

Document ID: eae3bae2f09ed4c5367b85a9de828118001b6868

24 April, 2023

Signed On : <https://defence-honours-tribunal.gov.au>

Submission to Inquiry - Mr Leslie Morgan

Part 1 – Name of Inquiry

Name of Inquiry *

Medallic recognition for service with Rifle Company Butterworth

Part 2 – About the Submitter

Title or Rank *

Mr

Given Names *

Leslie

Surname *

Morgan

Post-nominals (if applicable)

Street Number and Name *

[REDACTED]

Suburb *

[REDACTED]

Postcode *

[REDACTED]

[REDACTED]

Queensland

Email Address: *

[REDACTED]

Primary Contact Number *

[REDACTED]

Number

[REDACTED]

Is the Submission on behalf of an organisation? If yes, please provide details:

Part 3 – Desired outcome

Provide a summary of your submission:

Is the award system inconsistent in how it is applied.

Part 4 - Your submission and Supporting Documentation

File Attached: Sub-2-RCB.docx

Part 5 – Consent and declaration

✓ I consent to the Defence Honours and Awards Appeals Tribunal making my submission publicly available.

✓ I also consent to the Defence Honours and Awards Appeals Tribunal:

- using information contained in my submission to conduct research;
- providing a copy of my submission to a person or organisation considered by the Tribunal to be appropriate; and
- providing a copy of my submission to a person or organisation the subject of adverse comment in the submission;
- using content in my submission in its report to Government.

The Tribunal will decide which person or organisation is appropriate, and this may include:

1. persons or organisations required to assist with the inquiry; and
2. persons or organisations with an interest in the inquiry.

✓ I declare that the information I have provided is correct.

Name

Les Morgan

Date

24/04/2023

Mr Leslie Morgan
(Awaiting Signature)

In the TOR the following statements can be found: *“The tribunal is to determine its own procedures, in accordance with the general principles of procedural fairness”,* (Third paragraph of TOR) and *“In making its findings and formulating its recommendations, the Tribunal is to have regard to the integrity of the Australian honours and award system and identify and consequential impact of make any finding or recommendation upon that system*

”. (Fifth paragraph of TOR).

I believe with fairness we also need to introduce the concept of natural justice. What is natural justice in Australia?

Natural justice or procedural fairness comprises three main components: **the opportunity to be heard; there must be no bias; and the decision must have some basis in fact or reasoning.**

Applying fairness and justice, we as a group were told that our service in Butterworth was war service, there is a plethora of documents, testimony, and operational facts to support this contention. There are many intelligence reports, not just by the Malays and Australians which show a threat did exist and that this threat was a concern to those in power, both Political and Military in Australia, and the commanders in Butterworth. There is testimony that shows that at times platoons and an entire company were deployed due to this threat. Is it fair and just to disregard these facts, just because casualties were not incurred, and thus we fail the War Service test?

Now let us take this even further, there is a matrix that shows deployments in various theatres, all of which have been recognised as war service and received the AASM. Yet several of them do not meet the extent RCB does the requirements of war service. Is this fair and just? It is not my intention to say they don't. I have read the various definitions of war service and nowhere does it state it must be met 100%. Yet that seems to be the standard the Tribunal wants to NOW impose on RCB

...the Tribunal is to have regard to the integrity of the Australian honours and award system...

The word integrity has several applications, but when applying it to a “System” it basically means we can trust that system to operate or be used as intended. We also expect that those who use the system can be trusted to apply the system in a manner that is fair and just to all those who are impacted by said system.

I have to ask why Defence has chosen not to reply to the Matrix which is so well presented, I can only conclude the following:

1. It points out a number of inconsistencies with the awarding of honors that it brings into account the integrity of the system.
 - a. I don't believe this is the case, because in the TOR it says the Tribunal is to identify issues that may impact the integrity of the system. A

perfect opportunity for Defence to correct these issues, but they chose to remain silent.

2. The matrix is so far off point that they deem it not worthy of a response.
 - a. Again, I do not believe this is the case as it would provide Defence the perfect opportunity to bring our claims into question. In fact, Defence has gone to great lengths to avoid acknowledging its existence
3. The matrix is accurate and correct in its claims, and Defence does not have a counter so by not addressing it they hope it will go away or be forgotten.
 - a. I believe this is in fact the truth. Even the Chair said the Matrix may be a problem for them. so let us make it one.

We can see from the Matrix that the application of War Service and awarding of the AASM has been what appears to be inconsistent in a number of criteria, most notably casualties. Does this mean the system lacks integrity? I don't believe so, in fact, I believe it is operating as intended and it is just the application by those in power that has been inconsistent, specifically the application to RCB. Almost any system has a bias or flexibility, in the case of the award system this is shown in the matrix where casualties in some cases did not occur and was never going to occur, and yet War Service was awarded in those theatres. Therefore, applying words such as: likely, possibly, and probably demonstrates the flexibility of the system. This same inconsistency applies to patrols, carrying sidearms, live ammunition and Rules of Engagement.

This is not a weighting system or application of percentages to certain criteria, however, it does show the system is designed to take a range of factors into account. Therefore, what can be seen as a lack of integrity or inconsistency by the awards system is in fact just the system applying a range of factors to certain criteria.

Therefore, it is incumbent upon those who administer the system to apply these inbuilt flexibilities, where they do not is where the system loses integrity. The Tribunal has said two wrongs don't make a right, I agree, however, the awards system as applied in the past is not wrong but just applies these inbuilt flexibilities.

The tribunal needs to examine these factors and apply them fairly, equitably and justly taking into account the bias and flexibility that has previously been applied. This will ensure the continued integrity of the system.

Considering these issues, I would ask that the Tribunal reclassify RCB Service as Was Service.

Thank you

Les Morgan

