



Australian Government

Defence Honours and Awards Appeals Tribunal

Cowled and the Department of Defence [2026] DHAAT 4 (18 March 2026)

File Number(s) 2025/027

Re **Mr Paul Cowled**
Applicant

And **The Department of Defence**
Respondent

Tribunal Commodore Vicki McConachie CSC RAN (Retd) (Presiding Member)
Major General Mark Kelly AO DSC (Retd)

Hearing Date 2 March 2026

Attendances Mr Paul Cowled
(Applicant)

Mr Tyson Pan
Mrs Andrea Patel
(for the Respondent)

DECISION

On 18 March 2026, the Tribunal decided to affirm the Defence decision of 16 October 2023, not to recommend Mr Cowled for the award of the Australian Service Medal with Clasp SE Asia for his service with Rifle Company Butterworth, from 31 January 1996 until 1 May 1996.

CATCHWORDS

*DEFENCE AWARD – Australian Service Medal – SE Asia - Rifle Company
Butterworth – Service outside qualifying date*

LEGISLATION

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

Defence Regulation 2016, Regulation 36

*Commonwealth of Australia Gazette S64, Declaration and Determination under the
Australian Service Medal Regulations, Australian Service Medal with Clasp ‘SE ASIA’ dated
28 February 2002.*

Introduction

1. The Applicant, Mr Paul Cowled, seeks review of a decision of Defence dated 16 October 2023, not to recommend him for the award of the Australian Service Medal with Clasp SE Asia for his service with Rifle Company Butterworth, Malaysia in 1996.¹

Decision under review

2. On 16 May 2023, Mr Cowled applied to Defence for the Australian Service Medal with Clasp SE Asia.^{2 3} On 16 October 2023, Defence wrote to Mr Cowled advising him that there was no evidence to show he rendered service in the prescribed area of operations in Malaysia during the qualifying period of 14 February 1975 to 31 December 1989. For that reason, Defence advised he could not be recommended for that award.

3. On 21 August 2025, Mr Cowled made application to the Tribunal seeking review of the above decision.⁴

Tribunal jurisdiction

4. Pursuant to s110VB(2) of the *Defence Act 1903* the Tribunal has jurisdiction to review a reviewable decision if an application is properly made to the Tribunal. The term reviewable decision is defined in s110V(1) and includes a decision made by a person within the Department of Defence to refuse to recommend a person for a defence award in response to an application.

5. Regulation 36 of the Defence Regulation 2016 lists the defence awards that may be the subject of a reviewable decision. Included in the defence awards listed in Regulation 36 is the Australian Service Medal. Therefore, the Tribunal has jurisdiction to review decisions in relation to this award.

Mr Cowled's Service

6. Mr Cowled enlisted in the Army Reserve on 21 February 1987 and was discharged on 11 August 1987 on transferring to the Australian Regular Army. He served in this capacity until 6 April 2002 whereupon he discharged at his own request, having served for a period of 15 years, one month and 17 days.⁵ Relevant to this application, he served on an attachment to Rifle Company Butterworth between 31 January 1996 and 1 May 1996.⁶

7. In recognition of this service, Mr Cowled has been awarded the Australian Defence Medal and the Defence Force Service Medal.

¹ Letter Defence to Mr Cowled, DHA – 2305876, 16 August 2023.

² Online medals application from Mr Cowled.

³ In addition to this history, Mr Cowled made a number of previous applications to Defence over time, as discussed later in this report.

⁴ Application, Mr Cowled to the Tribunal.

⁵ Defence Report to the Tribunal.

⁶ Letter Defence to Mr Cowled, DHA – 2305876, 16 August 2023.

The Australian Service Medal with Clasp SE Asia

8. The Australian Service Medal was established by Letters Patent dated 13 September 1988 as listed in Commonwealth of Australia Gazette S336, *Letters Patent and Schedule – Australian Service Medal Regulations* dated 02 November 1988.

9. The eligibility criteria for awarding the Australian Service Medal with Clasp SE Asia, relevant to Mr Cowled's circumstances, are contained in the following subparagraphs of the Declaration and Determination for the Australian Service Medal, set out in Commonwealth of Australia Gazette No. S64 dated 28 February 2002 (the Determination)

[...]

1) that the following non-warlike operations in which members of the Australian Defence Force were engaged with elements of the Australian, New Zealand and United Kingdom (ANZUK) Forces; Australian Army Rifle Company (Butterworth); Five Power Defence Arrangement; and Australian Army Survey Operations in South East Asia during the following periods to be a declared operation for the purpose of the Regulations:

(i) Defence Force activities on land in Malaysia during the period that commenced on 14 February 1975 and ended on 31 December 1989...

c) determine, under subregulation 4(2) of the Regulations, that the conditions for award of the Australian Service Medal with Clasp 'SE ASIA' ("the Medal") for the declared operation are:

(i) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member while posted to or serving as a member of the Australian element of the declared operation for a period of 30 days, or for periods amounting in the aggregate to 30 days.

...⁷

Mr Cowled's applications to Defence

10. On 2 June 2015, Mr Cowled submitted an online application to Defence seeking an assessment of his eligibility for the award of the Australian Service Medal with Clasp SE Asia.

In his application, he submitted:

I was a member of Rifle Company Butterworth in the late 80s, I was involved in armed escorts from RCB to Singapore as well as investigative operations in Thailand, Malaysia and Singapore involving Australia Soldiers. I believe I am entitled to the Australian Service medal SE Asia clasp. I am unsure of the exact date.

Thankyou

⁷ Commonwealth of Australia Gazette S64, Declaration and Determination under the Australian Service Medal Regulations, Australian Service Medal with Clasp 'SE ASIA' dated 28 February 2002.

11. On 3 July 2015, Defence wrote to Mr Cowled setting out the eligibility criteria for the award and stating that his service record did not show any qualifying service at Butterworth during the qualifying period. Mr Cowled was invited to submit additional information to support his application. On 24 August 2015, after receiving no additional information from Mr Cowled, Defence wrote to him advising that Defence had determined that he was not eligible for the award.⁸

12. On 24 February 2016, Mr Cowled responded to this letter. He submitted that he understood that his *eligible date of qualification* (fell) *outside the scope* of the award, but due to the following rationale, he believed his service fell *within the scope of the intention of the award*.

1. *My deployment to Malaysia was 30th January 1996 to 29th April 1996⁹ as evidenced by passport documentation.*

2. *Whilst on this three-month deployment, I was tasked to do a number of things in my role as the Military Police NCO attached to Rifle Company Butterworth including;*

a. Two-day ARMED escort of a convoy of trucks containing ammunition, arms and explosives to and from Rifle Company Butterworth to the Malaysian military facility in Kota Tinggi (705 km each way). This armed escort was to prevent the loss or theft of military arms and equipment by non-friendly entities (ostensibly terrorists by briefing orders). Being armed (sidearm at Action condition) in a foreign country on deployment seems to fall in the gambit of the ASM.

b. Escort and retrieval (following negotiation with Police officials) of soldiers from Thailand who had been arrested and hospitalised following a Motor Vehicle Accident (motorcycle) where Thai officials had confiscated passports, and,

c. The investigation of a soldier who had crossed from Thailand to Malaysia without the use of a passport (lost in Thailand)

3. *The deployment in 1996 falls between the gaps of the qualifying period of the ASM and the current OSM.*

13. On that basis, he sought *an exemption to the qualifying period* or *an alternate means to have this or an equivalent honour issued*.¹⁰ On 3 March 2016, Defence wrote to Mr Cowled reiterating its position that as his service fell outside the qualifying dates for the Australian Service Medal with Clasp SE Asia, he could not be recommended for the award. However, it did invite him to write to the Chief of the Defence Force and the Minister for Defence requesting that service after 31 December 1989 ‘be reviewed’, apparently with a view to amendment of the eligibility criteria.¹¹

⁸ Letter, Defence to Mr Cowled AF22138718, 24 August 2015.

⁹ The Tribunal noted that information on Mr Cowled’s service record, and the Defence Report, indicated that his posting was from 31 January to 1 May 1996 – see Australian Rifle Company Butterworth Minute 516-1-1 of 22 April 1996

¹⁰ Email, Mr Cowled to Defence, 24 February 2016.

¹¹ Email, Defence to Mr Cowled, 3 March 2016

14. On 27 April 2016, Mr Cowled wrote to the Minister for Defence repeating his submission of 24 February 2016, however in its report to the Tribunal, Defence advised that it had no visibility of any response sent to him from the Minister.¹² During the hearing, Mr Cowled said that he had not received a response from the Minister for Defence or from his office.

15. On 16 May 2023, Mr Cowled submitted a further online application to Defence seeking a full assessment for campaign and service awards. In doing so, he stated:

*I am applying for the ASM-SE Asia award for my posting at RMAF Butterworth in 1996. I am aware that the general time frame for this award ceases in 1989, however, I believe some of the tasks I performed in this time fall under the purview of the ASM and request an exemption. In particular, as the MP on base, I was required to escort trucks of ammunition and explosives from Butterworth to Singapore. I was armed at the time due to the possibility of the weapons, ammunition and explosives being stolen by insurgents and/or terrorists. This was not the only time I had to perform an armed and uniformed role in country. This award has little to no financial gain for me as I already have a 100% DVA pension and Gold Card.*¹³

16. As set out above, on 16 October 2025, Defence wrote to Mr Cowled stating that as there was no evidence to show that he rendered service in the prescribed area of operations in Malaysia during the qualifying period of 14 February 1975 to 31 December 1989, he could not be recommended for the Australian Service Medal with Clasp SE Asia.¹⁴

17. On 23 October 2024, Mr Cowled submitted another online application to Defence seeking the award of the Australian Service Medal with Clasp SE Asia. In doing so, he submitted:

I was attached to RCB as a Service Police NCO in the beginning of 1996, being in Country for approx 90 days.

In that time I carried out a number of roles including conducting investigations into serious offences in conjunction with RAAF Police, extraditing errant soldiers from Thailand after being arrested and jailed/hospitalised and provision of an armed/uniformed escort of explosives, weapons and ammunition as there was intel of CT in the region (per briefing).

I feel these tasks as well as day to day policing activities raise to the point that extenuating circumstances exist to issue the ASM SE Asia despite being outside the designated timeframes.

*I am not seeking this award for DVA/Pension reasons, more to reflect my service overseas in an operational role. The fact that I have applied twice for such an exemption shows the inflexibility of the system to adjust to circumstances. This has weighed heavily on me and affected my mental health as it makes me feel my service was not good enough to be recognised by the ADF.*¹⁵

¹² Defence Report to the Tribunal, 16 October 2025.

¹³ Online application for honours and awards, 16 May 2023.

¹⁴ Letter, Defence to Mr Cowled, 16 October 2023

¹⁵ Online application for Honours and awards.

18. In its report to the Tribunal, Defence advised that on 9 April 2025, a Defence representative contacted Mr Cowled by telephone and that during the call, Mr Cowled requested a copy of Defence's decision of 16 October 2023 to support his application to the Tribunal.¹⁶

Mr Cowled's application to the Tribunal

19. In his application to the Tribunal, Mr Cowled submitted:

Gentlemen, I will keep this short and to the point. Today, we pause to reflect on the service and sacrifice of our Australian troops throughout the Vietnam War and today is a day that brings my thoughts bubbling to the surface. I served in the Australian Army from 10/08/1987 to 07/04/2002, and in that period, I was fortunate to be deployed to Rifle Company Butterworth (RCB) in 1996 for some 3 months. The important fact here I that it was shortly after 31st December 1989, the date that the Australian Service Medal (ASM) SE Asia clasp was awarded. Whilst deployed as the Military Police NCO on Base, I was tasked with several important tasks, but the one that is of note was being the armed escort of arms and ammunition from RMAF Butterworth to Johor Bahru. This armed escort, in uniform, on deployment, was in response to intel that the arms and ammunition may be a target of opportunity. Sounds a lot like ASM service. Since then, I have written to the Honors and Awards Directorate explaining my situation and was told in no uncertain terms that my deployment was outside the prescribed dates and no ASM would be issued. Ignoring the concept that relationships had not changed much between 1988 and 1996, the recognition of the deployment is not and will not be forthcoming. I am not requesting a review in order to obtain some perceived DVA advantage. I am a Gold Card holder, and this is more about recognition for the service and recognition of being away overseas from my family at the time. I have approached the Directorate of Honours and Awards in Oct 2023 and Apr 2025, both times with this answer:

Overseas service: RMAF Butterworth – Malaysia, attached to Australian Army Rifle Company (Butterworth) (RCB) for the period 31 January 1996 to 1 May 1996. Reference to the nature of your duties with RCB is acknowledged; however, for the purpose of medallic recognition, prescribed operations in Southeast Asia, including service rendered with RCB, ceased on 31 December 1989.

I am unsure how to exactly proceed, except to write to the sitting ministers, DVA and the Tribunal and seek some dispensation or outside of regular channels awarding of the ASM.¹⁷

20. Along with making this submission to the Tribunal, Mr Cowled provided it to the various Defence Ministers and the Commonwealth Repatriation Commissioner. Having regard to the content of Mr Cowled's application, staff of the Tribunal Secretariat confirmed that Mr Cowled wished to pursue review in the Tribunal.

¹⁶ Defence Report to the Tribunal.

¹⁷ Application for Tribunal Review.

The Defence report

21. In its report to the Tribunal, Defence acknowledged the information provided by Mr Cowled regarding the nature of his service during his attachment to Rifle Company Butterworth. However, Defence advised that the advice previously provided to Mr Cowled concerning his request to amend the qualifying period for the award remained extant, and that *Defence has no plans to request that the Minister recommends to the Governor General that amendments are made...to extend the qualifying period.*

22. The Defence report also confirmed that no evidence could be found indicating that Mr Cowled rendered service within the prescribed area of operations in Malaysia during the qualifying period of 14 February 1974 (sic) to 31 December 1989. On that basis, Defence recommended that its decision to not recommend Mr Cowled for the award be affirmed.¹⁸

Mr Cowled's comments on the Defence report

23. In his comments on the Defence report, Mr Cowled stated that he did not dispute Defence's findings as the time of his service was outside the qualifying period. He went on to state that through his application he sought alternative recognition, amendment of the qualifying period *or some other means of remediation of my request.*¹⁹

Tribunal hearing

24. At the commencement of the hearing, the Tribunal stated that it is bound by the eligibility criteria for an award that are applicable to the award being considered at the time of the decision under review. The Tribunal noted it has no discretion to recommend an honour or award if the terms and conditions laid down in the Regulations and Determinations are not met.

25. During the hearing Mr Cowled commenced by stating he was aware that his deployment to Butterworth was some four years after the cut off of the award of the Australian Service Medal with Clasp SE Asia. He said that the purpose of his application was to consider the nature of his service at Butterworth - he was in uniform, overseas, away from his family, armed with ammunition, doing a mission with perceived threat. Even though his service in Malaysia was outside of the dates in the Declaration and Determination under the Australian Service Medal Regulations, he said he was hoping for a formal path either to seek an exemption or to the next level where a decision could be made.

26. The Tribunal noted that it does not have the power to change the dates for the award of the Australian Service Medal SE Asia which are set out at the Declaration and Determination under the Australian Service Medal Regulations signed by the Governor General on 20 February 2002. The Tribunal noted the dates in the Declaration and Determination, 14 February 1975 to 31 December 1989, were described by the Tribunal in its report of *Inquiry into Medallion Recognition for Service with Rifle Company Butterworth* of 22 August 2023 as being related to the possibility of attack by Communist Terrorists who were conducting an insurgency against the Malaysian Government. In

¹⁸ Defence Report to the Tribunal.

¹⁹ Mr Cowled's comments on the Defence Report.

particular, the end date of 31 December 1989 was around the time that the leader of the Malayan Communist Party and Malaysian government signed a peace accord.²⁰

27. Mr Cowled stated he knew his application was outside the date but he wanted to go to the correct chain to get a result. He said all he was looking for was recognition for armed service overseas.

28. Defence acknowledged Mr Cowled's service and thanked him for his service. Defence noted that in considering his application they were bound by the Regulations and that the Australian Service Medal Regulations state that *the Medal may not be awarded except to a person who fulfils the conditions for the award of the Medal*.

29. Defence noted the dates of Mr Cowled's service were outside of the regulations. It said that while Mr Cowled's service did not meet the criteria for the award of the Australian Service Medal SE Asia, it was still very much valued service.

30. Mr Cowled agreed that it was black and white and the next step for him was to write to the Minister. The Tribunal noted Mr Cowled said he had previously written to the Minister in 2016 and queried what response he received. Mr Cowled said he did not receive any response.

31. The Tribunal noted that Mr Cowled's service was six years after the end of the period for which the Australian Service Medal with Clasp SE Asia was awarded. The Tribunal observed that those who served in the early 1990s were not eligible for the Australian Service Medal SE Asia. The Tribunal also remarked that rotations to Butterworth had continued since the time Mr Cowled served in Malaysia. The Tribunal further noted that during those rotations there was a requirement for armed escorts for ammunition trucks taking ammunition to live firing training exercises. This is a requirement of the Malaysian Government notwithstanding the lower risk of any insurgent interdiction following the accord.

32. The Tribunal further observed that Mr Cowled was awarded the Defence Long Service Medal and the Australian Defence Medal, which rightly recognised his service. The Tribunal acknowledged Mr Cowled's service in serving overseas, away from his family in a situation that required him to be armed and thanked him for his service.

Tribunal consideration

33. The eligibility criteria for awarding the Australian Service Medal with Clasp SE Asia, are contained in the Declaration and Determination for the Australian Service Medal, set out in Commonwealth of Australia Gazette No. S64 dated 28 February 2002 (the Determination). The Declaration and Determination relevantly requires that:

a. the recipient rendered service as a member of the Australian Defence Force while posted to or serving as a member of the Australian element of the Defence Force activities on land in Malaysia for a period of 30 days, or for periods amounting in the aggregate to 30 days,

b. during the period that commenced on 14 February 1975 and ended on 31 December 1989.

²⁰ Report, *Inquiry Into Medallic Recognition For Service With Rifle Company Butterworth*, Defence Honours and Awards Appeals Tribunal, 22 August 2023, p.7

34. The evidence before Tribunal is that Mr Cowled was a member of the Australian Defence Force from 21 February 1987 until 6 April 2002. He served in Malaysia attached to the Australian Army Rifle Company (Butterworth) from 31 January 1996 until 1 May 1996. This service required him to be overseas, away from his family and to be armed. This service was not within the period that commenced on 14 February 1975 and ended on 31 December 1989. Mr Cowled did not, serve in Malaysia during the period that commenced on 14 February 1975 and ended on 31 December 1989.

35. Under section 110VB(3) of the Act, the Tribunal is empowered to make recommendations to the Minister it considers appropriate that arise out of, or relate to, the Tribunal's review of a reviewable decision. Accordingly, the Tribunal considered whether it should make a recommendation to the Minister that the eligibility criteria for the Australian Service Medal with Clasp SE Asia be amended in a manner that recognised Mr Cowled's service.

36. Mr Cowled's statements at the Tribunal were that during his service in Malaysia he was in uniform, overseas, away from his family, armed with ammunition, doing a mission with perceived threat. In his applications he said:

*I believe some of the tasks I performed in this time fall under the purview of the ASM ...as the MP on base, I was required to escort trucks of ammunition and explosives from Butterworth to Singapore. I was armed at the time due to the possibility of the weapons, ammunitions and explosives being stolen by insurgents and/or terrorists...*²¹

*I carried out a number of roles including conducting investigations into serious offences in conjunction with RAAF Police, extraditing errant soldiers from Thailand after being arrested and jailed/hospitalised and provision of an armed/uniformed escort of explosives, weapons and ammunition as there was intel of CT in the region (per briefing)...*²²

37. The Letters Patent for the Australian Service Medal specify it as being:

for the purpose of according recognition to members of the Defence Force and certain other persons who render service in certain non-warlike military operations...

38. The accompanying Regulations require that:

The Governor-General, on the recommendation of the Minister, may declare a non-warlike operation, in which members of the Defence Force are, or have been on or after 14 February 1975, engaged, to be a prescribed operation for the purposes of these Regulations.

²¹ Mr Cowled's submission of 16 May 2023

²² Mr Cowled's application of 23 October 2024

39. Non-warlike service for service prior to 2018 is defined in a 1993 Cabinet decision. It is:

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 the 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.²³

40. While Mr Cowled believed his escort service had some “non-warlike” flavour, particularly in relation to the requirement to be armed while escorting ammunition, it was essentially peace-time escort duties. Mr Cowled’s escort duties were short-term. They occurred some six years after a peace accord was signed by the leader of the Malayan Communist Party and the Malaysian government and were during a period after the communist insurgency threat. The duties did not rise to the level of *non-warlike* as they did not meet the requirements of being either *hazardous* or *peacekeeping*. The other aspects of service to which Mr Cowled referred were in essence of a peacetime nature that might have been encountered on duty in Australia. For these reasons the Tribunal did not consider it was appropriate to make a recommendation to the Minister.

Tribunal findings

41. The Tribunal found that Mr Cowled served in the Australian Defence Force from 21 February 1987 until 6 April 2002. He served in Malaysia attached to the Australian Army Rifle Company (Butterworth) from 31 January 1996 until 1 May 1996. Mr Cowled did not serve on land in Malaysia during the period commencing on 14 February 1975 and ending on 31 December 1989. His service was outside the declared period for the Australian Service Medal with Clasp SE Asia requiring service in Malaysia to be during

²³ Report, *Inquiry Into Medallic Recognition For Service With Rifle Company Butterworth*, Defence Honours and Awards Appeals Tribunal, 22 August 2023, p.7

the period that commenced on 14 February 1975 and ended on 31 December 1989. Accordingly, Mr Cowled's service does not meet the eligibility criteria for the award of Australian Service Medal with Clasp SE Asia.

Tribunal decision

42. The Tribunal decided to affirm the Defence decision dated 16 October 2023, not to recommend Mr Cowled for the award of the Australian Service Medal with Clasp SE Asia for his service with Rifle Company Butterworth, Malaysia from 31 January 1996 until 1 May 1996, as it was outside the qualifying period of 14 February 1975 to 31 December 1989.