base, tasks equate to 'warlike' operations. This applies until the Squadron was withdrawn in 1968.
Merchant Mariners on HMAS Boonaroo and HMAS Jeparit	41	Merchant mariners served on commissioned ships with members of the ADF and experienced the same conditions and dangers. Service only on the commissioned vessels not the visits as private ships.

Non-Warlike, Peacetime or Defence Service

Deployment	Number involved in deployment ⁵	Reasons
Army and RAAF FESR 2 July 1955 to 30 October 1971 ⁶ but not Malayan Emergency or Confrontation	Medal only	Army and RAAF FESR service during this period should be recognised for the purpose of granting of the ASM. Naval service in this period is already so recognised.
Service at Butterworth from 1 August 1960 to 27 May 1963 ⁷	No change	After the Malayan Emergency and before Indonesian Confrontation, service is peacetime service and not 'warlike' or 'non-warlike'.
Radio Operators HMS Terror and Kranji W/T 11 May 1960 to 5	No change	After the Malayan Emergency service was peacetime service and not 'warlike'.

⁵ In contrast to those deployments where 'warlike' service has been extended veterans in these areas will not gain additional benefits although they might already be entitled to disability pension as distinct from having qualifying service and entitlement to a service pension.

⁶ This date represents the end date of UK involvement east of Suez and the end of FESR deployment.

⁷ This period is removed from Schedule 2 and moved to Section 6D of the VEA. There is no effect on current entitlements.

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June 1962		
HMAS Vampire during Indonesian Confrontation	Medal only	Served in two different locations, but not for sufficient time in either to qualify for either the GSM 'Borneo' or GSM 'Malay Peninsula'. However, combined deployment time exceeds the typical qualifying period of 30 days for a medal. Combined service now to count for a medal. Already covered under the VEA for full repatriation entitlements.
Secondment to Royal Malaysian Armed Forces (RMAF) after 1966	No change	After confrontation ends this was only a peacetime exchange of officers.
FESR service in Thailand (Ubon) May 1962 to 25 June 1965	No change	No operational activity against any supposed enemy but service on same basis as all other members of the FESR.
RAN Submarine service - 'Special Operations'.	Medal only	The ADF has power to make this decision.
East Timor 1975 Humanitarian assistance by ADF medical personnel	Medal only	As a humanitarian mission this was Defence service. Personnel are already covered for disability pension.
HMA Ships Sydney, Yarra, Parramatta, Vampire in East Malaysian waters	Disability pension and medal only	This is operational service for the purpose of the VEA and gives disability pension where there is no current coverage.

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MEDALS

Deployment	Medal	Cost
FESR	NGSM Malaya	\$500,000
	AASM 45-75	\$112,500
Army and RAAF elements of FESR and escort ships in Borneo.	ASM FESR	\$498,375
Radio Ops Kranji and HMS Terror	ASM (FESR)	\$ 180
Malaya War Correspondents	AASM Malaya	\$ 225
Brunei (GSM Brunei)	AASM Malaysia	\$ 675
HMAS Vampire during Indonesian Confrontation	AASM Malaysia	\$6,750
Thai Malay Border	AASM Thai-Malay	\$ 78,750
Secondments to RMAF during Confrontation	AASM FESR	\$1,575
Air Dispatch during Thai Malay Border Action	AASM (various)	\$3,375
Ubon FESR non-warlike	ASM Thailand	\$22,500
Ubon FESR Warlike	AASM Thailand	\$11,250
Aero Evac Flights	Vietnam Medal	\$1,125
Qantas Air Crew	AASM Vietnam	\$11,250
Special Operations	ASM Special Operations	\$ 33,750
Vientiane during FESR period	ASM FESR	\$ 340
East Timor 1975	ASM (East Timor)	\$ 675
PNG Nationals	ASM PNG	\$56,250
Australian Active Service Medal (AASM) holders become entitled to a Returned from Active Service Badge(RASB).	RASB	\$36,900
Cost of Postage	42,313 medals @ \$3.00	\$0.127
Total Medal Cost		\$1.503 m ⁸
Administration ASO2 X 7		\$0.202 m
TOTAL		\$1.705 m⁹

⁸ Depending whether manufactured in UK or Australia. The UK needs to provide permission for these particular medals, which are Imperial awards, to be manufactured in Australia. If the medals are manufactured in Australia there would be a saving of approximately \$350,000.

⁹ Some medals are already in stock and this has been taken into account when deriving final costs.

Terms of Reference

REVIEW OF SERVICE ENTITLEMENT ANOMALIES IN RESPECT OF SOUTH EAST ASIAN SERVICE 1955-75

1. The Australian Government wishes to review possible anomalies in service entitlements affecting those members of the Australian Defence Force who served in South-East Asia during the period 1955-1975.
2. This review will provide advice about the principles and other relevant matters that should be taken into account for subsequent assessment of entitlements flowing from service during this period by the Department of Veterans' Affairs (for repatriation benefits) and the Department of Defence (for service medals).
3. The review will produce a written report which will have regard to:
 - RAAF in Ubon
 - Service with the naval component of the Far East Strategic Reserve (comparing the conditions prescribed for the naval contingent with those from the other two services)
 - RAAF Butterworth in Malaysia
 - Service in Malaysia during the period of Confrontation with Indonesia
4. The review may also comment on whether or not further research and/or analysis needs to be conducted regarding any other service deployment anomalies during the period 1955-1975.
5. The review will report to the Government by 29 October 1999.

RECOMMENDATIONS OF THE MOHR REPORT

General recommendations

#1 A clear policy that award of medals does not carry any entitlement to repatriation benefits.

#2 Defence and DVA to cooperate more closely so that there is a more coordinated approach on medals and repatriation benefits.

Defence Assessment

Defence concurs that this is a sensible course of action and meets with Departmental policy.

Defence and DVA entered a joint Project (LINKS) to resolve these and other issues.

RAN service in FESR at same time as RAA and RAAF

#3 Naval component of FESR service between 1 July 1955 and 31 July 1960 on same basis as all other FESR service and get Qualifying Service.

Defence Assessment

This is an anomaly and well supported in the report. FESR was a joint operation and as such the Services must be treated equally without discrimination. INTERFET is a modern day example of the application of warlike criteria encompassing all three services equally.

Naval GSM with clasp 'Malaya'

#4 Service in Naval FESR be Naval GSM with clasp 'Malaya' and AASM 1945-75 with clasp 'Malaya' and Returned from Active Service Badge (RASB).

Defence Assessment

This is a flow on from Recommendation 3. Notably Royal Navy personnel received the award for the same service within the Imperial System of which Australia was part.

FESR Fatalities

#5 Naval FESR fatalities to go on Honour Roll at War Memorial.

Defence Assessment

If those personnel died while on 'warlike' service in Malaya, the circumstances need to be considered by the Roll of Honour Committee at the Australian War Memorial in accordance with the Australian War Memorial Act.

Service at Butterworth

- #6
- a The use of the GSM with Clasp 'Malaya' as a device to indicate eligibility for qualifying service for the service pension be discontinued.
 - b Eligibility for qualifying service for the service pension during the Malayan Emergency should be restricted to those personnel allotted for service up to and including 31 July 1960.
 - c The period from 1 August 1960 to 27 May 1963 inclusive remain as operational service

Defence Assessment

- a This clarifies the initial stand made earlier in the report and corrects an ill-advised assertion at the time.
- b This clearly defines the period.
- c This provision ties up the operational side of FESR.

ASM 1945-75 awarded to Naval FESR but not to RAA or RAAF

- #7 All ADF members be awarded ASM with clasp 'FESR'. This to include service at Butterworth during FESR period 1 August 1960 - 29 May 1963.

Defence Assessment

This recommendation places all participating forces in the FESR on an equal footing. The decision to grant the ASM FESR to Navy through to 30 October 1971 in the previous anomalies review was against Defence advice. The anomaly now identified in the review now needs to be rectified. This may however lead to calls for recognition for ANZUK.

Radio Operators at Kranji and Chai Kang on loan to CINC FES

- #8 To be allotted for the period 11 May 1960 to 5 June 1962 and awarded ASM with clasp 'FESR' and repatriation benefits.

Defence Assessment

This is supported by the contemporary application of current warlike criteria and aligns service with Army and RAAF in Singapore at the time.

War Correspondents and Artists in Malaya

#9 Official uniformed war correspondents and artists attached to 2 RAR get AASM 45-75 with clasp 'Malaya'.

Defence Assessment

This anomaly has been given a balanced argument. They were in uniform in Malaya during the Emergency and undertook their duties as they did in previous and subsequent operations where recognition has been given.

GSM Brunei did not get AASM Malaysia

#10 AASM with clasp 'Malaysia' for GSM with clasp 'Brunei' to match those with a GSM with clasp 'Borneo' or 'Malay Peninsula'.

Defence Assessment

This was an oversight during the establishment of the AASM Clasp 'Malaysia'.

Service on HMAS Gull

#11 Naval Medals Section to review all claims for GSM with clasp 'Borneo' for those with service on HMAS Gull.

Defence Assessment

Three ANO's were raised for different reasons. ANO 241/72 is for port-to-port repatriation benefits and for this reason inconsistent with medals entitlements. Navy ANO 124/65 and 329/66 are the correct documents to use for medals assessments. Submissions surrounded ANO 241/72.

HMAS Vampire and medal for Confrontation

#12 Change the regulations for the AASM with clasp 'Malaysia' to allow service on HMAS Vampire in both Borneo and Malay Peninsula to count towards qualification.

Defence Assessment

The service of HMAS Vampire must be acknowledged. They served 53 days against a common enemy but in two different areas. Unfortunately the structure of the two Medals GSM Clasp 'Malay Peninsula' and GSM Clasp 'Borneo' did not account for the mobility of naval ships and their subsequent movement between theatres.

HMAS Diamantina and Confrontation

#13 No change.

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Defence Assessment

It is agreed that this is supported by any analysis.

Service on Thai Malay border 17 August 1964 to 30 September 1967

#14 Service from 1 August 1960 to 27 May 1963 to be considered 'warlike' and AASM with clasp 'Thai-Malay' and repatriation benefits provided.

Defence Assessment

A 'warlike' operation supported by a previous Defence review using contemporary warlike application.

Service on Malay Peninsula and Singapore and Confrontation

#15 Army or RAAF members be allotted for period 17 August 1964 and 30 September 1967.

Defence Assessment

This is an anomaly similar to the FESR. The Army and RAAF came under direct enemy fire but because they were never allotted they were not eligible for repatriation benefits. Navy on the other hand are eligible for the full range of benefits. Meets contemporary application of warlike criteria.

Secondment during Confrontation

#16 Allot those who were seconded to Royal Malaysian Armed Forces (also see RAAF and RAA personnel on Malay Peninsula during Confrontation).

#17 Service when seconded to Royal Malaysian Armed Forces get ASM with clasp 'FESR'.

Defence Assessment

Based on contemporary application of 'warlike' service, personnel in similar circumstances would qualify, eg ADF personnel with foreign Defence Forces during the Gulf war. This recommendation aligns these personnel with recommendation 7.

Army Air Dispatch personnel with UK 55 Air Dispatch Coy RASC

#18 55 AD Coy and FARELF detachments serving in Thai Malay border area be allotted and get AASM with appropriate clasp and repatriation benefits.

Defence Assessment

This is in line with the acceptance of recommendation 14. The personnel affected by this recommendation are clearly defined. The report makes a sound judgement based on the service of those concerned.

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Former RAA members recruited by Malayan Police Force

#19 No change.

Defence Assessment

These personnel were not members of the ADF.

Ubon between May 1962 and August 1968

#20 Service from May 1962 to 25 June 1965 be 'non-warlike'. This means no change to current position in regard to repatriation benefits, but a different end period and ASM with clasp 'Thailand'. Service from 26 June 1965 until 31 August 1968 be classified as 'warlike'. This means qualifying service and AASM with clasp 'Thailand'.

Defence Assessment

May 1962 to June 1965 - Agree that this period of service was 'non-warlike'. The Rules of Engagement at the time do not justify 'warlike' conditions of service.

June 1965 to August 1968 - Based on the change of the Rules of Engagement it would be difficult to argue otherwise. The pilots were placed in a warlike situation by contemporary standards.

Other service in Thailand

#21 Personnel attached to Exercise OBSERVER after 31 August 1968 until November 1968 should be classified as on 'warlike' service. Extend end dates for medals to make sure that all personnel in Thailand were covered and suggests 11 January 1973.

Defence Assessment

This service does not justify an award to these personnel. Their operations were not associated with Ubon.

The Australian involvement in Thailand after August 1968 was exercises involving observer missions only, not in relation to Vietnam.

Australian Civilian Surgical and Medical Teams

#22 Australian Civilian Surgical and Medical Teams be deemed as performing qualifying service.

Defence Assessment

These personnel did not operate with the ADF in Vietnam. However, if any individual performed service with the ADF a claim could be lodged. Each case will be treated on its own merits.

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Aero Medical Evacuation Flights to and from Vietnam

#23 RAAF Nurses attached to AME Teams during 1964 to 1973 be awarded the Vietnam Medal.

Defence Assessment

This removes the inconsistency between nurses of different units conducting similar tasks.

QANTAS Air Crew

#24 Qantas crew be "designated civilians" for Defence purposes and awarded the AASM with clasp "Vietnam".

Defence Assessment

These pilots were not part of the ADF but undertook similar tasks to RAAF pilots. Since they performed their duties during a 'warlike' period they are entitled to medals that reflect that service but not to repatriation benefits.

Merchant Mariners on Jeparit and Boonaroo

#25 Mariners to be entitled to full repatriation benefits for operational and qualifying service.

Defence Assessment

The application of the standard test, that is where these personnel serving with and alongside members of the ADF? Since they were part of the crew of a commissioned RAN ship they should be regarded as eligible for repatriation benefits and medals for 'warlike' service like the RAN sailors on board.

Foreign Affairs Officers in Vietnam

#26 No change.

Defence Assessment

These personnel travelled under diplomatic cover.

HMAS Sydney and Vietnam Medal

#27 No change.

Defence Assessment

This service was clearly logistic in nature and does not attract award of the VM.

Award both the VLISM and the VM where both are earned

#28 No change.

Defence Assessment

No other comment necessary.

Gallantry Awards during the Vietnam War

#29 Inquiry supports the recommendation that the End of War List be closed.

Defence Assessment

Covered by EOWL-V Review and outside Terms of Reference for this review.

CMF Officers to Vietnam

#30 No change. Already entitled to the Vietnam Medal.

Defence Assessment

Did not qualify for the award of the medal on the basis that they were not posted to Vietnam but 'visitors' on temporary duty. No issue in regard to repatriation benefits.

Ship visits to Vietnam in 1962 and 1963

#31 No change on HMAS Vampire and HMAS Quickmatch. VLISM be backdated for award to HMAS Quiberon and HMAS Queenborough to Vietnam for visits to Saigon before involvement.

Defence Assessment

These ships visited Saigon prior to Australia's involvement. Personnel who served on HMA Ships Quiberon and Queenborough are already covered. With regard to qualifying criteria for the award of the VLISM the Department stands by CIDA whereby whilst Vietnam was on a war footing, the visits were primarily diplomatic port visits, albeit with caution exercised because of the insurgency in the countryside. It was further noted that the GSM clasp 'South Vietnam' did not extend to this type of service and there is no link between the VLISM and the GSM.

Multiple Clasps for Multiple Tours of Vietnam

32 No change on extra clasps.

Defence Assessment

This is in accordance with ADF policy.

Special Operations

- #33 a Defence to undertake a full reconsideration of the material.
- b Defence considers all future claims before a classification of service is made.
- c Military records be specially annotated for future claims purposes.
- d Clasp for 'Special Operations' be considered for ASM and AASM.

Defence Assessment

- a this will be pursued by the Director Honours and Awards.
- b This will be pursued by the Director Honours and Awards.
- c This will be considered.
- d Will consider ASM45-75 Clasp 'Special Operations'. There is no requirement for a Clasp to the AASM for Special Operations. Whenever Australians are involved in 'warlike' activities these will be declared and an appropriate Medal issued.

Laos and Embassy special staff 1959 to 1964

- #34 ASM with clasp 'Special Operations' be awarded for service in Vientiane.

Defence Assessment

Recommend the ASM 1945-75 with Clasp 'FESR' in lieu Clasp 'Special Operations'.

RAN Submarine special operations

- #35 Chief of Navy to review submarine operations prior to 1975 with a view to ASM 1945-75 with clasp 'Special Operations'. No change in regard to claims for an AASM 1945-75 as period of service was not 'warlike' service.

Defence Assessment

Review of submarine operations with a view to ASM is logical. With regard to AASM, Australia was not at war or in a declared 'warlike' operation.

UN Mission in Laos

- #36 No change.

Defence Assessment

Whilst accepted the mission was arduous it was only of short duration (12 days).

ADF Medical personnel in East Timor in 1975 Civil War

#37 Recognition of humanitarian work by Defence by award of ASM with appropriate clasp.

Defence Assessment

This operation could be construed as similar to the 'non-warlike' operation of East Timor today.

Foreign Awards

#38 No change

Defence Assessment

This subject was recently considered (again) by the IDC and is in agreement with the review.

PNG Volunteer Rifles to be awarded ASM with clasp PNG

#39 No change

Defence Assessment

This has already been agreed. Defence is awaiting a response from PNG.

UN service as Observers in Kashmir

#40 No change.

Defence Assessment

These personnel were observers and liaised on both sides. They did not carry weapons. Whilst hazardous, it was not warlike.

Army Survey Teams in Indonesia and SW Pacific to attract ASM with clasp

#41 Defence to consider recognition of Army Survey tasks

Defence Assessment

Refer to Army.

Campaign Medals be based on a wider eligibility

#42 No change.

Defence Assessment

Further comment unnecessary.

Merchant Naval Service in PNG and Korea during times of tension

#43 No change.

Defence Assessment

Further comment unnecessary.

Mine disposal after WW2 should attract more than the ASM 1945-75 with clasp 'PNG'

#44 No change.

Defence Assessment

It is a principle of the Honours and Awards system to recognise individual tasks within an operation.

ASM for Naval deployment in the Indian Ocean during the Iran/Iraq War

#45 Outside the Terms of reference but recommended to be considered by Defence.

Defence Assessment

Refer to Director Honours and Awards.

Australians in UK Forces should also have Australian Awards

#46 No change.

Defence Assessment

Outside Terms of Reference.

Issues outside the Terms of Reference

#47 Matters were referred to Defence but no change recommended.

ATTACHMENT G

DEFENCE ASSESSMENT OF 'WARLIKE' AND 'NON-WARLIKE' SERVICE

In 1994 it was decided that the following definitions would be applied to 'warlike' and 'non-warlike' service:

Warlike

Warlike operations are those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties. These operations can encompass but are not limited to:

- a state of declared war;
- conventional combat operations against an armed adversary; and
- Peace Enforcement operations which are military operations in support of diplomatic efforts to restore peace between belligerents who may not be consenting to intervention and may be engaged in combat activities.

Normally, but not necessarily always, they will be conducted under Chapter VII of the UN Charter, where the application of all necessary force is authorised to restore peace and security or other like tasks.

Non-Warlike

Non-warlike operations are defined as those military activities short of warlike operations where there is risk associated with the assigned task(s) and where the application of force is limited to self defence. Casualties could occur but are not expected. These operations encompass but are not limited to:

- **Hazardous.** Activities exposing individuals or units to a degree of hazard above and beyond that of normal peacetime duty such as mine avoidance and clearance, weapons inspections and destruction, Defence Force aid to civil power, Service protected or assisted evacuations and other operations requiring the application of minimum force to effect the protection of personnel or property, or other like activities.
- **Peacekeeping.** Peacekeeping is an operation involving military personnel, without powers of enforcement, to help restore and maintain peace in an area of conflict with the consent of all parties. These operations can encompass but are not limited to:
 - activities short of Peace Enforcement where the authorisation of the application of force is normally limited to minimum force necessary for self defence

CABINET - IN - CONFIDENCE

- activities, such as the enforcement of sanctions in a relatively benign environment which expose individuals or units to 'hazards' as described above under hazardous;
- military observer activities with the tasks of monitoring ceasefires, re-directing and alleviating ceasefire tensions, providing 'good offices' for negotiations and the impartial verification of assistance or ceasefire agreements, and other like activities; or
- activities that would normally involve the provision of humanitarian relief.

Notes:

1. Humanitarian relief in the above context does not include normal peacetime operations such as cyclone or earthquake relief flights or assistance.
2. Peacemaking is frequently used colloquially in place of Peace enforcement. However, in the developing doctrine of Peace operations, Peacemaking is considered as the diplomatic process of seeking a solution to a dispute through negotiation, inquiry, mediation, conciliation or other peaceful means.
3. Peacetime is routine operations short of warlike or non-warlike.

ATTACHMENT H

**COST OF IMPLEMENTING MOHR REPORT RECOMMENDATIONS
VETERANS' AFFAIRS**

Deployment	Estimated cost	
FESR (Malayan waters): 1957 to 1960	\$14.5m	
RAN previously excluded		
Malayan Emergency: 1957 to 1960	\$ 2.7m	
Includes RAAF Base Butterworth and Army and RAAF units on mainland not already allotted		
Indonesian Confrontation: 1964 to 1966	\$ 7.1m	
Malay Peninsula and Singapore: HMAS Sydney, Yarra, Parramatta, Vampire (Disability pension only)		
North East Thailand (Ubon) 1965 to 1968	\$ 3.6m	
RAAF Base at Ubon		
Various detachments	\$ 1.2m	
RAN detachments at Kranji Thai-Malay border area (after Malayan Emergency) Army Air dispatch in Thai-Malay border (after Malayan Emergency) ADF personnel seconded to Royal Malaysian Armed Forces during Indonesian Confrontation Merchant crew of HMAS Jeparit and Boonaroo		
Veterans' Affairs Total		\$29.1m
Medals	\$ 1.7m	
Approx 42,000 medals (AASM, ASM and campaign medals)		
Defence Total		\$ 1.7m
TOTAL		\$30.8m

From: [Heldon, Ian MR](#)
To: [Kopplemann, Jay MR](#)
Subject: FW: Cabinet Decision JH2000/88 (JH00/0088/CAB of 21 March 2000) [SEC= OFFICIAL]
Date: Thursday, 8 December 2022 12:10:25 PM
Attachments: [image001.png](#)
[Service Entitlement Anomalies Review - Part 1 - August 1996.pdf](#)
[Service Entitlement Anomalies Review - Part 2 - February 1997.pdf](#)

OFFICIAL

Hi Jay,

In response to your request below we have identified the attached documents.

There were two parts to this review, hence two attachments.

Ian

Ian Heldon

Director Honours and Awards
Defence People Group

BP33-1-054 | Brindabella Park ACT

From: Kopplemann, Jay MR <jay.kopplemann@defence.gov.au>
Sent: Thursday, 8 December 2022 8:11 AM
To: Heldon, Ian MR <ian.heldon@defence.gov.au>
Subject: RE: Cabinet Decision JH2000/88 (JH00/0088/CAB of 21 March 2000) [SEC=OFFICIAL]

OFFICIAL

Good morning Ian

Do you have a copy of the 1996/97 Defence Review (apparently the precursor to Mohr) referenced in the Cabinet Decision that you might be able to share with us?

Thanks

Jay

IMPORTANT: This email remains the property of the Department of Defence. Unauthorised communication and dealing with the information in the email may be a serious criminal offence. If you have received this email in error, you are requested to contact the sender and delete the email immediately.

From: Heldon, Ian MR <ian.heldon@defence.gov.au>
Sent: Wednesday, 7 December 2022 11:36 AM
To: Kopplemann, Jay MR <jay.kopplemann@defence.gov.au>

Cc: DHA Tribunal <dha.tribunal@defence.gov.au>

Subject: Cabinet Decision JH2000/88 (JH00/0088/CAB of 21 March 2000) [SEC=OFFICIAL]

OFFICIAL

Good morning Jay,

The url below links to Cabinet Decision JH2000/88 (Decision JH00/0088/CAB of 21 March 2000) agreeing to implement recommendations arising from the Service Entitlement Anomalies in Respect of South-East Asian Service 1955-1975 (scanned copy attached):

<https://recordsearch.naa.gov.au/SearchNRetrieve/NAAMedia/ShowImage.aspx?B=202981469&T=PDF>

These Cabinet papers were opened for public access in November 2021.

Cabinet agreed that 'the awarding of medals is not a suitable test for repatriation entitlements and, where appropriate, any such nexus be removed from the Act'

This document was referred to and a footnote to Defence response of 16 Nov 2022 to Tribunal questions.

Regards

Ian

Ian Heldon

Director Honours and Awards
Defence People Group

BP33-1-054 | Brindabella Park ACT

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From: Heldon, Ian MR

Sent: Wednesday, 7 December 2022 9:21 AM

To: Kopplemann, Jay MR <jay.kopplemann@defence.gov.au>

Cc: DHA Tribunal <dha.tribunal@defence.gov.au>

Subject: 2001 Ministerial briefing and approval - 'ADF Medals Policy - Where we have been and where we are going' and approved conditions for the award of the ASM [SEC=OFFICIAL]

OFFICIAL

Good morning Jay,

Noting the Tribunal Chair's views expressed at the recent hearing about the Defence position on the separation of definitions which apply to nature of service and honours and awards, I provide the attached documents which detail the 28 June 2001 approval by the then Minister Assisting the Minister for Defence, Bruce Scott MP, of the policy for the future award of the ASM and ASM 1945-1975 including specific conditions for which the ASM may be awarded (paras 27-28). The Minister agreed 'that the ASM should still be awarded for service which, although it may not be subject of a formal declaration of 'non-warlike' operation by the responsible Minister, can still be regarded as non-warlike service and declared accordingly under the ASM 1945-75/ASM regulations'.

Butterworth is briefly mentioned in Paras 18c and 25. The documents are matter of public record and may be shared with all parties.

The 'Agreed policy for the Australian Service Medal' was referenced and an appendix to the report of the Tribunal Inquiry into recognition for members of the Australian Defence Force for service in Papua New Guinea after 1975.

Regards,

Ian

Ian Heldon

Director Honours and Awards
HR Services Branch, People Services Division
Defence People Group | Department of Defence

BP33-1-054 | Brindabella Park | PO Box 7927 | Canberra BC | ACT 2610



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SERVICE ENTITLEMENT ANOMALIES REVIEW

PURPOSE

1. To review four periods of service by members of the Australian Defence Force where it is claimed anomalies in regard to eligibility for repatriation benefits exists. These four periods are:

- a. Service with the British Commonwealth Occupation Forces - Japan, 13 February 1946 to 27 April 1952.
- b. Naval service with the Far East Strategic Reserve, 2 July 1955 to 27 May 1963
- c. Service with the RAAF contingent at Ubon in Thailand, 31 May 1962 to 31 August 1968.
- d. Service in Vietnam, 12 January 1973 to 29 April 1975.

AIM

2. To determine in accordance with the categories specified in repatriation legislation what type of service these four periods of service constitute, and as a result, the level of repatriation benefits these members should be entitled to under the provisions of the *Veterans' Entitlements Act 1986*.

REPATRIATION COVER FOR THE ADF

3. Repatriation legislation has had numerous incarnations. Many acts have over the years been brought into force to provide repatriation cover for members of the Australian Defence Forces. The latest of these is the *Veterans' Entitlements Act 1986*, which encompassed and replaced all other existing repatriation acts. Two basic elements of repatriation cover however, have generally remained the same. These two elements are referred to in the *Veterans' Entitlements Act 1986* as 'operational service' and 'qualifying service'.

4. Operational service can essentially be described as service overseas by a member of the Australian Defence Force in a time of war, or during warlike operations, within a defined operational area. Operational service generally entitles a member to cover for any illness or injury (or death) resulting from that period of service (in effect disability compensation cover). Qualifying service however,

requires a member on operational service to have also incurred danger from hostile forces of the enemy. This entitles a member to receive a Service pension.

5. From 1949, compensation cover for peacetime service in the Australian Defence Force was for the most part provided under Commonwealth civilian compensation legislation (prior to this date, compensation cover was not generally provided for peacetime service). The concept of Peacekeeping service however, was introduced into repatriation legislation in 1981 to cover those peacekeeping activities in which Australia was becoming more and more involved. Another new element to peacetime cover for the Australian Defence Force was introduced in 1986 by the *Veterans' Entitlements Act 1986*. This was the concept of Hazardous service. Hazardous service was introduced to cover those activities which were not warlike in nature, but which involved more danger or hazard than normal peacetime operations. This service could occur either in Australia or overseas.

6. It is important to note that legislatively, the concept of hazardous service can not be applied prior to 7 December 1972. As the benefits provided for members on hazardous or peacekeeping service are essentially the same as that provided for operational service, namely disability compensation cover, it may be possible to extend benefits to members considered to have been on service equivalent to hazardous service prior to this date by extending benefits for operational service to them.

CURRENT ELIGIBILITY CRITERIA

7. The current conditions of service eligibility criteria used for determining the type of service members of the Australian Defence Force may be undertaking for the purposes of the *Veterans' Entitlements Act 1986* is at **Annex A**. While this criteria is a fairly modern development, it is based on principles used throughout the history of repatriation legislation. While not applied directly in this review, its terminology has been used to explain some of the principles which have been applied.

BRITISH COMMONWEALTH OCCUPATION FORCES - JAPAN 13 FEBRUARY 1946 - 28 APRIL 1952

Background

8. The first Australian members of the British Commonwealth Occupation Forces (BCOF) went to Japan in February 1946 following the formal surrender of Japan on 2 September 1945.

9. The military role of BCOF was the safeguarding of all Allied installations and of all Japanese installations awaiting demilitarisation; the demilitarisation and disposal of Japanese installations and armaments; and the military control of the

BCOF area, excluding the military government, which was carried out exclusively by the United States.

10. The main routine tasks of the Force included sea, ground and air patrols, checks on illegal immigration and black marketing, the disposal of hidden enemy ammunition and equipment, the provision of both ceremonial and operational guards, and the supervision of movement through the BCOF area, and to dispersal areas within the BCOF area, of repatriates arriving in Japan.

11. One of the most substantial military tasks undertaken by BCOF was demilitarisation. While much of the demilitarisation work in the area occupied by BCOF had been accomplished by the United States prior to their arrival, there was still an immense amount of military equipment, ammunition and warlike stores to be traced, identified and disposed of. Most of the task of demilitarisation however, was completed early in the occupation. The Report by the Commander in Chief to the Joint Chiefs of Staff in Australia on the Activities of the British Commonwealth Occupation Force for the period 17 July to 31 August 1946, states in relation to the disposal of enemy equipment that "material and equipment likely to endanger the Occupation Forces should be disposed of by December 1946".

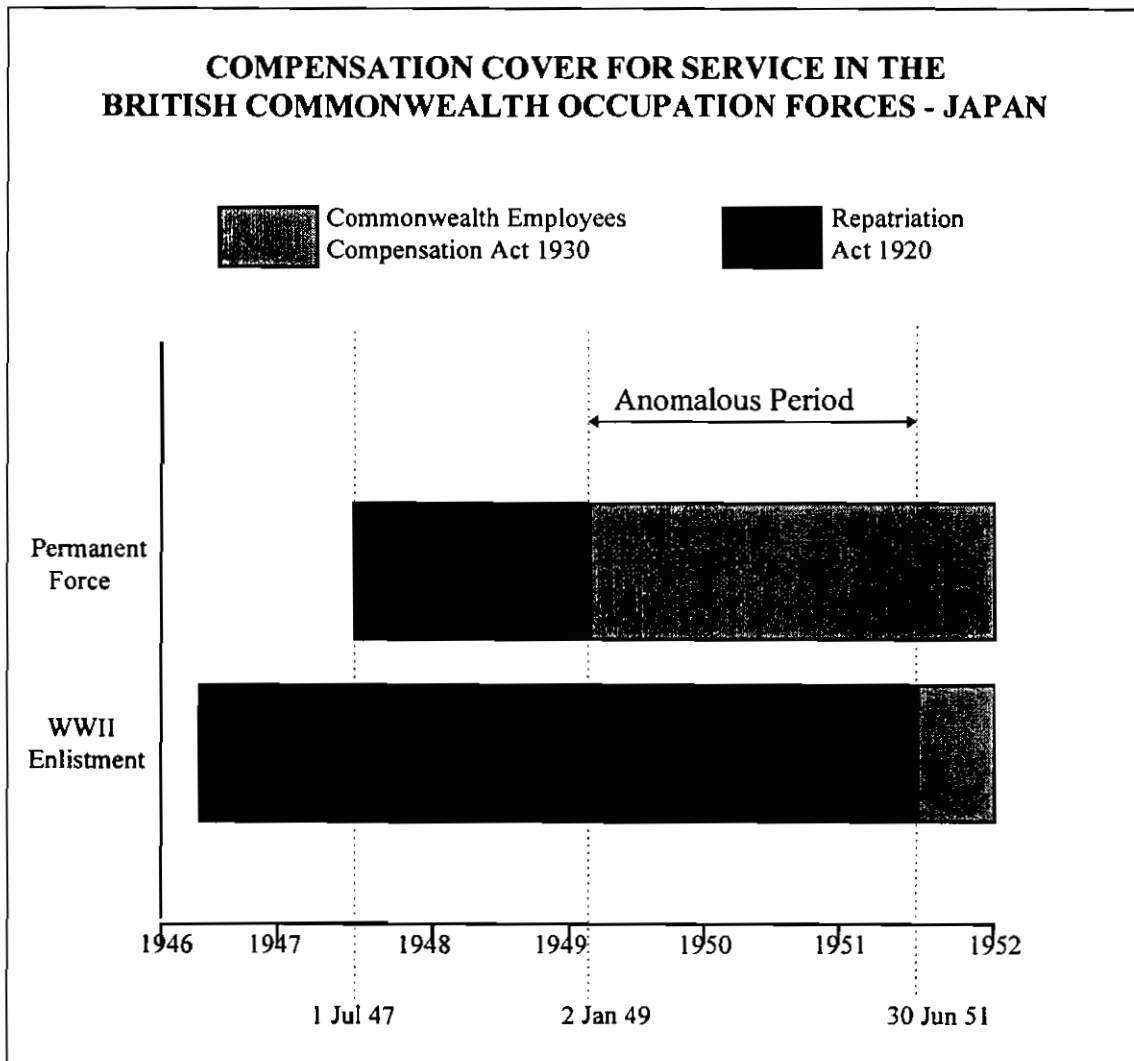
12. The Japanese attitude to the occupation was generally one of passive compliance. There were minor incidents such as cut telephone lines, thefts or the occasional assault, but most tended to be carried out by petty criminals or men frustrated by unemployment or jealous of Allied soldiers' attentions to Japanese women. Even the repatriation centres appeared to be relatively trouble free. In his book Japan and the British Commonwealth Occupation Force 1946 -52, Peter Bates states that "up to the time the last repatriation centre closed on 15 December 1946 and the last of the 700,000 had left, there was no incident of any kind involving conflict or dissent" (p75).

13. The relatively passive acceptance of the surrender by the Japanese did not mean that the occupation was without problem. The main problems however, were ones of boredom and low morale among the occupation forces rather than Japanese hostility towards them. The poor conditions and lack of recreation facilities experienced by most of the members of BCOF, combined with the lack of any real defined role once the main tasks of demilitarisation and repatriation were largely completed, gave rise to two main areas of concern. These areas were the black market in canteen goods, which were traded illegally by troops for large amounts of Japanese yen, and the extremely high incidence of venereal disease. As early as August 1946, 4769 cases of venereal disease among members of BCOF had been reported. By far the largest number, 2982, were from the Australian Military Forces. The next largest group was the Indian Army with 775 reported cases.

14. Probably one of the most serious conflicts of the occupation did not involve the Japanese at all! On 30 August 1947 members of the Australian 14 Works and Park Squadron and the 653 Indian Plant Company, who were located in adjoining camps at Hiro, were involved in a full scale riot as a result of conflict over Japanese girls in the area. Both sides broke into their respective armouries and rifle fire was exchanged for several hours before order was finally restored. The conflict resulted in

one dead and three wounded - all from the Indian Company. Ironically, none of these casualties had taken an active part in the fight. This incident came to public notice in 1989 when an ex-member of the Australian Army successfully appealed to the Administrative Appeals Tribunal against the refusal of a disability pension, claiming that he had suffered prolonged emotional stress and resulting hypertension as a result of being pinned down under fire by Indian soldiers in the 'Battle of Hiro'.

15. Members of BCOF who enlisted in the Defence Forces prior to 1 July 1947 for the purposes of World War II were covered by the *Repatriation Act 1920* up until 30 June 1951. From 31 June 1951 they were covered by the *Commonwealth Employees Compensation Act 1930*. In comparison, members of BCOF who enlisted in the Permanent Forces from 1 July 1947 were covered by the *Repatriation Act 1920* only up until 2 January 1949. From 3 January 1949 these members were covered by the *Commonwealth Employees Compensation Act 1930*. This creates an anomalous period from 3 Jan 1949 to 30 Jun 1951, when different members of the ADF received different compensation cover for undertaking the same type of service (see the diagram below).



16. This is further complicated by the fact that members of BCOF who enlisted in the Defence Forces for the purposes of WWII, but transferred to the Permanent Force prior to 3 January 1949, were covered by the *Repatriation Act 1920* only up until 2 January 1949 and the *Commonwealth Employees Compensation Act 1930* thereafter. Members of BCOF who enlisted in the Defence Forces for the purposes of WWII, and transferred to the Permanent Force after to 3 January 1949, were also only covered by the *Repatriation Act 1920* up until their date of transfer.

17. When the *Repatriation Act 1920* was repealed in 1986, the cover that was provided to members of BCOF under that Act was continued under the *Veterans' Entitlements Act 1986*. In effect this meant that those members became eligible for benefits accruing for operational service (ie disability benefits), but not for those benefits accruing for qualifying service (ie Service pension).

Considerations

18. Service in Japan with BCOF does not fulfil the requirements for qualifying service. Occurring after the formal surrender of Japan and facing no opposition to their presence in the country, the occupation forces did not incur danger from hostile forces of the enemy. It is also questionable whether such service could be considered operational service. While the Treaty of Peace with Japan was not to come into force until 28 April 1952, it is questionable whether this period could be considered a time of war. Certainly the operations undertaken by the occupational forces in Japan were not warlike in nature. The application of force was not authorised to pursue specific military objectives and there was no expectation of casualties.

19. It is possible however, that certain aspects of service in Japan with BCOF could be equated to the concepts of Hazardous or Peacekeeping service. BCOF personnel were in Japan to help restore and maintain peace with what was arguably the consent of all parties. They were undertaking activities such as the enforcement of sanctions in a relatively benign environment which exposed them to 'hazards' above and beyond normal peacetime duty such as the destruction of weapons. It is questionable however, whether once tasks such as this ceased, whether service in Japan continued to be hazardous.

20. An overriding factor however, is the existence of the anomaly. While the two groups of members (the Permanent Force and those who enlisted for the purposes of WWII) are subjected to the same conditions and undertaking the same tasks between 3 January 1949 and 30 June 1951, one group is considered to be on peacetime service while the other is on operational service. Clearly an inequitable situation.

21. As stated above, it is questionable whether service in Japan during this period could be considered operational service. If this service were to be considered peacetime service, addressing the anomaly by removing the repatriation entitlements of those members who are currently eligible for operational service would not be a viable option. If this service may be considered equivalent to hazardous or peacekeeping service however, members not currently entitled to repatriation benefits would theoretically be eligible for the same level of benefits as for operational service. Given that the concept of hazardous service can not be applied legislatively prior to

1972, the anomaly could be removed by granting operational service to members of the Permanent Forces serving with BCOF between 3 January 1949 and 30 June 1951.

Recommendation

- ◆ **It is recommended that members of the Permanent Forces serving in Japan with the British Commonwealth Occupation Forces between 3 January 1949 and 30 June 1951 be accorded operational service under the provisions of the *Veterans' Entitlements Act 1986*.**

NAVAL SERVICE IN THE FAR EAST STRATEGIC RESERVE 2 JULY 1955 - 27 MAY 1963

22. The Far East Strategic Reserve (FESR) was established in 1955 with units from the naval, military and air forces of Britain, Malaya, Singapore, Australia and New Zealand. Its purpose, consistent with Australia's 'forward defence' policy of the 1950's and 60's, was to be a strategic reserve force that could be deployed anywhere in Southeast Asia, should the need arise, in the context of ANZAM (Australia New Zealand and Malaysian area) and SEATO (South East Asia Treaty Organisation) commitments. As part of this role, the FESR participated in counter-insurgency operations against Communist terrorists during the Malayan Emergency from 1955 to 1960.

23. Australian forces serving with the FESR were initially covered under the *Repatriation Act 1920* which was amended in 1950 to provide for disability and service pensions for members allotted for duty in an operational area in, inter alia, Malaya after 28 June 1950. Regulation 199 of the Repatriation Regulations defined the operational area in relation to Malaya for the purposes of this Act. The Regulation provided that the operational area was to apply in relation to the Military and Air Force of the Commonwealth. Thus from 29 June 1950, members of the RAN did not have eligibility under the Repatriation Act in respect to service in Malaya.

24. On 7 June 1955, the Prime Minister wrote to the Minister for Defence advising that "pending a Government decision on the role of the Australian Forces, the RAN units should not be employed in operations against the Communist terrorists". RAN ships served with the FESR from 2 July 1955.

25. On 13 July 1955, the question of the conditions to apply to Royal Australian Navy (RAN) personnel of the FESR was examined by the Naval Board. The Naval Board recommended that "provision be made for RAN personnel afloat in any legislation designed to provide repatriation benefits for Service personnel of the Commonwealth Strategic Reserve". This recommendation was apparently one of a

number made to the Prime Minister, the Treasurer and the Minister for Defence by the Minister for the Navy in a letter dated 8 August 1955.

26. On 17 August 1955 Cabinet decided that because of the possibility of casualties or other disabilities resulting from operational service in Malaya, personnel should be covered by the provisions of the Repatriation Act where such disabilities occurred whilst on duty. The issue was referred to the Treasury Finance Committee for further clarification of the conditions which were to apply. The resulting report by the Treasury Finance Committee dated 9 April 1956, in relation to the question of operational benefits for members of RAN seagoing personnel, "noted that the general conditions of service approved for the Strategic Reserve were designed for land based personnel serving in Singapore and Malaya and that, following separate consideration of the conditions to apply to RAN personnel serving in ships in Malayan waters, approval had been given for payment of an exchange concession as the only special benefit to accrue in respect of such service".

27. The *Repatriation (Far East Strategic Reserve) Act* was enacted in 1956 to provide disability pensions and other benefits for certain members of the Australian forces serving with the FESR. This Act expressly stated that it did not apply to "a member of the Naval Forces in the complement of a sea-going vessel". In response to a question from a Government member as to why this was the case, Dr Donald Cameron, Minister for Health, replying on behalf of the Minister for Repatriation, stated:

"They are not regarded as being subjected to additional operational risks. They are subjected to the risks of the service for which they engage, and therefore their conditions are in accordance with the terms of their enlistment. The honourable member said that there might be a reply from air, shore batteries or sea, to their bombardment. That will not happen because the Malayan terrorists do not possess the resources to retaliate in that way."

28. It was further stated that "The whole purpose of this series of bills is to provide benefits for risks additional to those involved in normal military service. When some service additional to normal military service is performed, the men become eligible for benefits". It should be noted however, that for administrative purposes, all land based personnel, whether attached to operational units or not, were accorded Repatriation benefits. They are eligible under the *Veterans' Entitlements Act 1986* for both operational and qualifying service, with one qualification. This qualification is that between the period 1 September 1957 and 27 May 1963, they must also be eligible for a British General Service Medal with Clasp 'Malaya' to be eligible for qualifying service.

29. In 1956 a Directive was conveyed to the Commander-in-Chief, Far East Station stating the conditions under which HMA ships allocated to the Far East Fleet for service with the Strategic Reserve were placed under his operational control. This Directive stated that "HMA ships under your operational control may be used, as are ships of the Royal Navy, for anti-terrorist operations in Malayan waters, and to prevent infiltration by sea of Communist agents or armed bands." Four RAN ships were involved with bombardment of Malayan terrorist shore positions. These

bombardments were carried out by HMA Ships ANZAC and TOBRUK on 29 September 1956 and HMA Ships QUEENBOROUGH and QUICKMATCH on 22 January 1957.

30. Reports of Proceedings and log books of the relevant vessels for the period May 1955 to July 1960 also indicate that HMAS QUIBERON conducted a search from Johore Shoal Buoy to Lima Island on 12 January 1959 (the reason for the search is unknown), and that HMAS WARRAMUNGA conducted a patrol off Pulo Padang on 4 March 1958. It was found however, that RAN ships deployed to the FESR were employed for much of the period conducting exercises with the Far East Fleet and on goodwill port visits.

31. Between 1956 and 1958, a number of representations were made by ships and administrative authorities to review the matter of Repatriation cover for the RAN. On 2 April 1958, the Naval Board again considered conditions of service for members of the FESR and recommended that the issue be submitted to Cabinet for consideration. The matter was apparently discussed by the Minister for Defence and the three Service Ministers. A paper attached to a letter from the Minister for Defence to the Minister for the Navy prior to this meeting, reiterated the view that there was a distinction between the operational risks associated with the service of land based Army and Air Force personnel attached to operational units and sea going Naval personnel. It also stated that "(i)n principle, there is something to be said for the application of uniform conditions to the three Australian Services serving in the Strategic Reserve. It is for consideration, however, whether, in the light of the decline in Communist operations and the assessment of the future Emergency ..., the present legislation should be extended to the RAN at this late stage."

32. Advice for the Minister of the Navy in response to this paper was provided in a Minute from the Second Naval Member to the Secretary of the Department of the Navy on 10 October 1958. This Minute stated that:

"It cannot be said that there is no risk of reprisal for Naval Personnel attached to ships on the Strategic Reserve. As well as taking part in bombardment and operational patrols these personnel have landed on shore leave on PENANG ISLAND, JOHORE BAHRU ("Black" areas), and travel on weekend leave between PORT SWETTENHAM and KUALA LUMPUR, the road passing through a "Black" area."

33. The so called "Black" areas were areas known to be frequented by Communist terrorists, as opposed to "White" areas, which were those considered safe from any form of terrorist activity. The recommendation that the legislation be extended to RAN personnel was noted by the Minister. Further action on the proposal however, was apparently not endorsed.

Considerations

34. It should be noted that this is the only instance where one particular Service, while serving in a defined operational area, has been specifically denied repatriation benefits equivalent to the other Services also serving there. Naval service in the FESR

however, does not appear to fulfil the requirements for qualifying service. While some ships employed with the FESR conducted action against the communists in the form of bombardments and patrols, it is questionable whether they actually incurred danger from these hostile forces of the enemy.

35. It is also questionable whether this service could for the large part be considered operational service given that much of their time was spent conducting exercises with the Far East Fleet and on goodwill port visits. Certain activities such as the bombardment of shore positions however, could be viewed as military activities where the application of force is authorised to pursue specific military objectives. This is balanced however, by the fact that there was no real expectation of casualties. It is suggested therefore, that these activities could on the whole be best equated to hazardous service rather than operational service, given that the degree of hazard, while not totally warlike in nature, would have been above and beyond that of normal peacetime duty.

36. As hazardous service can not be applied to service before 1972 however, it is suggested that members of the Navy be accorded operational service, which provides the same range of benefits, for service within the defined operational area. While it might be feasible to also apply operational service selectively through the 'allotment' process to only those ships involved in operational activities such as bombardments or patrols, on balance, this approach is not favoured as it would impose additional administrative complications and open new avenues for debate for relatively little gain.

Recommendation

- ◆ **It is recommended that members of the Navy serving with the Far East Strategic Reserve be accorded operational service for service within the operational areas described in items 2 and 3 of Schedule 2 of the *Veterans' Entitlements Act 1986*.**

RAAF CONTINGENT, UBON, THAILAND 31 MAY 1962 - 31 AUGUST 1968

Background

37. A RAAF Contingent, comprising a squadron of eight Sabre aircraft (No 79 Squadron) and a supporting base squadron, was located at the Royal Thai Air Force base at Ubon in Eastern Thailand from 31 May 1962 until 31 August 1968.

38. The task of the contingent was to cooperate with the Royal Thai Armed Forces and the forces deployed by other South East Asia Treaty Organisation (SEATO) partners in maintaining the territorial integrity of Thailand.

39. The contingent was deployed with an air defence capability only and this was to be its only official role. Aircrew however, were required where possible to exercise in the roles for which they had been trained. Operational training therefore, consisted of air defence exercises in conjunction with the Royal Thai Air Force and the United States Air Force, missile and gun tactics, controlled strikes, navigation exercises, close air support and reconnaissance exercises.

40. The contingent was directed not to use force except in self defence or in the air defence of Thailand if its territory became subject to air attack. It operated under the following rules of engagement:

- a. No aircraft will be directed to investigate any unidentified contacts unless specifically requested by the Royal Thai Government.
- b. No aircraft will attack unless fired upon.

41. The activities of the contingent were confined within the territorial borders of Thailand and safeguards were established to ensure that RAAF aircraft and personnel based at Ubon did not violate the territory, territorial waters or air space of countries bordering Thailand.

42. Repatriation benefits for members of the Defence Force serving in Malaya and other countries in Southeast Asia was considered by Cabinet in the latter half of 1962. At that time, members serving in Malaya as part of the Far East Strategic Reserve were covered by the *Repatriation (Far East Strategic Reserve) Act 1956*. This Act applied specifically to service in Malaya with the Strategic Reserve and could not be adapted for service in other areas in Southeast Asia. It was recommended that new repatriation legislation be framed which would "have the advantage of greater flexibility in providing for commencement and termination of benefits to meet conditions such as have now arisen in Malaya and South Vietnam and may arise in Thailand or elsewhere". As a result, the *Repatriation (Far East Strategic Reserve) Act 1956* was replaced by the *Repatriation (Special Overseas Services) Act 1962*.

43. In considering whether repatriation benefits should apply in relation to service in Thailand, the Cabinet submission included the following advice from the Minister for Defence:

"As to the forces deployed in Thailand, it is not thought that the existing situation or the present tasks of this Force warrant the application of Repatriation benefits."

44. The resulting Cabinet decision, made on 11 October 1962, did not extend Repatriation benefits to those members serving in Thailand. Compensation cover was therefore provided by the *Commonwealth Employees Compensation Act*. Cabinet did

however, extend Income Tax Zone Allowance to them. It was also noted that postal concessions were already operating in respect to service in this area.

45. On 5 July 1963, OC RAAF Butterworth expressed, inter alia, concern that the new legislation did not cover all members at Ubon. It was his feeling that Ubon should be declared a 'special area' under Section 4 of the new Act because of the state of disturbance in Laos. In replying to the OC RAAF Butterworth on 6 August 1963, The Department of Air advised that the principle underlying the provisions of the new Act was to provide a realistic approach to repatriation and associated benefits to members who served on duty similar to war conditions in an area where a state of disturbance existed. Following Government approval that an area was a 'special area', it was necessary to define, if any, members who were on warlike duties in that area.

46. In a paper on the deployment of United States Air Force aircraft and the status of the RAAF base at Ubon which was attached to a minute dated 24 March 1965 from the Chief of the Air Staff to the Chairman of the Defence Committee, an assessment of the level and type of hazard faced at Ubon was given as follows:

"Although Ubon is within the range of aircraft now based in North Vietnam, it is considered that the probability of enemy air attacks would be slight and would lead to the quick elimination of the bases in North Vietnam by the US Air Forces. Sabotage attacks against Ubon by long range enemy patrols or by clandestine parties would be much more likely.

Although the probability of enemy air attack is considered to be remote, the RTAF/USAF integrated Air Defence System will be fully manned and RAAF Sabres will be required to maintain an air Defence Alert at Ubon. While the operations by RAAF Aircraft in the Air Defence role will be confined to the boundaries of Thailand, the fact that RAAF aircraft are being employed in the defence of an air base from which offensive operations are being launched against North Vietnam could be regarded by North Vietnam and Communist China as being similar to participation in the actual offensive operation."

47. In May 1967 OC RAAF Butterworth submitted a further case for the inclusion of the Ubon area as a 'special area' and the allotment for 'special duty' of RAAF units stationed there. In presenting his case, OC RAAF Butterworth referred to the inappropriate nature of the *Commonwealth Employees Compensation Act* in the area, citing the complexities of Thai law and a lack of the benevolent approach of the Repatriation legislation (ie the more beneficial onus of proof), particularly in regard to psychiatric disturbances and deafness.

48. The provision of Repatriation benefits was considered to be justified on the following grounds:

- a. The RAAF was sharing the base with the Thai Air Force and the 8th Tactical Fighter Wing, USAF. The latter was operating 24 hrs per day against targets in Laos and North Vietnam and with Thailand's increasing

commitment to Vietnam there was a continuing increase of retaliatory action against air bases in Northeast Thailand.

- b. There was an increasing number of instances involving local air and ground activity eg finding of arms caches and information on planned attacks on the airfield; an increase in clashes between Thai and insurgent forces involving casualties; Northeast Thailand (including Ubon) had been declared a restricted zone at night ie aircraft under 3,000 ft presumed hostile; and aircraft approaching Ubon had been shot at by ground fire.
- c. During the months of April/May 1967 there had been three night alerts due to unidentified low flying aircraft causing the stand-to of all RAAF personnel, two USAF F4 Phantoms, fully armed, had exploded on take-off showering the RAAF camp with shrapnel and debris, and a Thai Air Force Helicopter had been shot down near the base by ground fire.
- d. Ubon was within the operational control of the Communist Suppression Centre and SAKON NAKHOM and it was estimated that there were some 1200 communists in the area with more continually entering from Laos.

49. OC Butterworth stated that RAAF personnel at Ubon were living in an atmosphere of tension and in a continued state of semi-alert, with RAAF aircraft on continual dawn to dusk runway alert against air attack. He also noted that all USAF personnel at Ubon (and elsewhere in Thailand) were eligible for veterans' benefits under the same conditions applying to US personnel in Vietnam.

Considerations

50. It is clear that service in Ubon was not operational service. It was not a time of war, nor were the operations warlike in nature. In addition it was not qualifying service as members did not directly incur danger from the hostile forces of the enemy. The application of force was not authorised to pursue specific military objectives and there was no expectation that casualties would occur.

51. The rules of engagement for Ubon make it clear that force was only to be used in self defence. There also appears to have been a level of risk associated with the tasks of members serving at Ubon which was over and above that faced during the course of normal peacetime activities. Alan Stephens, in his book 'Going Solo, the Royal Australian Air Force 1946-1971' which was written as the official history of the RAAF, sums up the hazards faced by personnel at Ubon as follows:

"The operational nature of the RAAF's activities should not be overstated, nor should it be lightly dismissed. In the case of the airfield defence guards, terrorist action from the estimated 1200 insurgents in the area was always likely. Guerillas attacked the American radar unit at Ubon in May 1965; aircraft were fired on while approaching the airfield; a Thai helicopter was shot down in May 1967; a USAF C-130 was hit by ground fire during its landing approach in 1968; and aircraft in Ubon's landing pattern at night did

not illuminate their navigation or landing lights to minimise the possibility of becoming targets."(pp 279-280)

52. It is suggested therefore, that service at Ubon in Thailand was equivalent to hazardous service under the current provisions of the *Veterans' Entitlements Act 1986*. As the concept of hazardous service can not be applied legislatively prior to 1972 however, it is suggested that these members be granted operational service under the provisions of the *Act*, which provides eligibility for the same range of benefits.

Recommendation

- ◆ **It is recommended that members serving at Ubon in Thailand from 31 May 1962 to 31 August 1968 be accorded operational service under the provisions of the *Veterans' Entitlements Act 1986*.**

SERVICE IN VIETNAM 12 JANUARY 1973 - 29 APRIL 1975

Background

53. Australia's operational presence in Vietnam officially ended in early 1973 when the bulk of the Australian war effort was withdrawn. As a result, repatriation benefits for service in Vietnam ceased on 11 January 1973. Members of the Australian Defence Force however, did serve in Vietnam after 11 January 1973.

54. In December 1972, the Australian Army Assistance Group Vietnam, Guard and Escort Platoon, was redesignated as the Australian Embassy Guard Platoon, Saigon. The role of this platoon was to provide security for the Australian Embassy and Embassy staff following the withdrawal of Australian Troops. The platoon remained in Vietnam until mid-1973.

55. LTCOL W N Forbes, who was then Platoon Commander of the Australian Embassy Guard Platoon, has advised that the situation in Saigon was hazardous, and was in some respects more difficult, following the withdrawal of other troops. There were instances of attempted theft of Embassy vehicles involving the exchange of gunfire. Personnel were subject to an 1800 hours curfew, and personnel were also tasked to travel outside Saigon to assist with the closing of facilities and the retrieval of equipment.

56. Records indicate that the platoon was 'allotted for special duty' for the purposes of the *Repatriation (Special Overseas Service) Act 1962* from its creation

on 18 December 1972 until 1 July 1973. It appears however, that when the *Veterans' Entitlements Act 1986* was in the process of being developed, part of this entitlement was inadvertently removed by the selection of 11 January 1973 as the cessation date for the operational area. Members of the platoon are not entitled therefore, to repatriation benefits for service after this date, despite being allotted and having prior entitlement under the *Repatriation (Special Overseas Service) Act 1962*.

57. In 1975, in the months leading up to the fall of Saigon, Royal Australian Air Force (RAAF) aircraft and personnel were operating in Vietnam. RAAF personnel and aircraft assisted in the movement of refugees and Red Cross supplies to Can Tho from Phan Rang, which was then directly in the path of the advancing Communist forces. Approximately 1500 to 1800 refugees were transported to Can Tho in one day's operation under conditions of extreme panic and at times near riot in the face of the expected enemy onslaught. Personnel and aircraft were also involved in the transport of emergency food, medical and other relief supplies for the approximately 40 000 refugees located at An Thoi on the island of Phu Quoc as well as the 'babylift' of approximately 270 orphans, a majority under twelve months of age, from Vietnam to Bangkok. On 25 April 1975 the Australian Ambassador and his staff were evacuated from Saigon. The last Australians left Vietnam by RAAF aircraft on 29 April 1975.

Considerations

58. Members of the Australian Defence Force serving in Vietnam up until 11 January 1973 have both operational service and qualifying service under the terms of the *Veterans' Entitlements Act 1986*, making them eligible for both disability benefits and a Service pension.

59. It can certainly be argued that conditions in Vietnam did not become less hazardous after the withdrawal of Australian troops at the beginning of 1973 and may have in fact become more so. The country continued as an active 'war' zone until its collapse to the communist forces in 1975. In addition to the danger from the encircling communist troops and infiltrators, there was active hostility from South Vietnamese elements, angered at their 'abandonment' by their once-time allies.

60. It is suggested therefore, that those members serving in Vietnam during the period 12 January 1973 until 29 April 1975, when the last member of the Australian Defence Force left the country, should be accorded the same benefits as those who served there before the cut-off date of 11 January 1973, namely operational and qualifying service, making them eligible for both disability and Service pension entitlements.

Recommendation

- ◆ **It is recommended that members serving in Vietnam between 12 January 1973 and 29 April 1975 be accorded operational and qualifying service under the provisions of the *Veterans' Entitlements Act 1986*.**

CURRENT ELIGIBILITY CRITERIA FOR CONDITIONS OF SERVICE

Warlike

1. Warlike operations are those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties. These operations can encompass but are not limited to:

- a. a state of declared war;
- b. conventional combat operations against an armed adversary; and
- c. **Peace Enforcement** operations which are military operations in support of diplomatic efforts to restore peace between belligerents who may not be consenting to intervention and may be engaged in combat activities. Normally but not necessarily always they will be conducted under Chapter VII of the UN Charter, where the application of all necessary force is authorised to restore peace and security or other like tasks.

Non-Warlike

2. Non-warlike operations are defined as those military activities short of warlike operations where there is risk associated with the assigned task(s) and where the application of force is limited to self defence. Casualties could occur but are not expected. These operations encompass but are not limited to:

- a. **Hazardous.** Activities exposing individuals or units to a degree of hazard above and beyond that of normal peacetime duty such as mine avoidance and clearance, weapons inspections and destruction, Defence Force aid to civil power, Service protected or assisted evacuations and other operations requiring the application of minimum force to effect the protection of personnel or property, or other like activities.
- b. **Peacekeeping.** Peacekeeping is an operation involving military personnel, without powers of enforcement, to help restore and maintain peace in an area of conflict with the consent of all parties. These operations can encompass but are not limited to:
 - (1) activities short of Peace Enforcement where the authorisation of the application of force is normally limited to minimum force necessary for self defence;

- (2) activities, such as the enforcement of sanctions in a relatively benign environment which expose individuals or units to 'hazards' as described in sub-paragraph 2(a);
- (3) military observer activities with the tasks of monitoring ceasefires, re-directing and alleviating ceasefire tensions, providing 'good offices' for negotiations and the impartial verification of assistance or ceasefire agreements, and other like activities; or
- (4) activities that would normally involve the provision of humanitarian relief.

Notes:

Humanitarian relief in the above context does not include normal peacetime operations such as cyclone or earthquake relief flights or assistance.

Peacemaking is frequently used colloquially in place of **Peace Enforcement**. However, in the developing doctrine of Peace operations, **Peacemaking** is considered as the diplomatic process of seeking a solution to a dispute through negotiation, inquiry, mediation, conciliation or other peaceful means.

Peacetime is routine operations short of Warlike or Non-warlike.



Headquarters Australian Defence Force

MINUTE

ACPERS /97

MINISTER FOR DEFENCE INDUSTRY, SCIENCE AND PERSONNEL

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GOVERNMENT ELECTION UNDERTAKING - SERVICE ENTITLEMENT ANOMALIES

Purpose

1. To seek your agreement to the recommendations made in the attached paper regarding entitlements to repatriation benefits for periods of past overseas service by members of the Australian Defence Force.

Background

2. In its election platform, the Coalition made a commitment to review the significant anomalies in veterans' entitlements which have been of longstanding concern to the veterans' community. In response to this commitment, a draft Cabinet submission was prepared by the Department of Veterans' Affairs addressing the four most significant anomalies in entitlements, namely:

- a. Service with the British Commonwealth Occupation Forces - Japan (BCOF);
- b. Naval service with the Far East Strategic Reserve (FESR);

- c. Service with the RAAF contingent at Ubon in Thailand; and
- d. Service in Vietnam after 11 January 1973.

3. Following discussions on the draft Cabinet submission between Defence and the Department of Veterans' Affairs, it was agreed that Defence would undertake a review of the four anomalous periods of overseas service. The aim of this review was to examine the four cases and recommend the type of service they should constitute in relation to entitlements under the *Veterans' Entitlements Act 1986*. The Hon Bruce Scott MP, Minister for Veterans' Affairs, wrote to you on 28 July 1996 to confirm this arrangement and to propose that an approach to Cabinet await the outcome of this review.

4. A review of the four periods of overseas service listed above was completed and forwarded for your endorsement under cover of Ministerial Representation 3541 dated 28 August 1996 (**Tab A**). On 13 December 1996 you wrote to the Minister for Veterans' Affairs, the Hon Bruce Scott MP advising that should he agree, the recommendations of the review may be included in the proposed approach to Cabinet.

5. The Department of Veterans' Affairs has now written to ACPERS advising that it is presently enjoying an ongoing budget savings surplus and that it has Cabinet endorsement to apply a significant proportion of this to the review of service entitlement anomalies. As such it has requested that the Defence undertake to review those anomalies that were not included in the initial review with a view to including them in the Cabinet Submission. These additional groups are listed at **Tab B**. Veterans' Affairs has also advised that as the window of opportunity to use these funds will only exist until the 1997/98 Budget, time in conducting the review is of the essence.

6. On 14 January 1997 a letter was also received from your office requesting that Royal Australian Navy visits to Vietnam in 1962 and 1963 also be included in the review of the additional anomalies.

Considerations

7. It is the responsibility of the Minister for Defence to determine the eligibility classification which is to apply to a deployment for the purposes of conditions of service. For new deployments, this is done in consultation with the Prime Minister in accordance with the Conditions of Service guidelines agreed by Cabinet in May 1993. The eligibility for repatriation benefits of persons or units on past deployments is also generally reviewed by Defence for advice to the Department of Veterans' Affairs.

8. The eligibility classification given to a period of service under the *Veterans' Entitlements Act 1986* will determine the level of repatriation benefits a person with that service is eligible for. The classifications and the benefits which they accord are:

- a. **Qualifying service** - which provides eligibility for the Service pension and related benefits from age 60;
- b. **Operational Service** - which provides eligibility for a Disability pension and related benefits, subject to the more beneficial standard of proof, as compensation for the effects of a war or defence caused injury or disease;

- c. **Hazardous Service** - which provides eligibility for a Disability pension and related benefits, subject to the more beneficial standard of proof, as compensation for the effects of a war or defence caused injury or disease (the same benefits as operational service); and
- d. **Peacekeeping Service** - which provides eligibility for a Disability pension and related benefits, subject to the more beneficial standard of proof, as compensation for the effects of a war or defence caused injury or disease (the same benefits as operational and hazardous service).

9. It should be noted that a person may be granted operational service and qualifying service simultaneously, but must be eligible for operational service before qualifying service can be applied. Benefits for peacetime service, with some exceptions, are provided by Commonwealth civilian compensation legislation.

10. In the review of the four main anomalies it was stated that hazardous service could not be applied prior to 7 December 1972, and that it may be possible to extend benefits to members considered to have been on service equivalent to hazardous service prior to this date by extending benefits for operational service to them. As a result it was recommended that service with the British Commonwealth Occupation Forces-Japan, Naval service with the Far East Strategic Reserve and service at Ubon in Thailand, which were considered to be on service equivalent to hazardous service, be accorded operational service under the *Veterans' Entitlements Act 1986*. Further discussions with the Department of Veterans' Affairs however, has revealed that there may be alternative ways to accord service equivalent to hazardous service prior to 7 December 1972 which avoids falsely applying a 'higher' criteria of service. Legal staff in the Department of Veterans' Affairs are currently considering this issue.

11. It is proposed that the recommendations made in the attached paper (**Tab C**) be included in the Cabinet submission to be prepared by the Department of Veterans' Affairs.

Recommendations

12. It is recommended that you endorse the recommendations made in the paper at **Tab C**. These recommendations are:

- a. That members serving in the Demilitarised Zone between North Korea and South Korea from April 1956 be accorded the equivalent of hazardous service under the provisions of the *Veterans' Entitlements Act 1986*.
- b. That repatriation benefits under the *Veterans' Entitlements Act 1986* not be extended for service with the Signals Detachment on Labuan Island between 5 March 1951 and 3 July 1957.
- c. That members of the Defence Force serving in Singapore between 29 June 1950 and 31 August 1957 be accorded operational and qualifying service under Item 2 of Schedule 2 of the *Veterans' Entitlements Act 1986*.

- d. That additional repatriation benefits under the *Veterans' Entitlements Act 1986* not be extended to members of the Defence Force for service on Espiritu Santo between 18 August 1980 and 26 September 1980.
- e. That members serving in North East Thailand between 31 May 1962 and 31 August 1968 be accorded the equivalent of hazardous service under the provisions of the *Veterans' Entitlements Act 1986*.
- f. That the United Nations Interim Force in Lebanon (UNIFIL) be listed as a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986*.
- g. That the United Nations India Pakistan Observation Mission (UNIPOM) be listed as a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986*.
- h. That repatriation benefits under the *Veterans' Entitlements Act 1986* not be extended to members of the Defence Force serving in West Irian with the United Nations Temporary Executive Authority (UNTEA) between 18 November 1962 and 25 December 1962.
- i. That the United Nations Commission on Korea (UNCOK) be listed as a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986*.
- j. That any move to declare the United Nations Border Relief Operation (UNBRO) a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986* be supported.
- k. That members of the Defence Force serving on HMAS VAMPIRE and HMAS QUICKMATCH in Vietnam between 25 January 1962 and 29 January 1962 be accorded the equivalent of hazardous service under the provisions of the *Veterans' Entitlements Act 1986*.

13. It is also recommended that you sign the letter to the Minister for Veterans' Affairs at **Tab D**.

FD COX
AVM
ACPERs

February 1997

AGREED/NOT AGREED

Contact Officer:
COL Bob Brown
A/DGSC
2652344

BRONWYN BISHOP

/ /

SERVICE ENTITLEMENT ANOMALIES REVIEW

PART 2

PURPOSE

1. To review periods of service by members of the Australian Defence Force where it is claimed anomalies in regard to eligibility for repatriation benefits exists. These periods of service are:
 - a. Service in Korea from 19 April 1956 to the present.
 - b. RAAF service on Labuan Island from 5 March 1951 to 3 July 1957.
 - c. Service in Singapore from 29 June 1950 to 31 August 1957.
 - d. Service on the island of Espiritu Santo in Vanuatu from 18 August 1980 to 26 September 1980.
 - e. Service in North East Thailand from 31 May 1962 to 31 August 1968.
 - f. Service with the United Nations Interim Force in Lebanon (UNIFIL) from 23 March 1978 to the present.
 - g. Service with the United Nations India-Pakistan Observation Mission (UNIPOM) from 20 September 1965 to 26 March 1966.
 - h. Service with the United Nations Temporary Executive Authority in West Irian (UNTEA) from 18 November 1962 to 25 December 1962.
 - i. Service with the United Nations Commission on Korea (UNCOK) from January 1949 to 1951.
 - j. Service with the United Nations Border Relief Operation (UNBRO) from February 1989 to February 1990.
 - k. Naval Service in Vietnam from 25 January 1962 to 29 January 1962.

AIM

2. To determine in accordance with the categories specified in repatriation legislation what type of service these periods of service constitute and, as a result, the level of repatriation benefits these members should be entitled to under the provisions of the *Veterans' Entitlements Act 1986*.

SERVICE ENTITLEMENT ANOMALIES REVIEW PART 1

3. A review of the four main Service entitlement anomalies was completed in August 1996. The Service Entitlement Anomalies Review Part 2 will follow the same criteria and procedures as the original Review to determine the eligibility of the periods of service listed above.

SERVICE IN KOREA 20 APRIL 1956 - PRESENT

Background

4. Following the 1950 attack by communist North Korea on the western-oriented South, a multinational (but chiefly American) United Nations force fought on behalf of South Korea until an Armistice was agreed in July 1953. Following the Armistice, the countries involved in the conflict, including Australia, maintained forces in South Korea to monitor and oversee the ceasefire. Once the Armistice had been in force long enough to be shown to be effective, Australia, along with Britain, Canada and New Zealand, began to take steps to withdraw their forces. They agreed, after discussions with the United States, to leave a residual Commonwealth force in place to help maintain the international composition of the forces in Korea.

5. The reduction of the Australian forces began on 15 March 1956, with the main body of troops arriving back in Australia on 5 April 1956. Approximately 90 Australian personnel remained in Korea. These were mostly signals personnel, involved in cypher and similar communications work as part of the Commonwealth Contingent Korea. An Australian Service member was also accredited on annual rotation to the Advisory Group which was part of the Secretariat of the Military Armistice Commission. The Military Armistice Commission, which is composed of ten senior officers (five from each side), was established in 1953 to supervise the implementation of the Armistice Agreement and to settle any violations of the Armistice Agreement through negotiations.

6. With the decision by the United Kingdom to withdraw its forces from Korea in 1957, the continued maintenance of the small remaining Australian force ceased to be practicable. There was considered to be "no sound strategic reasons for the continued maintenance of a Commonwealth Contingent in Korea"¹. The Contingent was therefore disbanded on 26 August 1957. Following this disbandment, a small group of military personnel, known as the Commonwealth Liaison Mission, remained in Korea to demonstrate the continuing commitment of the Commonwealth countries. The single Australian Officer accredited to the Commonwealth Liaison Mission was also accredited to the Advisory Group of the Military Armistice Commission. Two Australian clerk/drivers also served with the Commonwealth Liaison Mission between 1963 and 1967 each on a two yearly rotation. These members were accredited to the United Nations Command Korea, but not to the Advisory Group of the Military

¹ Minute by Defence Committee at Meeting Held on 24 January 1957, 'Agendum No 15/1957: Proposed Withdrawal of Commonwealth Contingent Korea'.

Armistice Commission. The Australian commitment to the Commonwealth Liaison Mission continued until 1967 when the duties of the Liaison Officer were assumed by the Defence Attache at the Australian Embassy in Seoul.

7. Australia's Naval contribution for United Nations duty in Korean waters was drawn from Royal Australian Navy (RAN) units in the Far East Strategic Reserve. The directive for the RAN component of the Strategic Reserve stated that not more than two months out of a ship's normal tour of duty of nine months could be spent under United Nations Command. Although regular visits to Korean waters were made by ships of the RAN, the Naval commitment to the area had effectively ended with the departure of the frigate HMAS *Condamine* from Kure on 9 October 1955².

8. On 7 March 1956, Cabinet had decided that:

"In view of the impending withdrawal of the main body of the existing Force and the non-operational role envisaged for the members who would remain, the special benefits in respect of the Korea operations should cease to apply as from the time of arrival of the main body at the first port of call in Australia..."

These special benefits included repatriation benefits under the *Repatriation Act 1920*. This equates to both operational (disability compensation) and qualifying (service pension) service under the present *Veterans' Entitlements Act 1986*. The date 19 April 1956 was finally chosen as the cessation date for these benefits, being two weeks after the return of the main body of troops to Australia.

9. Members serving in Korea after this period were eligible for disability compensation for any illness or injury relating to their service under the *Commonwealth Employees Compensation Act 1930* (and the Commonwealth compensation acts which superseded it) which provided compensation for peacetime service. In its decision of 7 March 1956, Cabinet also agreed that they would be eligible for "a local overseas allowance, if warranted, in accordance with principles established in respect of other remote localities" and an "income tax concession in accordance with Section 79B of the Income Tax and Social Services Contribution Assessment Act". It should be noted that Cabinet also decided that members which were to remain in Korea, who had enlisted specifically for the Korean operations, were to be withdrawn back to Australia unless they volunteered to serve under the new conditions which were to supersede the special benefits which applied to their service in Korea when they enlisted.

Considerations

10. As stated in the Cabinet decision of 7 March 1956, the forces which were to remain in Korea were to have a non-operational role. It was also considered at the time that their service had "returned to normal peacetime requirements"³. While it is

² Robert O'Neill, 'Australia in the Korean War 1950-1953, Volume II Combat Operations', The Australian War Memorial and the AGPS, Canberra, 1985. p588.

³ 'Withdrawal of Special Benefits Granted Members of the Forces Korea (and Japan) and Conditions of Service Applying Thereto', Minute from Chairman, Repatriation Commission to the Minister of Repatriation, 21 February 1956.

recognised that an Armistice is essentially only a 'temporary' declaration of peace, the application of force to pursue specific military objectives while it remained in place, could not be considered to be authorised (although theoretically it would have been authorised should hostilities have again broken out). There would also be no expectation of casualties among the Australian forces in South Korea while the Armistice remained in place. As such, the Australian forces can not readily be considered to have incurred danger from hostile forces of the enemy. It is suggested therefore, that this service can not be considered to be either operational or qualifying service under the terms of the *Veterans' Entitlements Act 1986*.

11. 'Hazardous' and 'peacekeeping' service both involve a risk associated with tasks which is over and above that of normal peacetime duties. The application of force is also limited to self defence and casualties could occur but are not expected. As stated above, it was considered at the time that after the Armistice, service in Korea had returned to normal peacetime requirements. The actual tasks performed by members of the Australian forces within South Korea were considered non-operational and according to the information available, would not have involved a degree of risk significantly over and above that of normal peacetime duties. Casualties would generally not be expected in South Korea while the Armistice remained in place.

12. The exception to this may have been the Demilitarised Zone (DMZ) between North and South Korea. The situation along the DMZ has always remained tense and uneasy with many violations of the zone being reported. Between 1966 and 1969 in particular, the ceasefire between North and South Korea deteriorated to such an extent that the area was designated by the United States as a hostile fire zone. A US memorandum issued at the time stated that:

"The men serving along the demilitarized zone (DMZ) are no longer involved in cold war operations. They are in every sense of the word involved in combat where vehicles are blown up by mines, patrols are ambushed, and psychological operations are conducted on a continuing basis against the Korean Augmentation troops with the US Army."⁴

13. The level of risk in the DMZ, while it has fluctuated, has clearly been above that of normal peacetime duties. The question now is whether service in this zone should be considered to be equivalent to hazardous service or peacekeeping service.

14. Under the current eligibility criteria for conditions of service, peacekeeping is an operation involving military personnel, without powers of enforcement, to help restore and maintain peace in an area of conflict with the consent of all parties. Such activities can include military observer activities with the tasks of monitoring ceasefires. At face value, the UN force in Korea after 19 April 1956 may appear to fit this criteria. It may be more appropriate however, to view the role of the United Nations force in Korea following the signing of the Armistice Agreement as an

⁴ United States Department of Defense 'Report of the 1971 Quadrennial Review of Military Compensation', Washington DC, Manpower and Reserve Affairs, 17 March 1972. p45. cited in Vandon E Jenerette, 'The Forgotten DMZ', Military Review, US Army Command and General Staff College, Volume LXVIII, May 1988.

extension of its role of defending the Republic of Korea. In the event of a full scale resumption of fighting, they would have been committed to one side as parties to the conflict. A declaration issued by the allied leaders at the time of the signing of the Armistice indicates their intention to retaliate if attacked by the Communist forces in Korea⁵. While aspects of the force's day-to-day tasks are akin to peacekeeping activities therefore, its categorisation as a true peacekeeping force may be questioned.

15. Given the belligerent status of the forces involved therefore, it may be more correct to define activities in the DMZ as being equivalent to hazardous service, being activities exposing individuals to a degree of hazard above and beyond normal peacetime duty.

By categorising service within the DMZ as hazardous, members entering the zone would be provided with eligibility for disability compensation for any illness or injury related to their service in the zone.

Recommendation

- ◆ **It is recommended that members serving in the Demilitarised Zone between North Korea and South Korea from 19 April 1956 be accorded the equivalent of hazardous service under the provisions of the *Veterans' Entitlements Act 1986*.**

RAAF SERVICE ON LABUAN ISLAND 5 MARCH 1951 - 3 JULY 1957

Background

16. Approximately one hundred RAAF personnel served on Labuan Island, located at the entrance to Brunei Bay in Northern Borneo, between 5 March 1951 and 3 July 1957. These personnel were deployed as part of a special Signals detachment conducting signals intelligence duties. Due to their classified nature, very little information is available on the duties of the detachment. The information available however, suggests that their activities were in support of operations on the Malay Peninsula.

17. RAAF personnel serving on Labuan Island were included in the Establishment and Strength figures of the 90 (Composite) Wing Headquarters at Changi, Singapore. When No 90 Wing was disbanded in December 1952, RAAF personnel serving on the Island were included in the Establishment and Strength figures of No 1 (Bomber) Squadron based at Tengah, Singapore with effect from 10 December 1952. The Wing Headquarters and No 1 Squadron acted as home units, providing administration, pay and other support services to personnel on Labuan Island. It appears that the

⁵ Robert O'Neill, 'Australia in the Korean War 1950-1953, Volume I', The Australian War Memorial and the AGPS, Canberra, 1981. pp 367, 398.

attachment of personnel serving on Labuan Island to these units was done largely for administrative reasons. Correspondence between the Deputy Chief of the Air Staff and the Officer Commanding, No 90 Wing, dated 1 October 1951, states that:

“These airmen, for a number of reasons already discussed with you, are held on the strength of your Headquarters, although, in actual fact, they may not present themselves at Singapore in the normal course of events; for ease of transportation they will generally proceed direct to Labuan.”

18. No 90 Wing and No 1 Squadron were ‘allotted for duty’ under the *Repatriation Act 1920* for the purposes of operations in Malaya. No 90 Wing was allotted from 29 June 1950 until 11 December 1952. No 1 Squadron was allotted from 29 June 1950 until 31 August 1957. As they were on the posted strength of these units, members of the Signals detachment at Labuan were also allotted for duty within the Malayan operational area.

19. The prescribed operational area during the period of the Malayan Emergency from 29 June 1950 to 31 August 1957 is the area of the Malay Peninsula, namely, “the area of Malaya, including the waters contiguous to the coast of Malaya for a distance of 18.5 kilometres seaward from the coast”. This operational area, which does not include Singapore, is listed as Item 2 of Schedule 2 of the *Veterans Entitlements Act 1986* which repealed and replaced the *Repatriation Act 1920*.

20. Members of the Defence Forces must meet two conditions before they are eligible to receive repatriation benefits. They must firstly, be allotted for service or duty within an operational area and secondly, they must actually have been within that operational area. Labuan Island is approximately 1,300 kilometres from the Malay Peninsula, a significant distance from the relevant operational area. While members serving at Labuan were allotted therefore, they are not currently entitled to repatriation benefits.

Considerations

21. The question raised is whether conditions on Labuan Island were sufficiently hazardous to warrant the extension of the operational area to that location, and consequently, the extension of eligibility for repatriation benefits to these members for service on the Island.

22. Examination of the detachment’s monthly reports and other correspondence reveals that the conditions in which the members worked and lived were isolated and often arduous. Facilities were of a low standard as was the quality and often the quantity of food. Messing was the responsibility of the RAF and most of the food was flown in from Singapore. Aircraft delays often caused shortages in food supplies. Despite this the health of the detachment was consistently good, as was their morale. In the Administrative Report for April 1957 dated 3 May 1957 it was stated that members of the detachment in fact received the announcement of their impending move to Hong Kong with mixed feelings. While conditions on Labuan may have been difficult however, this is not a relevant factor in relation to the determination of eligibility for repatriation benefits.

23. No mention is made in any of the available reports of any problems in relation to security or any threat to the members on the island as a result of their duties. Reports in fact speak of the respect of the local populace for the Australians who were responsible for liberating the island in 1945. The detachment's Annual Report dated 4 January 1957 for example, actually states the following in relation to physical security:

"Owing to the hours of operation, physical security of the diesel generating plant is not easy to maintain. If the powerhouse is locked at night the diesels tend to overheat. This means that unless a member is stationed on powerhouse watch this building can be entered by persons alien to the detachment. As the incidence of crime on Labuan is almost negligible, manning of the powerhouse is not considered vitally necessary."

24. Advice from the RAAF historical section is that they have no knowledge of Malayan communist insurgents having any influence outside of the Malay Peninsula. They do not believe that there was any communist insurgent on North Borneo. The probability of danger to RAAF personnel serving on Labuan Island appears therefore, to have been low. It is not considered appropriate therefore, to extend the operational area to provide eligibility for repatriation benefits to members of the RAAF signals detachment serving on Labuan Island.

Recommendation

- ◆ **It is recommended that repatriation benefits under the *Veterans' Entitlements Act 1986* not be extended to members for service with the Signals Detachment on Labuan Island between 5 March 1951 and 3 July 1957.**

DEFENCE FORCE SERVICE IN SINGAPORE 29 JUNE 1950 - 31 AUGUST 1957

Background

25. During the 1950's the Australian Defence Force was involved in operations against Communist terrorists in Malaya during the Malayan Emergency. Some elements of the Australian forces involved in operations in Malaya during this period (mostly Air Force), were stationed on Singapore Island.

26. Schedule 2 of the *Veterans Entitlements Act 1986*, which repealed and replaced the *Repatriation Act 1920*, lists the operational area for the period 29 June 1950 to 31 August 1957 as "the area of Malaya, including the waters contiguous to the coast of Malaya for a distance of 18.5 kilometres seaward from the coast". This operational area does not include Singapore.

27. Records show that most elements of the Australian Forces located on Singapore Island were 'allotted for duty' under the *Repatriation Act 1920* for the purposes of operations in Malaya. Air Force personnel based on Singapore for example, regularly flew on operations in the Malay operational area. These personnel, who fulfilled the criteria of firstly, being allotted for duty and secondly, serving within the proscribed operational area, are eligible for repatriation benefits for both operational and qualifying service (ie disability compensation and service pension). Personnel based in Singapore who did not enter the Malay operational area however, despite being allotted for duty, were not eligible for repatriation benefits under the *Repatriation Act 1920*, but were instead covered for any illness or injury resulting from their service under the *Commonwealth Employees Compensation Act 1930*.

28. Despite its close physical proximity to Malaya, communist activities in Singapore during the period of the Emergency were of a different nature to those being conducted in Malaya. While activities in Malaya concentrated on guerrilla warfare, activities in Singapore were of an urban revolutionary nature. The communist organisation in Singapore, which was concentrated mainly in the Chinese speaking schools and trade unions, worked to strengthen popular support for communism largely without the excessive violence or disruption which would turn the city dwellers away from their cause⁶. There were instances of civil unrest however, including arson, sabotage of essential services such as buses and taxis, public demonstrations, and on several occasions, riots.

29. Riots in Singapore in December 1950 were unrelated to the communist activity taking place in Malaya. They arose instead out of a lawsuit over the custody of Maria Hertogh, a thirteen year old girl who had been separated from her Dutch-Eurasian parents during the Japanese occupation and had been raised as a Muslim by a Malay family. Ill feeling as a result of the case resulted in episodes of mob violence towards Europeans and Eurasians. Royal Australian Air Force (RAAF) personnel were employed as station and aircraft guards and on armed escort and transport duties during the riots. While there were no RAAF casualties, some members of the Royal Air Force, also stationed on Singapore, were apparently injured. Following the riot, personnel who lived off base were armed with revolvers or rifles to be used only in self-defence and the preservation of life. Personnel living on base were not armed. Immediately the state of emergency calling for the issue of arms was passed, they were to be withdrawn.

30. Records from 1950 and 1951 give several accounts of incidents of taxis or buses being burned, communist raids on Chinese schools involving propaganda, hoisting of communist flags and robbery of students' Identity Cards, and violence against people (mainly Chinese) who had assisted the Police Special Branch against the communists. These activities were not directed at Service personnel or Service bases located on Singapore Island.

31. Riots which occurred in May 1956 as a result of the Hock Lee Bus strike resulted in a number of deaths, including an American Press Correspondent covering the action. Riots also took place in October 1956. The crowds were for the most part

⁶ Richard Clutterbuck, 'Riot and Revolution in Singapore and Malaya 1945-1963', Faber & Faber, London, 1973, p264.

concentrated in the areas of China Town and Victoria Street which were the main housing areas of the poorer urban Chinese. No policemen or soldiers were killed, although five were detained in hospital. Rioters were generally unarmed and there were no cases of rioters using firearms. Australian service personnel were not involved in action against the rioters. The Australian Government was in fact determined not to become involved in the suppression of disturbances in Singapore, which notwithstanding Communist involvement and agitation, raised questions of industrial democracy⁷.

Considerations

32. While the civil disturbances on Singapore were for the most part communist-led, these activities can not be compared with the guerilla activities taking place in Malaya at the same time. Activities on Singapore were sporadic and did not target military bases or personnel, concentrating instead on civil action and demonstration. As a result, members of the Australian forces located on Singapore could not be considered to have directly incurred danger from hostile forces of the enemy as there was, as such, no 'enemy' in Singapore. They did not therefore, fulfil the requirements of qualifying service.

33. While the activities of the Australian forces stationed on Singapore were operational in relation to Malaya, these forces had no operational role in relation to Singapore itself. The application of force to pursue specific military objectives on Singapore was at no time authorised and there was no expectation that casualties would occur there. The level of risk associated with the actual tasks undertaken on Singapore also do not appear to be any significant degree over and above that faced during the course of normal peacetime activities. Activities therefore, can not be considered operational in relation to Singapore itself. Singapore therefore, should not be considered an operational area.

34. The fact that members living off base were required for a time to carry a weapon for self defence, along with the evidence of civil disturbance during the period, would suggest that life on Singapore could have posed some degree of risk over and above that experienced in Australia, for the Australian personnel stationed there. It is suggested however, that the danger posed to Australian Service personnel would have been more commensurate with the type of risk usually compensated through other conditions of service rather than through eligibility for Repatriation Benefits. It is questionable therefore, whether members serving in Singapore could be considered to be on service equivalent to hazardous service.

35. It should be noted however, that the Department of Veterans' Affairs has accorded de facto eligibility to members serving in Singapore who were allotted for service in the Malayan operational area but who did not enter the operational area. It has done this through its practice of granting repatriation benefits to members based in Singapore based only on whether they were allotted for service, making no distinction between those who served in the operational area, and those who did not. In light of

⁷ Peter Dennis and Jeffrey Grey, 'Emergency and Confrontation: Australian Military Operations in Malaya and Borneo 1950-1966', Allen and Unwin (in association with the Australian War Memorial), Australia, 1996. p73.

this therefore, it is suggested that the best option in terms of natural justice is to extend the Malayan operational area at Item 2 of Schedule 2 of the Veterans' Entitlements Act 1986 to include Singapore, thus providing the legislative basis for the current practice of extending both operational and qualifying service to these members.

Recommendation

- ◆ **It is recommended that members of the Defence Force serving in Singapore between 29 June 1950 and 31 August 1957 be accorded operational and qualifying service under Item 2 of Schedule 2 of the *Veterans' Entitlements Act 1986*.**

DEFENCE FORCE SERVICE ON ESPIRITU SANTO 18 AUGUST 1980 - 26 SEPTEMBER 1980

Background

36. Tensions surrounding the impending independence on 30 July 1980 of Vanuatu (then called the New Hebrides) came to a head on 28 May of that year when about 800 rebels took control of the island of Espiritu Santo, severing communications with Vila. In 1 June 1980, Jimmy Stevens, the leader of the Niagramel movement, announced the formation of a 'Provisional Government of the independent state of Vermarana' on Espiritu Santo.

37. At Vanuatu's request, Papua New Guinea Defence Force (PNGDF) personnel were sent to Vanuatu to assist in the restoration of control over Espiritu Santo following independence. On 18 August 1980, PNGDF forces deployed to Espiritu Santo and commenced security operations in the Luganville Township. On 31 August 1980, they captured Vanafo, the Niagramel Headquarters of Jimmy Stephens, without opposition. By 10 September Government control had been fully restored on the Island. The bulk of the PNGDF force was withdrawn from Vanuatu on 26 September 1980. The single fatality during the whole of the PNGDF operation on Espiritu Santo was Jimmy Stevens' son, who was killed after driving through a checkpoint.

38. The close relationship of the PNGDF with the Australian Defence Force meant that any operation by Papua New Guinea would inevitably involve Australia given the PNGDF's dependence on Australian logistics and technical personnel. Australian participation in the operation was announced on 12 August 1980. Approval was given by the Australian Government for the use of Australian loan personnel by the PNGDF. In no circumstances however, were these loan personnel to be used in active combat situations. They were only permitted to be used in non-combat roles such as transport, equipment maintenance, communications and logistics duties.

Considerations

39. During this period, members of the Australian Defence Force were eligible for compensation cover for peacetime service under both the *Repatriation Act 1920* (subject to a three year qualifying period) and the *Compensation (Commonwealth Employees) Act 1971*. Under these 'dual eligibility' arrangements, any compensation paid under repatriation legislation for peacetime service was offset against that paid under Commonwealth compensation legislation. Under the *Repatriation Act 1920*, the only difference between the compensation provisions for members on peacetime service and those on operational service was the onus of proof. The onus of proof in relation to claims for compensation was more favourable for warlike service. Members on peacetime service were also not eligible for a Service pension under the Act. The *Repatriation Act 1920* was repealed by the *Veterans' Entitlements Act* in 1986. These members would now be eligible to claim disability compensation for any illness or injury arising from their peacetime service under this later Act.

40. It is clear that members of the Australian Defence Force who were serving as loan personnel with the Papua New Guinea Defence Force during the operations on Espiritu Santo were not authorised to use force to pursue specific military objectives. Available records also suggest that they were not at any time put in a situation where they could be considered to have directly incurred danger from hostile forces of the enemy (such as they were). They did not therefore, fulfil the requirements of either operational or qualifying service. Given the strict guidelines under which Australian loan personnel were to be deployed during the operation, the level of risk associated with their actual tasks does not appear to be any significant degree over and above that which would be faced during the course of normal peacetime activities. It is questionable therefore, whether this service could even be considered hazardous service.

Recommendation

- ◆ It is recommended that additional repatriation benefits under the *Veterans' Entitlements Act 1986* not be extended to members of the Defence Force for service on Espiritu Santo between 18 August 1980 and 26 September 1980.

SERVICE IN NORTH EAST THAILAND 31 MAY 1962-31 AUGUST 1968

41. In early 1964, 11 Independent Field Squadron of the British Army Royal Engineers was deployed to Ban Kok Talat, an arid region 110 km north of Ubon in North East Thailand. Its mission was to establish a camp and begin construction of a medium range transport airfield as a British contribution to SEATO. The project was financed by the British Government and was named 'Operation CROWN'.

42. 2 Field Troop of the Royal Australian Engineers was detached from 28 Commonwealth Infantry Brigade Group and placed under the command of CRE

Operation CROWN in Thailand from 7 January 1964 to 22 May 1964. During this period, 2 Field Troop carried out camp construction, beginning with a tented camp, then a more permanent hutted camp, built to house the working force which would construct the actual airfield .

43. 2 Field troop was again placed under the command of CRE Operation CROWN from December 1965, returning to Malacca on 28 May 1966. During this second period, the troop was occupied more directly with airfield reconstruction (water penetration in the wet season had led to the engineering failure of the pavement).

44. Reports of insurgent activity in the general Operation Crown area indicates a situation of low security in the area. A situation report from 4 January 1966 states:

"From CRE Works Op Crown. A Thai police party was ambushed in the Loeng Nok Tha police district during the afternoon of 4 Jan 66. Two police and three civilians killed. Note. 2 Fd Tp RAE is currently engaged on Op Crown as part of 11 Fd Sqn RE."⁸

45. The following extract from the report of 2 Field Troop lists the security incidents which occurred during their second tour of duty in Thailand:

"There was a sudden increase in Communist type incidents in the New Year in the general Leong Nok Tha area. These incidents are as follows.

4 Jan 66	2 Policemen, 4 Civilians killed and one Police Lt wounded.
15 Jan 66	Headman killed.
2 Feb 66	2 Policemen wounded.
6 Feb 66	Gun battle with 10 man Communist patrol.
11 Feb 66	2 Policemen wounded.
11 Mar 66	2 Police Sgts killed.
27 Mar 66	1 woman killed
4 Apr 66	4 Killed.
24 Apr 66	DO Mukdahan, 2 assistants and 1 driver killed.

At this stage there was a decrease in terrorist activity attributed to the vigorous action of 1 CMP unit. (Combined Military Police)."

46. Two other small Australian detachments may have served on Operation CROWN. On 5 August 1964, an Australian section of one sergeant and 11 other ranks from 16 Commonwealth Field Ambulance departed Singapore for Thailand for rotation on Operation Crown. The duration of the rotation was not stated⁹. In August 1966 HQ Australian Army Force, Far East Land Forces, advised Army Headquarters that 28 Commonwealth Infantry Brigade Group had accepted a Far East Land Forces proposal to provide a detachment of one sergeant, one corporal and two private radio

⁸ Austarm Singapore message to Army Canberra OPS 65 dated 6 January 1966, HQ AAF Commander's diary January 1966, AWM 95.

⁹ Commander AAF Liaison Letter 7/64 dated 15 August 1964. p5, HQ AAF Commanders Diary August 1964, AWM 95.

operators from 208 Signal squadron to Operation Crown. The available records do not indicate whether the troops were actually provided.

47. A number of 2 Field Troop personnel were also apparently detached on an individual basis to work on the major works project POST CROWN which followed on from the completion of the CROWN airfield. POST CROWN, which began in August 1967, involved the construction of 40km of road running north west from Leong Nok Tha to the provincial boundary at Dan Khok Klang. In early 1968 most of the Troop moved to the CROWN camp for six weeks in support of a SEATO exercise.

Considerations

48. Part 1 of the Service Entitlements Anomalies Review reviewed service by Royal Australian Air Force (RAAF) personnel at Ubon in Thailand from 31 May 1962 to 31 August 1968. It was concluded in the Review that service at Ubon was equivalent to hazardous service under the current provisions of the Veterans' Entitlements Act 1986. As the concept of hazardous service can not currently be applied legislatively prior to 1972, it was recommended that members serving in this location be granted operational service which provides eligibility for the same range of benefits.

49. Members of the Australian Defence Forces deployed to North East Thailand during the same period faced similar risks from Communist terrorists as those members located at nearby Ubon. It is rational therefore, that any eligibility for repatriation benefits accorded for service at Ubon should be extended to include those personnel serving in the surrounding region.

Recommendation

- ◆ **It is recommended that members serving in North East Thailand between 31 May 1962 and 31 August 1968 be accorded the equivalent of hazardous service under the provisions of the *Veterans' Entitlements Act 1986*.**

UNITED NATIONS INTERIM FORCE IN LEBANON (UNIFIL) 23 MARCH 1978 - PRESENT

Background

50. The United Nations Interim Force in Lebanon (UNIFIL) was established in 1978 to confirm the withdrawal of Israeli forces from southern Lebanon, to restore international peace and security and to assist the Government of Lebanon in ensuring the return of its effective authority in the area. The first UNIFIL troops arrived in the area on 23 March 1978.

51. UNIFIL's operations are based on a network of positions which are manned 24 hours a day. The Force maintains checkpoints and observation posts to control movement on the principal roads in UNIFIL's area and to observe movement on the roads. They are assigned responsibility for ensuring that hostile action does not take place in their surrounding area and conduct foot and vehicle patrols to this end. In addition, unarmed military observers of the United Nations Truce Supervision Organization (UNTSO) maintain observation posts and operate mobile teams in the area under Israeli control. The UNTSO observers are under the operational control of UNIFIL's Commander.

52. The situation in southern Lebanon is tense and volatile. UNIFIL has largely been prevented from carrying out its mandate and instead endeavours to prevent its area of operation from being used for hostile activities and to protect civilians caught in the conflict. In carrying out its tasks, the Force is sometimes hampered by firing in close vicinity to its positions and personnel. On a few occasions, UNIFIL itself has been the target of violence.

53. Australian personnel have served as observers with the UNTSO component of UNIFIL rather than with UNIFIL itself. In the late 1970's and early 1980's however, four Australian UNTSO observers were apparently 'cross-posted' by the United Nations to UNIFIL. Cross-posting has been replaced by the practice of 'attaching' UNTSO observers to UNIFIL.

Considerations

54. UNTSO is a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986*. Australian personnel serving with UNTSO are therefore eligible for disability compensation for any illness or injury resulting from this service. UNIFIL is not listed as a peacekeeping force under Schedule 3.

55. It is clear that Australian service with UNIFIL fulfils the criteria of a peacekeeping operation and that there was a definite risk associated with their assigned tasks. It is likely that Australian personnel who have served with UNIFIL will be eligible for repatriation benefits for that period as a result of their status as UNTSO observers. Should this not be the case however, it is suggested that UNIFIL also be designated as a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986* so that the eligibility of these personnel may be guaranteed.

Recommendation

- ◆ **It is recommended that The United Nations Interim Force in Lebanon (UNIFIL) be listed as a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986*.**

**UNITED NATIONS INDIA-PAKISTAN OBSERVATION MISSION
(UNIPOM)
20 SEPTEMBER 1965 - 26 MARCH 1966**

Background

56. The United Nations India-Pakistan Observation Mission (UNIPOM) was an observer mission which operated from September 1965 to March 1966 to supervise the ceasefire and withdrawal of forces along the India-Pakistan border at the end of the second Indo-Pakistan War. UNIPOM's area of operations did not include Kashmir, which remained the responsibility of the United Nations Military Observer Group in India and Pakistan (UNMOGIP)

57. The function of UNIPOM was primarily to observe and report on breaches of the tenuous ceasefire. When breaches occurred, the unarmed military observers were to do all they could to persuade the local commanders to restore the ceasefire. Breaches were frequent and often serious with some units seeming not to be fully under control and some local commanders trying to improve their positions by edging forwards. UNIPOM was terminated on 26 March 1966 following the withdrawal of troops by both India and Pakistan.

58. Due to the short duration of the task, nearly all UNIPOM personnel were seconded from other peacekeeping missions. Australia provided three observers, one seconded from the United Nations Truce Supervision Organization (UNTSO) and two seconded from UNMOGIP.

59. UNIPOM was closely coordinated both administratively and operationally with UNMOGIP. The Chief Military Observer of UNMOGIP, Australian Lieutenant General R H Nimmo CBE, was initially also placed in charge of UNIPOM. After a separate Chief Military Observer UNIPOM was appointed in October 1965, the Secretary General of the United Nations delegated LTGEN Nimmo the oversight of both missions.

Considerations

60. UNIPOM is not listed as a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986*. It is clear however, that UNIPOM fulfils the criteria of a peacekeeping operation and that there was a definite risk associated with the assigned tasks of the personnel serving there in such volatile conditions.

61. It is likely that Australian personnel who have served with UNIPOM will be eligible for repatriation benefits for that period as a result of their status as members of UNMOGIP or UNTSO, as members of these forces are eligible for repatriation benefits under Schedule 3 the *Veterans' Entitlements Act 1986*. Should this not be the case however, it is suggested that UNIPOM also be designated as a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986* so that the eligibility of these personnel may be guaranteed.

Recommendation

- ◆ **It is recommended that The United Nations India Pakistan Observation Mission (UNIPOM) be listed as a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986*.**

UNITED NATIONS TEMPORARY EXECUTIVE AUTHORITY IN WEST IRIAN (UNTEA) 18 NOVEMBER 1962 - 25 DECEMBER 1962

Background

62. The United Nations Temporary Executive Authority (UNTEA) was established in 1962 to administer West Irian during its transition from Dutch to Indonesian Control. After 1 October 1962, UNTEA had full authority to administer the territory until 1 May 1963 when its administration was to be transferred to Indonesia. The process of withdrawing the Netherlands naval and land force from the territory was completed by 15 November 1962 without incident, and apart from two minor incidents on 15 December 1962 between police and a small group of Indonesian troops in Sorong and Doom, the region remained quiet for the duration of the temporary administration¹⁰.

63. From 18 November 1962, a detachment from 16 Army Light Aircraft Squadron, consisting of four Army pilots, seven RAAF airmen and two Sioux helicopters, were attached to UNTEA to assist with a cholera eradication program in an isolated area on the Casuarina Coast. The detachment operated from Pirimapuan, approximately 200 nautical miles north-west of Merauke, flying World Health Organization (WHO) medical teams and supplies into the cholera infected areas. The Squadron had apparently operated in the area twelve months before during the search for missing Anthropologist, Michael Rockefeller.

64. During their deployment, all members of the detachment were to carry a personal weapon. Aircrew were armed with pistols and ground crew with Owen sub-machine carbines.

65. On 16 December 1962, one of the helicopters crashed into the river, injuring a groundcrew passenger who sustained shock and a fractured arm. As the other helicopter was unserviceable awaiting replacement parts from Australia, the detachments anti-cholera operations came to a halt. The detachment was withdrawn soon after, returning to Australia on 25 December 1962.

66. UNTEA is not listed as a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986*. Members of the detachment with UNTEA were

¹⁰ United Nations, 'The Blue Helmets, A Review of United Nations Peacekeeping', United Nations Department of Public Information, 1990, pp 271-272.

covered by the *Commonwealth Employees Compensation Act 1930* (now superseded by the *Safety, Rehabilitation and Compensation Act 1988*) for any illness or injury which resulted from their service in West Irian.

Considerations

67. The definition of peacekeeping as it is applied to the *Veterans' Entitlements Act 1986* includes activities that would normally involve the provision of humanitarian relief. Humanitarian relief in this context however, does not include normal peacetime operations such as for example, cyclone or earthquake relief flights or assistance. Such peacekeeping activities must come within the definition of a non-warlike operation, being those activities short of warlike operations where there is a risk associated with the assigned tasks and where the application of force is limited to self defence.

68. The role of the Australian detachment was to assist WHO medical personnel, at the request of the temporary executive authority in West Irian, to control a cholera epidemic in one area of the region. The outbreak did not result in any way from the conflict over the region and was in fact purported to have been introduced to the area by Indonesian Crocodile hunters working about and between the coastal villages¹¹. It is suggested therefore, that such an activity would be considered a normal peacetime operation in the same way as assistance would be given in relation to a cyclone or earthquake.

69. While members of the detachment were issued with personal weapons, it should be noted that their service was with the civil administrative arm of the UN forces in West Irian. The military policing arm was the United Nations Security Force (UNSF) which entered West Irian prior to establishment of UNTEA, and assisted UNTEA with the maintenance of law and order during the transfer and rebuilding of the public infrastructure within the region¹². It should also be noted that apart from the two minor incidents on 16 December 1962, which occurred a significant distance from the detachments area of operations, the region remained quiet and incident free. It is suggested therefore, that the operations of the detachment could not be considered to have been non-warlike in nature.

Recommendation

- ◆ **It is recommended that repatriation benefits under the *Veterans' Entitlements Act 1986* not be extended to members serving in West Irian with the United Nations Temporary Executive Authority (UNTEA) between 18 November 1962 and 25 December 1962.**

¹¹ David Chinn, 'Blue Bonnets Over the Border - Australian Army Aviation's First UN Operation', *Sabretache*, Vol XXXV, January/March 1994.

¹² United Nations, Op Cit. pp 267-268.

UNITED NATIONS COMMISSION ON KOREA (UNCOK) JANUARY 1949 - 7 FEBRUARY 1951

70. The United Nations Commission on Korea (UNCOK) was established in 1948, arriving in Seoul in January 1949. Its aims were to lend its good offices to the unification of Korea, to facilitate the removal of barriers between north and south through economic and social intercourse, to be available for observation and consultation and to observe the withdrawal of World War II occupation forces¹³. Australia was represented until late February by Mr Patrick Shaw, Head of the Australian Mission in Tokyo, when he was replaced by Mr A B Jamieson from the Department of External Affairs.

71. During 1949 and early 1950 clashes took place with growing frequency along the 38th parallel and groups from the North infiltrated into South Korea to strengthen guerilla bands operating in the countryside. During February 1950, UNCOK established a Committee of the Whole to consider the implementation of the Commission's task of 'observing and reporting any developments which might lead to or otherwise involve military conflict in Korea'. The Committee made several inspections along the 38th parallel and other critical points in the Republic of Korea during the month and on 2 March 1950 recommended that trained military observers be appointed to assist in this task. Australia was quick to respond to the request for assistance, providing two observers, Major F S B Peach and Squadron Leader R J Rankin, in May 1950.

72. From 9 to 23 June 1950 the two Australian observers visited Republic of Korea troops along the 38th parallel, inspecting their dispositions, activities, defences, weapons and command posts and interviewing, in particular, commanders and intelligence officers in order to gain as complete a picture as possible of activities on both sides of the line. On 25 June 1950, the day after they returned to Seoul to write their report, fighting broke out in the area of the 38th parallel and shortly developed into full-scale warfare. With the North Korean invasion, UNCOK staff, including the observers, evacuated to Japan.

73. The two Australian observers returned to Korea almost immediately with the UNCOK advance party to continue observing activities. The operation was wound down within a few months however, as it became clear that there was no longer a useful role for the observers.

Considerations

74. The area of Korea, including the waters contiguous to the coast for a distance of 185 kilometres seaward from the coast, is an operational area under Schedule 2 of the *Veterans' Entitlements Act 1986* from 27 June 1950. Members serving in Korea from this date are eligible for both operational and qualifying service (it should be noted however, that members of UNCOK serving in Korea during this period were not

¹³ Robert O'Neill, 'Australia in the Korean War 1950-53', Volume I, The Australian War Memorial and the AGPS, Canberra 1981.p9.

allotted and are as a result not eligible). Prior to this date, Australian personnel in Korea were covered by the *Commonwealth Employees Compensation Act 1930*.

75. The Australian observers with UNCOK were in Korea at what was a particularly sensitive and unstable time. The high level of tension and frequent clashes in the area of the 38th parallel meant that there were definite risks associated with their observation tasks in this area. UNCOK personnel also served in Korea after the outbreak of hostilities. As they were 'neutral' military observers, without any powers of enforcement (and continued to be so after the outbreak of hostilities), It is suggested that their activities would fall within the definition of a non-warlike peacekeeping operation.

Recommendation

- ◆ **It is recommended that The United Nations Commission on Korea (UNCOK) be listed as a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986*.**

UNITED NATIONS BORDER RELIEF OPERATION (UNBRO) FEBRUARY 1989 - FEBRUARY 1990

Background

76. In mid February 1989, Australia contributed two Australian Federal Police officers to the United Nations Border Relief Operation (UNBRO) for a twelve month tour. UNBRO was an all-civilian operation charged with looking after up to 300,000 Cambodian refugees in camps along the Thai-Cambodian border.

77. The Australian officers apparently worked as part of a five man security liaison team that operated with the Thai Army elements. The UNBRO police liaison officers also trained the Cambodian civilian guards responsible for the provision of basic police functions in the camps.

78. The police operated in a dangerous environment, often isolated from colleagues, in camps in which law and order was only beginning to be established. The camps were also often under attack from bandits and were in areas where landmines and booby traps were apparently regularly set. The police were also the first UNBRO personnel to be allowed to stay in the camps overnight. This had been prevented before as being too dangerous.

Considerations

79. No Australian Defence Force Personnel served with UNBRO. On the evidence available however, it is clear that the level of risk and tasks undertaken by the Australian Federal Police officers assigned to UNBRO were commensurate with those of a non-warlike peacekeeping operation. Peacekeeping service under the

Veterans' Entitlements Act 1986 applies to civilian members of a Peacekeeping force as well as to members of the Defence Force. It is suggested therefore, that any move to declare UNBRO a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986* be supported.

Recommendation

- ◆ **It is recommended that any move to declare the United Nations Border Relief Operation (UNBRO) a peacekeeping force under Schedule 3 of the *Veterans' Entitlements Act 1986* be supported.**

NAVAL SERVICE IN VIETNAM 25 JANUARY 1962 - 29 JANUARY 1962

Background

80. On Thursday 25 January 1962, HMAS VAMPIRE and HMAS QUICKMATCH anchored off Cape St Jaques to embark pilots and South Vietnam Naval Liaison Officers before undertaking the 45 mile passage up the Saigon river to Saigon. While their passage of the river was uneventful and presented no difficulty, armed patrol boats and light reconnaissance aircraft had been provided as escorts. It has been claimed that the ships were "closed up at action stations" for the four hour passage to Saigon. There is no mention of this however, in the record of proceedings.

81. While in Saigon the officers and crew of the two ships attended numerous receptions, functions and sporting events such as swimming, water skiing and rugby matches. A number of events were also held on board the ships, including tours of the ships and a cocktail party. During the afternoon of 26 January the ships were also open to public inspection. Owing to Vietnam Navy worries about security however, this was apparently by invitation only.

82. The berth for the Australian ships at Tu Do pier was apparently especially fenced off to put hand grenade attacks out of range, with the ships separated from the wharf by a large pontoon. Additional security was apparently also provided by a detachment of South Vietnamese Marines who maintained a 24 hour patrol of the pier and the surrounding area. There had apparently been previous attacks on United States ships in Saigon, including a mortar attack on the USS CORE in December 1961 and grenade attacks in 1960 or 1961.

83. On 29 January the two ships left Saigon to sail for Singapore. Personnel from the British and Australian Embassies were on board as far as Cap St Jaques. It is stated in the Record of Proceedings for HMAS QUICKMATCH that "due to the internal situation in South Vietnam this was, for many of them, the first time they had been outside Saigon".

For the trip down the river, the ships were once again provided with an escort. It was stated in the Record of Proceedings for HMAS QUICKMATCH in relation to this that "South Vietnam forces do not have complete control of the Mekong Delta". The trip however, was once again uneventful.

84. Members serving on HMAS VAMPIRE and HMAS QUICKMATCH are not eligible for repatriation benefits under the *Veterans' Entitlements Act 1986*. Under Schedule 2 of the Act, Vietnam is an operational area only from 31 July 1962 to 11 January 1973. Members allotted for service in the operational area during this period are eligible for both operational and qualifying service. Those members who served in vessels which visited Vietnam between these dates but who were not allotted for service within the operational area however, were later 'deemed to have been allotted for duty in Vietnam' during the period in which they were actually within the operational area. In relation to this decision, Minister Beazley stated in the House of Representatives on 12 November 1985 that:

"The decisions that the Government has taken in this regard in recent weeks are decisions taken very much in the area of an act of grace and not as a result of a decision that substantial injustices occurred at the time. I do not want my remarks to be construed in such a way as to lend force to argument that the Commonwealth believes that a substantial injustice resulted from decisions that were taken by our predecessors on who would be allotted for repatriation benefits related to exposure to potential risk by reason of continuing danger from activities of hostile forces or discontented elements in the Vietnam area at the time."

85. As a result of these deeming provisions, a similar visit to Vietnam by HMAS QUEENBOROUGH and HMAS QUIBERON in January/February 1963 resulted in the eligibility of its crew for repatriation benefits.

Considerations

86. It is clear that the visit of HMAS VAMPIRE and HMAS QUICKMATCH to Saigon in January 1962 can not be considered to be operational service. The application of force was not authorised to pursue specific military objectives and there was no expectation of casualties. They were not involved in conventional combat operations against an armed adversary.

87. The activities of the two ships in Saigon were clearly non-operational and not significantly different from any other goodwill port visit conducted at the time, including visits made to Hong Kong, Singapore and Subic in the same month. It is obvious however, that there was an element of risk evident in the visit to Saigon, due to the internal situation in Vietnam, which was not present for the other visits. It is suggested therefore, that it may be possible to consider the visit of HMAS VAMPIRE and HMAS QUICKMATCH to Saigon in January 1962 to be equivalent to non-warlike or hazardous service due in particular to the evidence of action against vessels in the area and the preparations for self defence which were required for the visit.

Recommendation

- ◆ It is recommended that members serving on HMAS VAMPIRE and HMAS QUICKMATCH in Vietnam between 25 January 1962 and 29 January 1962 be accorded the equivalent of hazardous service under the provisions of the *Veterans' Entitlements Act 1986*.