



Australian Government

Defence Honours and Awards Appeals Tribunal

Barker and the Department of Defence [2026] DHAAT 13 (13 July 2026)

File Number(s)	2025/031
Re	Mr Shane Kenneth Barker Applicant
And	The Department of Defence Respondent
Tribunal	Ms Louise Hunt (Presiding Member) Rear Admiral Allan du Toit AM RAN (Retd)
Hearing Date	27 February 2026
Attendances	Mr Shane Barker Applicant
For the Respondent	Mr Tyson Pan Assistant Director, Directorate of Honours and Awards Department of Defence Mrs Andrea Patel Manager, Veterans and Families, Directorate of Honours and Awards Department of Defence

DECISION

On 13 July 2026, the Tribunal decided to affirm the decision that Mr Shane Barker not be recommended for the award of the Australian Active Service Medal, the Australian Service Medal with Clasp ‘IRIAN JAYA’, or the Australian Service Medal with Clasp ‘MIDDLE EAST’.

CATCHWORDS

DEFENCE AWARD –Australian Active Service Medal – Australian Service Medal - Clasps ‘IRIAN JAYA’ and ‘MIDDLE EAST’ – aggregation of service for different clasps RAN service in HMAS Tarakan and HMAS Derwent

LEGISLATION

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

Defence Regulation 2016, Regulation 36

Australian Service Medal Regulations Letters Patent dated 13 September 1988, Commonwealth of Australia Gazette S336, dated 2 November 1988

Australian Service Medal Regulations with Clasp ‘IRIAN JAYA’, Determination by Governor-General dated 20 February 2002, Commonwealth of Australia Gazette S64, dated 28 February 2002.

Australian Service Medal Regulations with Clasp ‘MIDDLE EAST’ Determination by Governor-General dated 16 May 2011, Commonwealth of Australia Gazette S80, dated 19 May 2011

Australian Active Service Medal Letters Patent and Regulations dated 13 September 1988, Commonwealth of Australia Gazette S335, dated 2 November 1988

Introduction

1. The Applicant, Mr Shane Kenneth Barker, seeks review of a decision of Defence dated 10 April 2013, to refuse to recommend him for the award Australian Active Service Medal. In correspondence and at hearing he relied on his service in HMAS *Tarakan* during Operation CENDERAWASIH in 1977 and in HMAS *Derwent* during operations in the North West Indian Ocean in 1980.¹ Given his submissions regarding his service in HMAS *Tarakan* and HMAS *Derwent* the Tribunal also considered his eligibility for the Australian Service Medal with Clasps 'IRIAN JAYA' and 'MIDDLE EAST'.

2. Defence stated that Mr Barker had no qualifying service towards the Australian Active Service Medal as he had not rendered any operational service in a prescribed area of operations after 14 February 1975.

3. Defence also stated that Mr Barker had not fulfilled the conditions for the award of either the Australian Service Medal with Clasp 'IRIAN JAYA' and/or the Australian Service Medal with Clasp 'MIDDLE EAST' as he did not render 30 days of eligible service during either of the declared operations for the purposes of the Regulations.²

Decision under review

4. On 22 February 2013, Mr Barker applied to Defence for an assessment of his eligibility for the Australian Active Service Medal and/or the Australian Service Medal or the 'Anniversary of National Service 51-72 Medal'.³

5. On 10 April 2013, Defence wrote to Mr Barker stating that he had no qualifying service for the Australian Active Service Medal, did not have sufficient qualifying service towards the Australian Service Medal with Clasps 'IRIAN JAYA' or the Australian Service Medal with Clasp 'MIDDLE EAST', and that he did not qualify for the Anniversary of National Service 1951-1972 Medal.⁴ Defence advised Mr Barker that while he had 19 days of qualifying service towards the Australian Service Medal with Clasp 'IRIAN JAYA' and a further 16 days of qualifying service towards the Australian Service Medal with Clasp 'MIDDLE EAST', he did not have the required 30 days for either award, and therefore he did not qualify for the Australian Service Medal.

6. On 4 June 2014, Mr Barker wrote to Defence requesting the details of his qualifying service towards the Australian Service Medal with Clasps 'IRIAN JAYA' and 'MIDDLE EAST'. Mr Barker sought detail on the ships he was serving in, dates of the qualifying service periods, and areas of service. Mr Barker advised that he needed this information for the Department of Veterans' Affairs.⁵ On 12 June 2014, Defence wrote to Mr Barker providing the information that he had requested.⁶

7. On 8 May 2015, Mr Barker submitted an online application to Defence for a full medal assessment with the Supporting Reason *Performed duties under Operation Cenderawasih*.⁷ On 7 August 2015, Defence wrote to Mr Barker stating that a preliminary

¹ Application, Mr Shane Barker to Tribunal dated 26 September 2025.

² Letter Defence to Mr Barker dated 10 April 2013 included with Mr Barker's application to Tribunal.

³ Letter, Mr Barker to Defence dated 22 February 2013.

⁴ Letter, Defence to Mr Barker dated 10 April 2013.

⁵ Letter, Mr Barker to Defence dated 4 June 2014.

⁶ Letter, Defence to Mr Barker dated 12 June 2014.

⁷ Online application to Defence from Mr Barker dated 8 May 2015.

assessment of his service could not locate evidence of the required 30 days qualifying service in the declared or prescribed operations for either the Australian Service Medal with Clasp 'IRIAN JAYA' or the Australian Service Medal with Clasp 'MIDDLE EAST'. Mr Barker was invited to submit any additional information to support his application.⁸

8. On 11 September 2015, Defence sent a letter to Mr Barker advising that his service did not meet the required 30 days qualifying service in declared or prescribed non-warlike operations and therefore he could not be recommended for either the Australian Service Medal with Clasp 'IRIAN JAYA' or 'MIDDLE EAST'.⁹

9. On 6 April 2017, Mr Barker submitted an online application to Defence for a full medal assessment with the Supporting Reasons for '*Irian Jaya and Middle East Service with Operation CENDERAWASHI- 9 May 1977 to 10 October 1977. Deployment in the North West Indian Ocean September 1980 to 31 July 1986*'.¹⁰

10. On 22 June 2017, Defence wrote to Mr Barker advising him that the circumstances of his case had not changed since its correspondence of 7 August 2015 and that he could not be recommended for the ASM with Clasps 'IRIAN JAYA' or 'MIDDLE EAST'. Defence advised him in this letter (and in its letter of 11 September 2015 and later correspondence), that he could seek review of Defence's decision in the Tribunal if he wished.¹¹

11. On 24 April 2023, Mr Barker wrote to Defence to appeal the decision of 10 April 2013. Mr Barker requested, amongst other things, to know who deemed 30 days qualifying service as the pre-requisite to be awarded the Australian Service Medal with associated clasp and on what basis it was determined.¹²

12. On 16 May 2023, the Director of Honours and Awards wrote to Mr Barker again stating that he was not eligible for the Australian Service Medal with Clasp 'IRIAN JAYA' or Clasp 'MIDDLE EAST' as his service did not meet the required 30 days for each prescribed operation. The Director explained that medallic recognition is determined through a rigorous process involving consultation across Defence, with final recommendations made by the Chief of the Defence Force and endorsed by the Minister before approval by the Governor-General.¹³

Tribunal jurisdiction

13. 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.

14. 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

⁸ Letter, Defence to Mr Barker dated 7 August 2015.

⁹ Letter, Defence to Mr Barker dated 1 September 2015.

¹⁰ Online application to Defence from Mr Barker dated 6 April 2017.

¹¹ Letter, Defence to Mr Barker dated 22 June 2017.

¹² Correspondence from Mr Barker to Defence dated 24 April 2023.

¹³ Letter, Defence to Mr Barker dated 16 May 2023.

Regulation 36 is the Australian Active Service Medal and the Australian Service Medal. Therefore, the Tribunal has jurisdiction to review decisions in relation to these awards.

The Australian Active Service Medal

15. The Australian Active Service Medal was instituted under Letters Patent, signed by Her Majesty Queen Elizabeth II on 13 September 1988, as published in the *Commonwealth of Australia Gazette S335*, dated 2 November 1988. The relevant paragraphs are:-

3. As set out in the *Australian Active Service Medal Regulations 1988*, ‘the Governor-General, on the recommendation of the Minister, may declare a 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.’

Conditions of the award of the Medal

4.(1) *The Medal may be awarded for service in or in connection with a prescribed operation.*

(2) *The conditions for the award of the Medal are the conditions determined by the Governor-general on the recommendation of the Minister.*

(3) *Any subsequent award of the Medal to the same person shall be made in the form of a further clasp to the Medal.*

(4) *The persons to whom the Medal may be awarded are:-*

(a) *persons who served in a prescribed operation as members of the Defence Force; and*

(b) *persons included in a class of persons determined by the Minister, for the purposes of this regulation.*

(5) *The Medal may not be awarded except to a person who fulfils the conditions for the award of the Medal.*¹⁴

Australian Service Medal with Clasp ‘IRIAN JAYA’

16. The *Australian Service Medal Regulations* were instituted under Letters Patent on 13 September 1988, as published in *Commonwealth of Australia Gazette S336*, dated 2 November 1988.¹⁵

17. The eligibility criteria for awarding the Australian Service Medal with Clasp ‘IRIAN JAYA’ relevant to Mr Barker’s circumstances are contained in the *Commonwealth of Australia Gazette S64*, dated 28 February 2002, *Australian Service*

¹⁴ *Australian Active Service Medal Letters Patent and Regulations* dated 2 November 1988, as shown in *Commonwealth of Australia Gazette S335* of 2 November 1988.

¹⁵ *Australian Service Medal Regulations* dated 2 November 1988 as shown in *Commonwealth of Australia Gazette S336* of 2 November 1988.

*Medal Regulations and Determination, with Clasp 'IRIAN JAYA' signed by the Governor-General on 20 February 2002.*¹⁶

18. The Governor-General of Australia in the above Declaration and Determination states that the Declaration and Determination is made pursuant to the *Australian Service Medal Regulations* contained in the Schedule to the Letters Patent dated 13 September 1988 on the recommendation of the Minister for Defence. In the Declaration and Determination the Governor General of Australia makes the following declaration and determination:-

(a) **declare** under regulation 3 of the Regulations that the following non-warlike operations in which members of the Australian Defence Force undertook survey operations in Irian Jaya during the following periods to be a declared operation for the purpose of the Regulations:

[...]

(ii) service with Operation CENDERAWASIH 77 during the period that commenced on 9 May 1977 and ended on 10 October 1977.

[...]

(b) **determine**, under subregulation 4(2) of the Regulations, that the conditions for award of the Australian Service Medal with Clasp 'IRIAN JAYA' ("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;

[...]

(iv) the Medal may be awarded to a member of the Australian Defence Force who rendered service as such a member for a period of 30 days, or for periods amounting in the aggregate to 30 days, for official visits, inspections or other occurrences of a temporary nature with the military contribution in the declared operation;

[...]

(vi) the qualifying period of service as described in subparagraphs (b)(i), (b)(ii), (b)(iii) or (b)(v) of this Instrument may be deemed by the Chief of the Defence Force or delegate to have been established notwithstanding that the member has not met the qualifying periods described if service in relation to the declared operation was terminated due to the death, evacuation due to illness or injury or other disability due to service. [...]

¹⁶ *Australian Service Medal Regulations and Determination, with Clasp 'IRIAN JAYA' dated 20 February 2002 in Commonwealth of Australia Gazette S64 of 28 February 2002.*

Australian Service Medal with Clasp ‘MIDDLE EAST’

19. The eligibility criteria for awarding the Australian Service Medal with Clasp ‘MIDDLE EAST’, relevant to Mr Barker’s service is contained in the *Commonwealth of Australia Gazette S80*, dated 19 May 2011, *Australian Service Medal Regulations and Determination, with Clasp ‘MIDDLE EAST’, Declaration and Determination*.¹⁷

20. The Governor-General of Australia in the above Declaration and Determination states that the Declaration and Determination is made pursuant to the *Australian Service Medal Regulations* contained in the Schedule to the Letters Patent dated 13 September 1988 on the recommendation of the Parliamentary Secretary for Defence. In the Declaration and Determination the Governor General of Australia made the following declaration:

b. **declare** under regulation 3 of the Regulations that the following non-warlike operations in which members of the Australian Defence Force were engaged in during the following periods to be a prescribed operation for the purpose of the Regulations:

[...]

(v) participation in naval operations in the North West Indian Ocean deployments in the area north of 10° North and west of 75° East, that is, the Arabian Sea including the Gulf of Aden, Gulf of Oman and Persian Gulf during the period that commenced 1 September 1980 and ended on 31 July 1986;

c. **determine**, under regulation 4 of the Regulations, that the conditions for award of the Australian Service Medal with Clasp ‘MIDDLE EAST’ (“the Medal”) for that prescribed 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 for the prescribed operation for a prescribed period;

[...]

(iv) the Medal may be awarded to a member of the Australian Defence Force who, before 18 March 2003, rendered service as such a member for a prescribed period, for official visits, inspections or other occurrences of a temporary nature with the military contribution in the prescribed operation;

(v) the Medal may be awarded to a person who rendered service as part of the Australian element of the prescribed operation for a prescribed period, and who, in accordance with a determination made by the Minister under paragraph 4(4)(b) of the Regulations, is in a class of persons who may be awarded the Medal; or

¹⁷*Australian Service Medal Regulations and Determination*, dated 19 May 2011, published in *Commonwealth of Australia Gazette S80* of 11 May 2011.

(vi) *in this paragraph prescribed period for the prescribed operation at paragraph (b) means:*

(1) in relation to subparagraph (c)(i), (c)(ii), (c)(iv) and (c)(v) a period of 30 days, or for periods amounting in the aggregate to 30 days; and

(2) in relation to subparagraph (c)(iii) a number of not less than 30 sorties conducted over a period of not less than an aggregate of 30 days at a rate of one sortie per day; and

PROVIDED THAT where a member defined in subparagraphs (c)(i), (c)(ii), (c)(iii) or (c)(v) does not complete the prescribed period or the prescribed number of sorties owing to his or her death, evacuation due to illness, injury or other disability due to service, the member will be deemed to have completed that prescribed period or the prescribed number of sorties; [...]

Mr Barker's service

21. Mr Barker enlisted in the Royal Australian Navy on 22 April 1974 for a nine-year enlistment period in the Permanent Naval Forces and was discharged on 21 April 1984. The reason for his discharge was listed as 'Discharge Engagement Expired' having served for a period of 10 years.¹⁸

22. Mr Barker has been awarded the Australian Defence Medal in recognition of his naval service.

Mr Barker's application to the Tribunal

23. Mr Barker did not appeal his entitlement to the Anniversary of National Service 1951-1972 Medal. He also did not press any entitlement to the Anniversary of National Service 1951-1972 Medal in his submissions or at hearing. Accordingly, the Tribunal did not consider Mr Barker's eligibility for that medal save to note that his service did not commence until 22 April 1974 and that in any event he was a member of the Permanent Naval Forces and never a national serviceman.

24. In his application to the Tribunal, Mr Barker stated that he had previously been informed that he had the following relevant service.

19 days qualifying service towards the Australian Service Medal with Clasp 'IRIAN JAYA' and separately¹⁹

16 days qualifying service towards the Australian Service Medal with Clasp 'MIDDLE EAST'.

25. Mr Barker stated that he believed:

that qualifying service for the Australian Active Service Medal can be aggregated, and if the total aggregate period exceeds 30 days for a specific declared operation, you may qualify.

¹⁸ Barker, Shane Kenneth Michael, Service record.

¹⁹ Emphasis added by Tribunal

I am aware that the Australian Service Medal is awarded to recognise service in a prescribed peacekeeping or non-warlike operation for the period where recognition has not previously occurred. The qualifying period is 30 days service in a prescribed area.

My appeal is based on the fact that combining my two eligible periods of service equates to 35 days. It is my position that the aggregate of your eligible qualifying service should be considered when making a decision as to whether or not you are entitled to be awarded the Australian Active Service Medal.

This would appear to be fair and reasonable and only common sense. The aggregate of my service toward the Australian Service Medal exceeds 30 days so it would only be reasonable to discount the 30 day requirement.²⁰

The Defence report and evidence at hearing

26. As set out in the Defence report, following Mr Barker's application to the Tribunal, Defence conducted an assessment of Mr Barker's eligibility for the Australian Active Service Medal and the Australian Service Medal. Defence affirmed its decision to not recommend Mr Barker for either award.

27. In particular, Defence advised that Mr Barker had not rendered any service on any operation declared for the purposes of the Australian Active Service Medal. The report touched on aspects of the qualifying conditions for the Australian Active Service Medal but focused on Mr Barker's non-warlike service and the qualifying conditions for awards relevant to that service.

28. Defence submitted that examination of Mr Barker's service record and ship movement logs confirm the following postings involving operational service.

Vessel	Posting	Operation	Qualifying days
HMAS <i>Tarakan</i>	13/12/1976 to 04/08/1978	Operation CENDERAWASIH 77 during the period that commenced 9 May 1977 and ended 10 October 1977.	10/05/1977 to 28/05/1977. Total 19 days
HMAS <i>Derwent</i>	19/05/1980 to 27/01/1981	Participation in naval operations in the North West Indian Ocean during the period that commenced 1 September 1980 and ended 31 July 1986.	20/10/1980 to 04/11/1980. Total 16 days

29. In its report, Defence stated that Mr Barker sought to aggregate his periods of operational service in order to qualify for an award. Defence further submitted that aggregation of periods of operational service is only possible where the Regulations,

²⁰ Application to Tribunal from Mr Shane Barker.

Declarations and Determinations permit, and where operations have been declared for the same award.

30. Defence further stated that the Australian Service Medal Declarations and Determinations for Clasps 'IRIAN JAYA' and 'MIDDLE EAST' identify the following summarised operations as declared and prescribed in accordance with the Regulations.

IRIAN JAYA	MIDDLE EAST
Operation CENDERAWASIH 76 during the period 12 July 1976 to 21 November 1976	United Nations Truce Supervision Organisation during the period 14 February 1975 to Present (Excluding service from 12 July 2006 to 14 August 2006 in Southern Lebanon within specified coordinates)
Operation CENDERAWASIH 77 during the period 9 May 1977 to 10 October 1977	United Nations Disengagement Observer Force during the period 14 February 1975 to Present
Operation CENDERAWASIH 78 during the period 4 April 1978 to 20 September 1978	Second United Nations Emergency Force during the period 14 February 1975 to 31 July 1979
Operation CENDERAWASIH 80 during the period 19 October 1980 to 22 December 1980	United Nations Interim Force in Lebanon during the period 1 March 1978 to Present
Operation CENDERAWASIH 81 during the period 6 January 1981 to 6 March 1981	Participation in naval operations in the North West Indian Ocean (within specified coordinates) during the period 1 September 1980 – 31 July 1986
Operation CENDERAWASIH 81 during the period 31 August 1981 to 15 November 1981	

31. Defence concluded that it was not possible to aggregate Mr Barker's operational service towards any clasp of the Australian Service Medal. Defence stated that this is because operations are declared unique to each clasp of the medal. Defence stated that specifically, operations declared under the Australian Service Medal with Clasp 'IRIAN JAYA' have been declared only for that clasp and that they cannot be aggregated with operations declared under the Australian Service Medal with Clasp 'MIDDLE EAST'.

32. Defence also acknowledged Mr Barker's request to combine his service in Irian Jaya and the Middle East as qualifying service towards the Australian Active Service Medal. Defence submitted that the operational service rendered by Mr Barker has not been declared for the purposes of the Australian Active Service Medal. Defence relied on paragraph (4)(1-5) of the *Australian Active Service Medal Letters Patent and Regulations*, published in the *Commonwealth of Australia Gazette S335* dated 2 November 1988 as specifically setting out that requirement.²¹

33. At hearing, Defence referenced and relied on material outlined in its written submissions.

²¹ *Australian Active Service Medal Letters Patent and Regulations* dated 13 September 1988, *Commonwealth of Australia Gazette S335*, dated 2 November 1988. Folio 125

Mr Barker's comments on the Defence Report and submissions at hearing

34. On 6 November 2025, Mr Barker was provided with a copy of the Defence report to provide any comment he may wish to make. On the same day, Mr Barker replied by email to the Tribunal to provide his comments. Mr Barker stated

While I appreciate the clarification provided, I respectfully submit that the current eligibility requirement of a minimum of 30 days' service is unduly restrictive and does not accurately reflect the nature or significance of operational service undertaken by Australian Defence Force personnel.

In contemporary and historical operational contexts, the value and impact of service cannot be determined solely by duration. Many deployments, tasks, and missions—particularly those of a short-term or high-intensity nature—demand a level of readiness, exposure to risk, and contribution to mission success equivalent to, or exceeding, that of longer periods of non-critical deployment. The 30-day threshold fails to acknowledge these realities and inadvertently excludes members who have rendered meaningful and often hazardous service in support of Defence objectives.

35. Mr Barker further stated that:

the current threshold of 30 days excludes many who have served in demanding and high-risk environments but for operational, logistical, or command reasons were not required to remain in theatre for the prescribed duration. These individuals nonetheless accepted the same readiness requirements, operational conditions, and potential consequences as those who served longer.

The Australian Service Medal was established to recognise non-warlike service that contributes to Australia's defence interests and international obligations. It is therefore submitted that recognition should be based upon the nature, purpose, and context of the service rendered—rather than an arbitrary temporal criterion. Even a single day of operational service, if performed in the designated area under qualifying conditions, represents a professional commitment to duty and should be eligible for consideration under the spirit and intent of the Australian Service Medal.

Accordingly, I respectfully request that consideration be given to a review of the current regulations governing the ASM, with a view to introducing greater flexibility in recognising short-duration but substantive operational service. Such an approach would align with the enduring Defence values of fairness, integrity, and recognition of service rendered under all circumstances.²²

36. In the covering letter of 12 February 2026 which preceded his further written submission, Mr Barker wrote:

I respectfully submit that the rigid application of the 30 day requirement fails to reflect the substantive operational participation rendered and produces an

²² Email Mr Barker to Tribunal, dated 6 November 2025, comments on Defence report.

*outcome inconsistent with the purpose of the award and principles of administrative fairness.*²³

37. The substance of Mr Barker's submission centred on the arbitrary nature of the 30 day rule, his assertion that there was 'no logical operational distinction' between 30 continuous days in one declared operation and 35 cumulative days across two prescribed operations and operational risk being non-linear and unpredictable.

38. Mr Barker's submission referred to administrative law principles. Specifically, reasonableness, Wednesbury unreasonableness, failure to consider relevant considerations, natural justice and procedural fairness and proportionality.

39. Mr Barker asked the Tribunal to review the interpretation of the 30 day qualifying requirement as applied in his case. He asked that his 19 days of qualifying service on Operation CENDERWASIH and his 16 days of service in the naval operations in the North West Indian Ocean be aggregated and he be awarded the Australian Active Service Medal with the associated clasps.

Tribunal hearing

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

41. Mr Barker relied on his written submissions and sought an explanation of the basis for the 30 day requirement set out in both the Declaration and Determination under the Australian Service Medal Regulations concerning the Australian Service Medal with Clasp 'IRIAN JAYA' and the Australian Service Medal with Clasp 'Middle East'.

42. There was no dispute concerning Mr Barker's service record as a member of the Permanent Naval Forces. Defence stated that Mr Barker did not undertake warlike service. Mr Barker did not identify any record of him undertaking warlike service. There was no dispute that he was posted to HMAS *Tarakan* from 13 December 1976 to 4 August 1979. There was also no dispute that he was posted to HMAS *Derwent* from 19 May 1980 to 27 January 1981.

43. At hearing Mr Barker confirmed that his service in neither HMAS *Tarakan* nor HMAS *Derwent* was terminated due to his evacuation due to illness or injury or other disability due to service.

Material provided by way of request for further information following hearing

44. On 31 March 2026, in response to Mr Barker's question about the basis and justification for the 30 day requirement set out in both the Declaration and Determination under the Australian Service Medal Regulations concerning the Australian Service Medal with Clasp 'IRIAN JAYA' and the Australian Service Medal with Clasp 'MIDDLE EAST', the Tribunal provided both Mr Barker and Defence with Government reports and

²³ Further submission from Mr Shane Barker, dated 12 February 2026.

Ministerial releases and requested any comments or further submissions by 14 April 2026.

45. The material provided Mr Barker and Defence comprised:

a. Media Release – Ministers for Defence Science and Personnel and Administrative Services – *New Awards for Forgotten Veterans and Civilians*, 19 April 1994 concerning the *Report of the Committee of Inquiry into Defence and Defence Related Awards* headed by General Peter Gratton AC OBE.²⁴

b. The *Report of the Committee of Inquiry into Defence and Defence Related Awards*, 1994.²⁵

c. Statement of the Prime Minister – *Military Service Medal* – 21 March 1995.²⁶

d. A Media Release by the Minister for Veterans' Affairs/Minister Assisting the Minister for Defence concerning the *Review of Service Entitlement Anomalies in respect of South East Asian Service*, headed by Major General R.F. Mohr, RFD ED RL, 5 May 1999.²⁷

e. Report of the *Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75*.²⁸

f. Department of Defence DEFGRAM NO 233/2001 *Awards for Service in South-East Asia 1955-1989*, 2 July 2001.²⁹

46. On 7 April 2026, Mr Barker provided an undated *statement of contention and formal submission – AASM*. Subsequently on 8 April 2026, Mr Barker provided a further submission concerning his eligibility for the Australian Active Service Medal.

47. On 9 April 2026, Tribunal sent Mr Barker the Defence response, which, in summary, provided that Defence had no further comments on the documentation provided by the Tribunal and that Defence's position remained unchanged.

48. On 20 April 2026, Defence confirmed that its original position remained unchanged:

The evidence confirms that Mr Barker completed 19 days of qualifying service for the Australian Service Medal with Clasp 'IRIAN JAYA' and 16 days of

²⁴ Media release, 'New Awards for Forgotten Veterans and Civilians' Gary Punch, Minister for Defence Science and Personnel and Frank Walker, Minister for Administrative Services dated 19 April 1994.

²⁵ Report of the Committee of Inquiry into Defence Awards, General Peter Gratton AO OBE, (Chairman) dated March 1994.

²⁶ Statement by the Prime Minister, The Hon P J Keating, MP, 'Military Service Medal' published in the Canberra Times 21 March 1995.

²⁷ Media release, The Hon Bruce Scott MP, Minister for Veterans Affairs, Minister Assisting the Minister for Defence, 'Defence Service in South East Asia in the period 1955-1975 to be reviewed,' dated 5 May 1999.

²⁸ Report of the 'Review of Service Entitlement Anomalies in Respect of South-East Asian Service 1955-75' headed by Major General The Honourable, R. F. Mohr, RFD, ED, RL, dated February 2000

²⁹ Department of Defence DEFGRAM No 233/2001 'Awards for Service in south East Asia 1955-1989, dated 2 July 2001.

qualifying service for the Australian Service Medal with Clasp 'MIDDLE EAST'.

Defence is unable to establish that Mr Barker completed the required 30 days of qualifying service within either declared operation, as prescribed by the relevant legislation governing the award of the Australian Service Medal and its associated clasps. Further in accordance with the Applicable Regulation, Defence finds that Mr Barker has no qualifying service towards the Australian Active Service Medal.³⁰

49. On 29 April 2026, Mr Barker provided his response to the post hearing correspondence.

50. Mr Barker contended that he had raised a series of specific, structured arguments, including:

- *The absence of a rational or articulated basis for the 30-day rule;*
- *The legality of rigid rule application under administrative law principles;*
- *The necessity of considering **aggregation of operational service**;*
- *The arbitrariness of “cliff-edge” outcomes;*
- *The central proposition that **operational legitimacy arises from participation, not elapsed time**.*

51. Mr Barker further contended that neither Defence nor the Tribunal had:

- *Addressed these arguments individually;*
- *Provided reasoning in response to them;*
- *Identified why they are rejected;*
- *Engaged with the legal authorities relied upon.*

52. Mr Barker contended that Defence’s response and the research documents merely restated the numerical application of the 30 day requirement and that this did not constitute ‘substantive engagement’ with his case.³¹

Tribunal Consideration

The Reviewable Decision

53. The Tribunal noted that Mr Barker made an application for the Australian Active Service Medal and/or the Australian Service Medal on 22 February 2013. He subsequently made two applications for a ‘Full Medal Assessment’, the first on 8 May 2015 and the second on 18 April 2017. His application for review refers to Defence’s decision in relation to the Australian Active Service Medal and clearly seeks review of the decision made on 10 April 2013.³²

54. The Tribunal was therefore satisfied that the reviewable decision is the decision of the Service Assessments and Awards Directorate of the Defence’s Directorate of Honours and Awards dated 10 April 2013.

³⁰ Letter, Defence to Tribunal dated 20 April 2026.

³¹ Email, Barker to Tribunal, dated 29 April 2026.

³² Mr Shane Barker’s Application for review of a Decision dated 26 September 2025.

The relevant regulations – Australian Active Service Medal

55. The Tribunal was satisfied that the Regulation applicable to Mr Barker's application for the Australian Active Service Medal was the *Australian Active Service Medal Letters Patent and Regulations* dated 13 September 1988. That was the Instrument in place at the time of Mr Barker's application and the basis of the subsequent reviewable decision.³³

Eligibility criteria - Australian Active Service Medal

56. To be eligible for the Australian Active Service Medal, Mr Barker must have been engaged in a 'warlike' operation after 14 February 1975 which is 'a prescribed operation' for the purposes of the Australian Active Service Medal Regulations. The Tribunal noted that the Australian Active Service Medal Regulation specifically provides *The Medal shall not be awarded except to a person who fulfils the conditions for the award of the Medal*.³⁴ The Tribunal was required to apply the conditions for award of the award in making its assessment of Mr Barker's entitlement for the Australian Active Service Medal.

57. It is the Governor-General, on the recommendation of the Minister for Defence, who may declare that 'warlike operation'. The power to declare an operation as a 'warlike operation' does not reside with the Tribunal.

58. The Tribunal carefully considered Mr Barker's evidence concerning his eligibility for the Australian Active Service Medal as set out in his written submissions and at hearing and noted his submissions provided following the hearing. As to the matters raised in his submissions, the Tribunal was satisfied that Mr Barker was provided with procedural fairness in relation to his application for review.

59. In particular, Mr Barker was provided with the reasons for Defence's decision, was provided with the opportunity to provide written submissions before the hearing (and did so), was invited to and did attend the hearing, was provided with further material relevant to concerns he raised during the hearing as to the basis of the 30 day requirement and provided with the opportunity to provide submissions concerning both that material and Defence's additional submission in relation to it.

60. Neither Mr Barker nor Defence identified any service undertaken by Mr Barker during his decade of service in the Royal Australian Navy which had been declared a prescribed operation for the purposes of the Australian Active Service Regulations.

61. Based on an examination of Mr Barker's service records and his own evidence, the Tribunal is not satisfied that Mr Barker undertook any 'warlike service', let alone warlike service on a prescribed operation. Accordingly, the Tribunal was satisfied that Mr Barker does not fulfil the criteria for award of the Australian Active Service Medal.

³³ *Commonwealth of Australia Gazette S335*, dated 2 November 1988.

³⁴ Australian Active Service Medal Regulations regulation 4 (5), *Commonwealth of Australia Gazette S335*, dated 2 November 1988.

The Relevant regulation - Australian Service Medal

62. While Mr Barker continued both at hearing and in his submissions both prior to and after the hearing to press for an Australian Active Service Medal, he relied on and referenced his service during two non-warlike operations, being service with which took place during periods covered by the Australian Service Medal with Clasp 'IRIAN JAYA' and the Australian Service Medal with Clasp 'MIDDLE EAST'.

63. The Tribunal was satisfied that the Regulation applicable to Mr Barker's application for the Australian Service Medal was set out in the *Australian Service Medal Regulations with Clasp 'MIDDLE EAST' Determination by the Governor-General* dated 16 May 2011. That was the Instrument in place at the time of which governed the making of the reviewable decision concerning Mr Barker's service in HMAS *Tarakan* in 1977 and HMAS *Derwent* in 1980.

64. The Tribunal was further satisfied that in relation to the Australian Service Medal with Clasp 'IRIAN JAYA' the relevant Declaration and Determination under the *Australian Service Medal Regulations* was the *Australian Service Medal Regulations with Clasp 'IRIAN JAYA', Determination by the Governor-General* dated 20 February 2002.

65. In relation to the Australian Service Medal with Clasp 'MIDDLE EAST' the Tribunal was satisfied that the relevant Declaration and Determination under the *Australian Service Medal Regulations* was the *Australian Service Medal Regulations with Clasp 'MIDDLE EAST' Determination by the Governor-General* dated 16 May 2011.

Eligibility criteria – Australian Service Medal

66. The Tribunal considered Mr Barker's eligibility for the Australian Service Medal with Clasp 'IRIAN JAYA' and his eligibility for the Australian Service Medal with Clasp 'MIDDLE EAST'.

67. The award of both the Australian Service Medal with Clasp 'IRIAN JAYA' and the Australian Service Medal Clasp 'MIDDLE EAST' are subject to the provisions of the Australian Service Medal Regulations. Those regulations provide 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 are on or after 14 February 1975 engaged, to be a prescribed operation for the purposes of these Regulations.*³⁵

68. Those Regulations further provide:

*The conditions for the award of the Medal are the conditions determined by the Governor-General on the recommendation of the Minister.*³⁶

³⁵ *Australian Service Medal Regulations regulation 4(5), Commonwealth of Australia Gazette S336, dated 2 November 1988.*

³⁶ *Australian Service Medal Regulations regulation 4 (2), Commonwealth of Australia Gazette S336, dated 2 November 1988.*

*The Medal may not be awarded except to a person who fulfils the conditions for the award of the Medal.*³⁷

69. Separate Declarations and Determinations under the Australian Service Medal Regulations have been made for the Australian Service Medal with Clasp ‘IRIAN JAYA’ and the Australian Service Medal with Clasp ‘MIDDLE EAST’.

Consideration – Australian Service Medal with clasps

70. As required by Section 110VB(6) of the *Defence Act 1903*, the Tribunal is bound to apply the provisions of the *Australian Service Medal Regulations* and relevant Declarations and Determinations.

Australian Service Medal with Clasp ‘IRIAN JAYA’

71. Based on Mr Barker’s service records, his evidence at hearing and the Defence Report, the Tribunal was satisfied that he has relevant operational service as part of the ship’s company of HMAS *Tarakan* deployed on Operation CENDERAWASIH during the period from 10 May 1977 to 28 May 1977, a period of 19 days.

72. The Tribunal carefully considered Mr Barker’s submission that his days of eligible service across both Operation CENDERAWASIH and in the North West Indian Ocean should be aggregated so he could satisfy the requirements for award of an Australian Service Medal.

73. Under the provisions of that Declaration and Determination, to be eligible for the Australian Service Medal with Clasp ‘IRIAN JAYA’, Mr Barker must have been engaged on **the** prescribed operation for **the** prescribed period.³⁸ The Tribunal was satisfied that the reference to ‘the prescribed operation’ is a reference to Operation CENDERAWASIH during the specified dates, and that service on that operation during those dates is the only eligible service for the purposes of the Declaration relating to Operation CENDERAWASIH.

74. In coming to this finding, the Tribunal had regard to the fact that the criteria for eligibility for the award of the Australian Service Medal with Clasp ‘IRIAN JAYA’ specifically includes a list of dates of service for operation CENDERAWASIH where aggregation of periods amounting to 30 days for the award is specifically allowed.

75. The Tribunal was satisfied, as a matter of statutory interpretation, that the inclusion in the Declaration and Determination relevant to the award of the Australian Service Medal with Clasp ‘IRIAN JAYA’ of specific provisions allowing for aggregation of service towards the 30 day requirement together with the prohibition in the Australian Service Medal Regulations of that medal being awarded otherwise than in accordance with the provisions of those regulations, implies that other aggregation is not permitted.

76. The Tribunal was satisfied that Mr Barker’s eligible service in HMAS *Tarakan* and HMAS *Derwent* were on different operations. Accordingly, the Tribunal was

³⁷ Australian Service Medal Regulations regulation 3, *Commonwealth of Australia Gazette S336*, dated 2 November 1988.

³⁸ Emphasis added by the Tribunal.

therefore satisfied that those periods of service cannot be combined to satisfy the requirements of the Declaration and Determination dated 20 February 2002.

77. As the Tribunal was satisfied that Mr Barker did not serve for a period of 30 days, or for periods aggregating 30 days, on ‘the declared operation’, which the Tribunal finds was Operation CENDERAWASIH, during the dates specified in the Declaration and Determination dated 20 February 2002, the Tribunal was satisfied that he does not fulfil the criteria for the Australian Service Medal with Clasp ‘IRIAN JAYA’.

Eligibility Criteria – Australian Service Medal with Clasp ‘MIDDLE EAST’

78. The Tribunal was satisfied that the Declaration and Determination relevant to Mr Barker’s service in HMAS *Derwent* is that dated 16 May 2011. To be eligible for the Australian Service Medal with Clasp ‘MIDDLE EAST’, Mr Barker must have been engaged on **the** prescribed operation for **the** prescribed period.³⁹

79. Based on Mr Barker’s service records, his evidence at hearing and the Defence Report, the Tribunal was satisfied that Mr Barker served as part of the ship’s company of HMAS *Derwent* deployed in the North East Indian Ocean in the area north of 10 degrees north and west of 75 degrees east during the period that commenced on 1 September 1980 and ended on 31 July 1986 (North West Indian Ocean operations) as part of the ship’s company of HMAS *Derwent* for a period from 20 October 1980 to 4 November 1980, a period of 16 days.

80. Again the Tribunal carefully considered Mr Barker’s submission that his qualifying days in HMAS *Tarakan* and HMAS *Derwent* be aggregated so that he could meet the qualifying period of 30 days referred to in both the Declaration and Determination under the Australian Service Medal Regulations for the Australian Service Medal with clasp ‘IRIAN JAYA’ and the Declaration and Determination under the Australian Service Medal Regulations for the Australian Service Medal with clasp ‘MIDDLE EAST’.

81. Like the Declaration and Determination under the Australian Service Medal Regulations dated 20 March 2002, the Declaration and Determination under the Australian Service Medal Regulations dated 16 May 2011 refer to ‘the prescribed operation’ and references that period as being 30 days.

82. For the reasons set out above, the Tribunal was satisfied that this is limited to the operations specified at (b)(i)-(v) of the Declaration and Determination under the Australian Service Medal Regulations dated 20 March 2002.

83. For reasons which mirror those set out above in relation to the award of the Australian Service Medal with clasp ‘IRIAN JAYA’, the Tribunal, while recognising and thanking Mr Barker for his service on two non-warlike operations, was satisfied that Mr Barker’s eligible service’ in HMAS *Tarakan* and HMAS *Derwent* were on different operations and cannot be combined to satisfy the requirements of the Declaration and Determination dated 16 May 2011 for the award of the Australian Service Medal with Clasp ‘MIDDLE EAST’.

³⁹ Emphasis added by the Tribunal.

84. Mr Barker provided detailed written submissions both prior to and after the hearing which went to his concerns about the decision making process. Given that the Tribunal has, as it is required to do, conducted a merits review, it is not necessary for the Tribunal to address in detail Mr Barker's concerns with Defence's decision making process.

Consideration of recommendation to the Minister

85. As noted above, Mr Barker requested that the 'consideration be given to a review of the regulations governing the [Australian Service Medal], with a view to introducing flexibility in recognizing short duration but substantive operational service.' He said that *such an approach would align with the enduring Defence values of fairness, integrity, and recognition of service rendered under all circumstances.*⁴⁰

86. As noted above, Mr Barker also requested information as to the source of the '30 day' requirement for the Australian Service Medal.

87. In response to Mr Barker's request, the Tribunal carefully considered the material at paragraph 45. The Tribunal noted that with few exceptions the service required to qualify for a 'Military Service Medal' required a qualifying period of 30 days and that the 30 day qualifying period remained a requirement for the vast majority of the clasps for the Australian Service Medal.

88. The Tribunal was mindful of the principle espoused in the 1984 Committee of Inquiry into Defence and Defence Related Awards, that:

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

89. Given that there has been considerable scrutiny of the circumstances in which Defence members may qualify for the award of the Australian Service Medal and that in the vast majority of instances, there is a minimum requirement for a qualifying period of 30 days for each different operation, the Tribunal chose to not make a recommendation that the 30 day requirement set out in the Declarations and Determinations under the Australian Service Medal Regulations as they relate to the awards of the Australian Service Medal with Clasp 'IRIAN JAYA' or the Australian Service Medal with Clasp 'MIDDLE EAST' be subject to review.

DECISION

90. The Tribunal decided to affirm the decision that Mr Shane Barker not be recommended for the award of the Australian Active Service Medal, the Australian Service Medal with Clasp 'IRIAN JAYA' or the Australian Service Medal with Clasp 'MIDDLE EAST'.

⁴⁰ Email Mr Barker to Tribunal, dated 6 November 2025, comments on Defence report.