



Australian Government

Defence Honours and Awards Appeals Tribunal

Kasper and the Department of Defence re: McCutchen [2026] DHAAT 14 (27 July 2026)

File Number	2025/022
Re	Mr Joshua Kasper Applicant
And	The Department of Defence Respondent
Tribunal	Mr Jonathan Hyde (Presiding Member) Air Commodore Anthony Grady AM (Retd) Major Gary Mychael OAM CSM (Retd)
Hearing Date	19 March 2026
Appearances	Mr Joshua Kasper Mrs Diane Kasper Mrs Judy Hutton (for the Applicant) Mrs Allison Augustine Director, Honours and Awards, Defence Mr Tyson Pan, Assistant Director, Defence Honours and Recognition (for the Respondent)

DECISION

On 27 July 2026, the Tribunal decided to recommend to the Minister that the decision that the late Mr William McCutchen not be recommended for a gallantry award for service at the Battle of Long Tan be affirmed.

CATCHWORDS

DEFENCE HONOUR – Australian Gallantry Decorations – Vietnam – Battle of Long Tan – airborne resupply of combat operations

LEGISLATION

Defence Act 1903 – Part VIIC – Sections 110T, 110V(1), 110VB(1), 110VB(6)
Defence Regulation 2016 Section 35

Australian Gallantry Decorations

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

Amendment of the Gallantry Decorations Regulations, Commonwealth of Australia
Gazette No. S420, dated 6 November 1996

Introduction

1. The Applicant, Mr Joshua Kasper, seeks review of a decision dated 21 July 2025 by the Department of Defence to refuse his late grandfather, Mr William McCutchen, for a gallantry award for his service at the Battle of Long Tan, Vietnam on 18 August 1966.

Decision under review

2. On 8 January 2025, Mr Kasper applied to Defence seeking formal recognition for the actions of his grandfather at the Battle of Long Tan.¹ On 21 July 2025, Defence wrote to Mr Kasper advising him that Defence did not support the award of a gallantry or distinguished service decoration to Mr McCutchen.² On 24 July 2025, Mr Kasper applied to the Tribunal seeking review of the above decision, in respect of his late grandfather's eligibility for a gallantry decoration. He stated:

We are seeking a posthumous award of a gallantry decoration for CPL McCutchen, ideally the Medal for Gallantry or, failing that, a Commendation for Gallantry in recognition of his voluntary participation in the high-risk aerial ammunition resupply mission critical to the survival of D Company 6RAR.³

Tribunal jurisdiction

3. 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 honour in response to an application.

4. Regulation 35 of the *Defence Regulation 2016* lists the defence honours that may be the subject of a reviewable decision. The Australian Gallantry Decorations are all listed as defence honours in Regulation 35. Therefore, the Tribunal has jurisdiction to review decisions in relation to these defence honours.

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

¹ Email, Mr Kasper to Defence, 8 January 2026.

² Letter, Defence to Mr Kasper, DH&A/OUT/2025/039, 21 July 2025.

³ Application for Tribunal review, 24 July 2025.

Conduct of the review

6. In accordance with its Procedural Rules, on 9 September 2025, the Tribunal wrote to the Secretary of the Department of Defence informing him of Mr Kasper's application for review. Noting that Mr Kasper's application sought the award of a gallantry decoration to his late grandfather, the Tribunal requested a merits-based assessment of Mr McCutchen's actions against the eligibility criteria for a gallantry award, and a report on the material questions of fact and reasons for the decision to refuse the original application. The Tribunal also requested that the Secretary provide copies of documentation relied upon in reaching the decision and any other relevant documents.⁴

7. On 10 November 2025, the Director of Honours and Awards in the Department of Defence provided a submission on behalf of Defence.⁵ The Defence submission included several relevant documents, including the original application made by Mr Kasper to Defence, and the Departmental decision brief and supporting research material (provided with Mr Kasper's application) that ultimately led to the reviewable decision.

8. The Defence submission was forwarded to Mr Kasper for comment on 21 October 2025. Mr Kasper responded with his comments on 22 October 2025.⁶ The matter was heard by the Tribunal on 19 March 2026. Following the hearing, requests for information were put to the applicant and to Defence, and the responses and further materials were shared with the parties. The Tribunal records its thanks for the participation of both the applicant and Defence throughout the course of this review.

Mr McCutchen's service

9. Mr McCutchen, hereafter referred to as Corporal McCutchen, enlisted in the Australian Regular Army on 8 October 1951 and discharged on 18 October 1981 following 30 years' service. Relevant to this application, during the Battle of Long Tan on 18 August 1966, he was posted to the 6th Battalion, The Royal Australian Regiment, during his first tour of Vietnam from 22 May 1966 to 9 June 1967. He also served on another tour, again with 6 RAR, from 7 May 1969 to 28 May 1970, and prior to his tours of Vietnam he served in other theatres of warlike operations including Korea and Malaya.

10. For his service, he has been recognised with the following:

- Australian Active Service Medal 1945-75 with Clasps 'KOREA', 'MALAYA', 'MALAYSIA', 'THAI-MALAY' and 'VIETNAM'
- Korea Medal
- United Nations Service Medal – Korea

⁴ Letter, Tribunal to the Secretary, DHAAT/OUT/2025/136, 29 July 2025.

⁵ Letter, Defence to the Tribunal, 20 October 2025.

⁶ Email, Mr Kasper to the Tribunal, 22 October 2025.

- General Service Medal 1918 – 1962 with Clasp ‘MALAYA’
- General Service Medal 1962 with Clasps ‘BORNEO’ and ‘MALAY PENINSULA’
- Vietnam Medal
- Australian Service Medal 1945-75 with Clasps ‘KOREA’ and ‘SE ASIA’
- Australian General Service Medal – Korea
- Defence Force Service Medal with First, Second and Third Clasps
- National Medal with First Clasp
- Australian Defence Medal
- Pingat Jasa Malaysia Medal
- Republic of Vietnam Campaign Medal
- Republic of Korea War Service Medal
- Republic of Vietnam Cross of Gallantry with Palm Unit Citation⁷

The Battle of Long Tan

11. On 18 August 1966, D Company 6 RAR was engaged in one of Australia's heaviest actions of the Vietnam War, in a rubber plantation near the village of Long Tan. The 108 soldiers of D Company held off a large enemy force for over three hours during a tropical downpour. They were greatly assisted by a timely ammunition resupply by Royal Australian Air Force (RAAF) helicopters, close fire support from artillery, and the arrival of Armoured Personnel Carriers (APCs), together with reinforcements from other elements of the battalion. Seventeen Australians were killed and 25 wounded, with one of the wounded dying several days later. A full description of the battle, developed by the Tribunal from a range of sources, is provided at **Attachment A**.

The Australian Gallantry Decorations

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

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

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

...

Conditions for award of the decorations

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

⁷ Ibid.

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

(3) The Commendation for Gallantry may be awarded for other acts of gallantry in action which are considered worthy of recognition.⁸

Mr Kasper's application to Defence

14. In his application to Defence Mr Kasper provided the following statement in support of his late grandfather:

...He was one of the ammo unloaders on A2-1022 piloted by Flt Lt Cliff Dohle during the ammunition re supply to 6RAR during the Battle of Long Tan in Vietnam in 1966. My Grandfather "Q" Store Corporal William (Bill) McCutchen loaded that helicopter and wrapped the ammo in blankets. All the men from both Helicopters knew they were going against higher orders to not carry out this mission as it was classed as a suicide mission, A2-1022 was first on the scene of the battle flying at tree top height in tropical monsoonal rain conditions. They were sitting ducks and were getting shot at by the Viet Cong.

My Grandfather pushed out the ammunition wrapped in blankets which landed directly near Jack Kirby. Jack Kirby handed out this ammo during the battle and was awarded the Distinguished Conduct Medal for this. If it wasn't for the brave actions of both flight crews, the outcome of The Battle of Long Tan would have been different. My Grandfather volunteered, went against orders and knew he may lose his life, however his actions on that day along with the other crew members saved 6RAR from certain death. He never spoke of this to any of our family prior to his passing. My family members along with myself were told by numerous ex serving and serving Army personal that my Grandfather was a hero and a legend for what he did in the different wars/conflicts he was in but never went into detail of those actions.

Our family was in contact with MC Harry Smith prior to his death regarding supporting my grandfather's formal recognition, however sadly he has since passed. I am asking that my Grandfather Corporal William Raymond McCutchen is formally recognized with a bravery award for his actions for the Battle of Long Tan....⁹

The reviewable decision

15. As noted above, on 21 July 2025, Defence wrote to Mr Kasper stating that it did not support further medallic recognition for Corporal McCutchen. In doing so, it provided a contextual summary of the Battle of Long Tan at the time of the ammunition resupply. Defence stated:

⁸ Commonwealth of Australia Gazette No. S420 – Amendment of the Gallantry Decorations Regulations - dated 6 November 1996.

⁹ Application from Mr Kasper dated 8 January 2025.

Almost as soon as the battle began, a torrential downpour of rain added to the gloom in the rubber plantation. The Australians of D Coy were surrounded, short of ammunition and fighting an enemy whose strength they could only guess at. The Australians called for helicopters to drop ammunition to them. Flying at tree-top height, braving the terrible weather and heavy Viet Cong fire, two RAAF helicopters located the beleaguered Australians. At approximately 6pm the helicopters dropped boxes of ammunition wrapped in blankets to the troops below.

16. Defence submitted that two Iroquois helicopters flew the resupply mission, including Aircraft A2-1020, piloted by Flight Lieutenant Francis Riley, with a volunteer crew of five',¹⁰ and Aircraft A2-1022, piloted by Flight Lieutenant Cliff Dohle, with a volunteer crew of another five individuals, including Corporal McCutchen, whom Defence described as the 6 RAR Admin Company Storeman.

17. Defence stated that Corporal McCutchen's usual employment as a storeman would rarely, if ever, see him participate in flight operations. It said that after having boarded the aircraft, he assisted with the loading, wrapping and unloading of ammunition by aerial drop to D Company, positioning the ammunition in the doorway such that the pilot would tilt the aircraft over the drop zone and the ammunition would fall out to the troops below.

18. In relation to distinguished service, Defence stated that as Corporal McCutchen was not in a command or leadership position, he could not be considered for the Distinguished Service Cross, or the Distinguished Service Medal. In relation to the other available Distinguished Service Decoration, Defence said that Corporal McCutchen's actions in volunteering to go aboard aircraft A2-1022, and assisting with the unloading of the resupply of ammunition were not his usual activities. However the activities he was expected to do, complete the task of wrapping ammunition in blankets and push the ammunition out when told, were not tasks that required a level of performance that were superior to his rank or training. It said that therefore he could not be considered for the award of the Commendation for Distinguished Service.

19. Along with listing the eligibility criteria for the Australian Gallantry Decorations (and the Victoria Cross for Australia), Defence stated:

The concept of gallantry is not defined in the Regulations and dictionary definitions such as 'dashing courage' or 'heroic bravery' do not provide an operational construct that is measurable in the context of the Australian Honours and Awards system and in action.

¹⁰ Including two senior soldiers, the Officer Commanding Admin Company 6 RAR, Major Owen O'Brien and the Regimental Sergeant Major of 6 RAR, Warrant Officer Class One George Chinn.

The Defence Honours and Awards Appeals Tribunal (the Tribunal) have adopted in a number of reviews the following definition:

“The Tribunal considers that gallantry requires a higher standard of conduct than bravery and usually a special and additional element of courage, fearlessness, daring or heroism will have been demonstrated. What amounts to an ‘act of gallantry’, necessarily varies according to the individual circumstances of each action, and depending on many factors, including the level of threat, the person’s training, role and responsibility, the risk to the individual and/or the group, and the consequences of undertaking, or not undertaking, the particular act. The Tribunal considered that the concept of gallantry is greater than collective or individual acts of bravery and above and beyond what was expected of an individual or group who were bravely doing what they were trained to do or expected to do as part of a role, rank or responsibility.”

20. Defence stated that volunteering to board the aircraft to assist with the wrapping and loading of ammunition, and the aircraft then taking off with both Admin Company personnel on board, was certainly different to Corporal McCutchen’s normal duties as a Storeman. Defence asserted that he may have been aware of the potential danger he was placing himself in from the poor weather and potential enemy fire but still volunteered. Defence stated that Corporal McCutchen’s act of volunteering could be considered brave, however Defence also stated that it did not demonstrate any ‘special or additional element of courage, fearlessness daring or heroism’ that would elevate his actions to gallantry.

21. Defence stated that once airborne, the appalling weather and danger from enemy fire, were beyond his control. It stated that the only deliberate action by Corporal McCutchen that could be assessed against the gallantry decorations was pushing out the ammunition. Defence stated that the only reference to how the boxes were delivered from the helicopter suggests the ammunition was positioned near to the doors of the aircraft and, with the assistance of the door gunner, were pushed out of the machine as the pilot banked overhead his desired delivery position. Defence stated that Corporal McCutchen was not responsible for the accuracy of the delivery.

22. Defence went on to state that there is no evidence to suggest that Corporal McCutchen did anything other than unload the ammunition by the fastest means practicable, to ensure both his and the aircraft’s safety. It stated that he may have placed himself at some risk as he may not have been strapped in, however Defence stated that this did not demonstrate a special and additional element of courage, fearlessness, daring or heroism.

23. Defence concluded by stating that having considered the facts, Corporal McCutchen could not be said to have performed in a manner of self-sacrifice or devotion to duty that was above that of his rank, experience or qualification.¹¹

¹¹ Letter, Defence to Mr Kasper, DH&A/OUT/2025/039, 21 July 2025.

Mr Kasper's application to the Tribunal

24. In his application to the Tribunal of 24 July 2025, Mr Kasper submitted that the following factors merited further consideration:

25. **Voluntary exposure to risk:** Mr Kasper submitted that as a Storeman, Corporal McCutchen's usual duties did not involve operational flight. Mr Kasper submitted that his decision to volunteer for a highly dangerous aerial resupply mission — under fire, in extreme weather conditions, and with a high risk of being shot down — was far beyond what was expected of his role, rank, or training.

26. **Engagement in a Critical Combat Support Role:** Mr Kasper submitted that Corporal McCutchen participated in the physical preparation, loading, and rapid aerial delivery of ammunition to Australian troops under siege. Mr Kasper submitted that his actions directly contributed to the continuation of D Company's defence, preventing what could have been a devastating loss of Australian lives and could have been one of Australia's biggest military disasters.

27. **Firsthand Exposure to Danger:** Mr Kasper submitted that the aircraft flew at treetop level due to the weight of the ammunition and was under the risk of enemy fire. He stated that:

- the aircraft flown by Flight Lieutenant Dohle carried two thirds of the ammunition, and the other aircraft carried one third.
- the aircraft flown by Flight Lieutenant Dohle was the first aircraft to deliver the ammunition.
- the amount of ammunition on board was at high risk of explosion if hit by enemy fire.
- the helicopters were also made of thin steel and were not built to be bullet proof.
- the aircraft needed to put its lights on to be able to be navigated to the location required and provided by coloured smoke by D Company. Ultimately, they were sitting ducks while unloading and according to Flight Lieutenant Dohle the unloading of the ammunition took between one to two minutes.
- Corporal McCutchen was not strapped in while pushing ammunition from the aircraft. His exposure was not theoretical or indirect — it was real and immediate. His willingness to undertake such a perilous role, without formal obligation or operational training in aerial missions, demonstrates a level of courage and duty well beyond standard expectations.

28. **Supportive Eyewitness Testimony and Historical Context:** Mr Kasper submitted that the broader historical record and recollections from other veterans of the Battle of Long Tan underscore the extreme peril and essential nature of the resupply flights. He submitted that without the resupply flights, the outcome of the battle may have been very different. He provided an extensive range of research material regarding the resupply mission in support of his application.¹²

¹² Application for Tribunal review, 24 July 2025.

The Defence report

29. Along with providing documents that precipitated the reviewable decision, and restating the reasons made by Defence in its assessment of Corporal McCutchen's eligibility for a gallantry award (and a distinguished service award), the Defence report addressed a number of the additional submissions made by Mr Kasper in support of his late grandfather.

30. In particular, in respect of voluntary exposure to risk, Defence stated that those factors set out by Mr Kasper had already been considered in Defence's merit assessment.

31. In respect of engagement in a critical combat support role, Defence said:

Corporal McCutchen participated in preparing the ammunition and loading it on the helicopter. While he did assist in the delivery, he would not have controlled the accuracy of the ammunition delivery. This outcome was controlled by the aircrew flying the helicopter and possibly facilitated by some direction by the gunners. Corporal McCutchen pushed the boxes out of the door as the pilot banked overhead the drop zone.

In this context, Defence also referred to its response in respect of supportive eyewitness testimony.

32. In respect of firsthand exposure to danger, Defence stated that the dangers Corporal McCutchen was exposed to while in the helicopter and at the drop zone were considered in the merit assessment.

33. In respect of supportive eyewitness testimony and historical context and material, Defence stated:

Corporal McCutchen participated in a pivotal resupply action recognised as 'saving the day' in a particularly well known battle. However, the importance of that re-supply and the notoriety of the battle do not speak to gallantry.

Stripped back to an examination of Corporal McCutchen's actions, he did a good job in pushing the boxes out the door when told to do so. He was not (and could not be) responsible for the accuracy of the delivery nor the safety of the troops on the ground. The description of 'elevated danger' of being under enemy fire in an aircraft loaded with ammunition while hovering at tree-top level in appalling conditions does not speak to gallantry on behalf of Corporal McCutchen....The extracts cited do not provide any new or substantive information beyond what was already considered during the merit assessment process.

34. Defence closed its submission by stating that it had considered its original assessment and decision of 21 July 2025 and that as Mr Kasper did not present any new compelling evidence, it affirmed its original decision and recommended that the Tribunal should also recommend affirmation of that decision.

35. **The Departmental decision brief.** The Defence report included the Department's decision brief that ultimately led to the reviewable decision, and included the following findings of fact:

Participants in the resupply mission. Two Iroquois helicopters flew the 6 RAR resupply mission including:

a. *Aircraft A2-1020 – Mission Leader - piloted by 0216204 Flight Lieutenant Francis Patrick Riley including volunteer crew of:*

- i. *Co Pilot – 043221 Flight Lieutenant Robert Grandin;*
- ii. *Door Gunner – A221540 Lance Corporal 'Blue' David John Collins;*
- iii. *Door Gunner – A55977 Lance Corporal John George Stirling;*
- iv. *OC Admin Coy, 6 RAR – 235123 Major Owen Joseph O'Brien; and*
- v. *RSM 6 RAR – 3975 Warrant Officer Class One George Ernest Chinn.*

b. *Aircraft A2-1022 piloted by 39642 Flight Lieutenant Clifford M Dohle including volunteer crew of:*

- i. *Co Pilot – 043428 Flight Lieutenant Bruce Ivan Lane;*

(a) It was the advice of Flight Lieutenant Bruce Lane, probably the most experienced of the four (pilots), which appears to have settled the matter. He told Group Captain Peter Frank Raw (Squadron Commander)¹³ that with two aircraft making the attempt there was at least a chance that one might get through, and from what was known of the dire situation developing outside the base there was no doubt that the attempt simply must be made, regardless of the risks involved. This advice was accepted by Group Captain Raw, who was a bomber pilot by training with no special knowledge of helicopter operations, and the flight was duly authorised;

(b) Flight Lieutenant Dohle's aircraft also carried most of the ammunition and so it had to stay longer over the drop zone to complete its task.

- ii. *Door Gunner - A32932 Corporal William 'Bill' Rex Harrington;*
- iii. *Door Gunner - A56669 Lance Corporal Brian Boyd Hill;*
- iv. *6 RAR Admin Coy Storeman – 12329 Corporal William Raymond McCutchen; and*
- v. *6 RAR Admin Coy RAEME Technician (Armourer) – 1200605 Craftsman Robert 'Ray' Service.*

Craftsman Service recalled in the RAEME Newsletter 6:

"As a small group of Admin Company soldiers were loading the last of the 'ammo' onto Dohle's Iroquois, during a tropical monsoon down pour, 'Q' store Corporal Bill McCutcheon with a bundle of blankets had boarded the helicopter. He needed help to wrap the 'ammo' boxes so I joined him onboard." "While we were task busy, the pilot took off, with

¹³ This appears to be an error. GPCAPT Raw was not the squadron commander.

the engine sound, storm noise, blocked out any 'comms' between the adrenalin rushed, expanded crew. As the 'chopper' descended to rain soaked rubber tree top height, [20-30ft. above ground] like sitting ducks. It banked to one side and we pushed out 'ammo' boxes, some in sand bags After the drop the two Iroquois returned to Nui Dat with Dohle's co-pilot Flight Lieutenant Bruce lane, door gunners Corporal Bill Harrington and Lance Corporal Brian Hill. The other 'slick' A2- 1020, was flown by Flight Lieutenant Francis Riley and Flight Lieutenant Robert Grandin with door gunners, Lance Corporal Blue Collins and Lance Corporal George Stirling."

c. Whilst Riley's aircraft was the Mission Leader, they were not first to unload over the drop zone. As noted in the Defence Honours and Awards Appeals Tribunal (Tribunal) Inquiry Report into Service at the Battle of Long Tan 2009 Group Captain Raw explained the technique for the ammunition resupply task:

i. the Mission Lead aircraft A2- 1020 (Riley) would fly at higher altitude and take up a position high above the target area and then direct the second aircraft A2- 1022 (Dohle) at little more than treetop level to a position immediately over the drop zone to deliver the load;

ii. Riley then delivered the smaller cargo of ammunition after Flight Lieutenant Dohle's aircraft had completed its drop; and

iii. Flight Lieutenant Dohle's aircraft also carried most of the ammunition and so it would have needed to stay longer over the drop zone to complete its task, placing themselves at considerable risk from ground fire.

d. Corporal McCutchen's usual employment as a Storeman would rarely, if ever, see him participate in flight operations. Having boarded aircraft A2-1022, he assisted with the loading and wrapping of ammunition, then unloading to the beleaguered D Coy, 6 RAR, whilst airborne over the drop-zone;

e. All men from both helicopters knew they were facing a high risk mission – considered to be suicidal by the Squadron Commander, flying in extremely dangerous weather conditions, against superior enemy forces, with no fire support;

f. In Aircraft A2-1022, Corporal McCutchen and Craftman Service pushed ammunition boxes wrapped in blankets into the doorway of the aircraft whereupon, when over the drop zone, the pilot would pitch the aircraft so that the ammunition fell out to the Troops below, landing with near pin-point accuracy directly near Warrant Officer Class Two Jack Kirby, the Company Sergeant Major

g. While the extract at paragraph b5 suggests that Corporal McCutchen and Craftman Service were involuntary volunteers, 'The Battle for Long Tan' describes Major O'Brien and Regimental Sergeant Major Chinn as selecting from a number of soldiers who had volunteered to go abroad; and

h. According to Fred Fairhead's account in 'A Duty Done' the resupply occurred during a '...lull in fighting'. It is reported in 'Long Tan, the Start of a Lifelong Battle' by (then Major) Harry Smith that the '...choppers were never under fire as all the action was about 400m east ...and the enemy could not see or hear the choppers'. This is reiterated in 'The Battle of Long Tan' by Lex McAulay with both aircrew reporting that no enemy had been seen and no fire had been directed at them. However in the 6 RAR After Action Report by Major Harry Smith, OC D Company describes '...the two RAAF helicopters who dropped ammunition from a height of 30 feet into an area which was swept with MG fire and in shocking flying conditions'

36. The Departmental decision brief also made the following assessment of Corporal McCutchen's eligibility for a gallantry decoration:

To be eligible for an Australian gallantry award, Corporal McCutchen's actions would need to demonstrate that he had performed 'acts of gallantry in action'. In action is a straightforward concept, involving armed conflict in close proximity to, or under the fire of, an adversary. In this matter, Corporal McCutchen was clearly 'in action' or otherwise engaged in warlike operations.

Volunteering to board the aircraft to assist with the wrapping and loading of ammunition, and the aircraft then taking off with both Admin Coy personnel on board, was certainly different to Corporal McCutchen's normal duties as a Storeman. He may have been aware of the potential danger he was placing himself in from the poor weather and enemy fire but we cannot know for sure how much understanding he had of the level of hazard when he volunteered. Corporal McCutchen's act of volunteering can be considered brave, however it does not demonstrate any 'special or additional element of courage, fearlessness daring or heroism' that would elevate his actions to gallantry.

Once airborne, the appalling weather or danger from enemy fire, were beyond his control. The only deliberate action by Corporal McCutchen that could be assessed against the gallantry decoration was pushing out the ammunition. The only reference to how the boxes were delivered from the helicopter suggests the ammunition was positioned near to the doors of the aircraft and, with the assistance of the door gunner, were pushed out of the machine as the pilot banked overhead his desired delivery position. Corporal McCutchen was not responsible for the accuracy of the delivery. There is no evidence to suggest that Corporal McCutchen elected to unload the ammunition by anything but the fastest means practicable, to ensure both his and the aircraft's safety. He may have placed himself at some risk as he may not have been strapped in however this does not demonstrate a special and additional element of courage, fearlessness, daring or heroism.

Having considered the facts, I find that for the purposes of making an assessment of gallantry, Corporal McCutchen did not perform in a manner of self-sacrifice

*or devotion to duty that was above that expected of his rank, experience or qualification.*¹⁴

Mr Kasper's comment on the Defence Report

37. In his comment on the Defence Report, Mr Kasper noted Defence acknowledged Corporal McCutchen's voluntary participation in the mission, but disagreed with Defence's conclusions that *it cannot be known for sure how much understanding he had of the level of hazard when he volunteered* and that *his act of volunteering can be considered brave, however it does not demonstrate any special or additional element of courage, fearlessness, daring or heroism*. In doing so, he stated that the context of the mission and the voluntary nature of his grandfather's actions clearly met the criteria for at least the Commendation for Gallantry.

38. He submitted that the available evidence, including that in the Defence report, cited evidence that all personnel involved, including both flight crews and volunteers, were fully aware of the deadly risks. In his submission, historical accounts — including those cited in Defence's own material — confirm that the mission was referred to at the time as a 'suicide mission.' He submitted that the aircraft were flying low and slow over an active combat zone, under known enemy fire, carrying ammunition that could have ignited if struck.

39. Mr Kasper went on to submit that his grandfather was a Storeman, not aircrew, and that his role did not require or train him for aerial operations. He submitted that his decision to volunteer for this mission — in full knowledge of the likely danger and in defiance of his normal duties — represented an act of personal courage and self-sacrifice. He submitted that it was not a routine task or 'merely following orders'. He stated that it was an exceptional act, motivated by duty and comradeship, in direct support of Australian soldiers fighting for their lives.

40. Mr Kasper submitted that Defence acknowledged that the mission involved *appalling weather and danger from enemy fire* and that Corporal McCutchen may have been aware of the potential danger he was placing himself in. He again submitted that the aircraft in which Corporal McCutchen was flying carried the majority of the ammunition, requiring it to remain longer over the drop zone, thus increasing exposure to enemy fire and risk of being shot down.

41. Mr Kasper submitted that to state that he *may have* understood the danger underplays both the operational evidence and the historical record. He submitted that the two aircrews and volunteers knew precisely the peril they faced. He referred to the recollections by Craftsman Service, Flight Lieutenant Lane, and contemporary RAAF and RAEME documentation. He stated that his grandfather's voluntary participation was a conscious and informed act of bravery.

¹⁴ Letter, Defence to the Tribunal, 20 October 2025.

42. Mr Kasper referred to the eligibility criteria for the Commendation for Gallantry which states the Commendation may be awarded *for other acts of gallantry in action which are considered worthy of recognition*. He submitted that the definition adopted by the Tribunal itself recognises that gallantry involves courage and daring in the face of danger, above what would normally be expected of one's role or rank. He submitted that Corporal McCutchen's decision to board the helicopter, his actions during the flight, and his exposure to life-threatening circumstances meet this definition. He submitted that his contribution was integral to the success of the resupply mission — an action widely recognised as saving D Company from annihilation.

43. Mr Kasper concluded by submitting that Corporal McCutchen's actions demonstrated exceptional courage, initiative, and self-sacrifice under direct threat of enemy fire and in extreme conditions. He stated that these actions far exceeded the expectations of his assigned role and warrant formal recognition, in the form of the Commendation for Gallantry.¹⁵

Evidence provided at hearing

44. The hearing was held using video conferencing on 19 March 2026. Mr Kasper appeared with two relatives, Mrs Diane Kasper (his mother) and Mrs Judy Hutton (his aunt), both daughters of Corporal McCutchen.

45. Mr Kasper provided an opening statement that is, pleasantries and introductory statements aside, reproduced in full below:

This case comes down to whether Corporal McCutchen's voluntary actions during the Battle of Long Tan meet the threshold for gallantry.

The core facts are not in dispute. Defence accepts that he volunteered, entered a combat environment, and was exposed to real danger from both weather and potential enemy fire.

Importantly, RAAF operational records from August 1966 list him as a non-duty passenger and volunteer. That confirms he was not ordered to be on that aircraft.

He chose to go.

By the time of Vietnam, Corporal McCutchen had already completed approximately 15 years of Army service. He enlisted in 1951, even overstating his age to do so, and went on to serve in Korea, including the final stages of

¹⁵ Email, Mr Kasper to the Tribunal, 22 October 2025.

the Battle of the Hook, in Malaya in 1955 with 1 Platoon, A Company, 2nd Battalion, and later in Malaya and Borneo with the 3rd Battalion.

He was an experienced soldier with firsthand exposure to combat, enemy engagement, and operational risk. His service also placed him alongside experienced combat soldiers, including Sergeant Ray Simpson, who would later be awarded the Victoria Cross for Australia for actions in Vietnam. Contemporary unit records from 1 Platoon, A Company, 2RAR in 1955 confirm Sergeant Simpson's presence in that platoon.

My grandfather kept a personally signed photo of Ray Simpson in his home, hanging on his lounge room wall and would often say it should always be displayed for what he did.

That reflects the kind of soldier he was — someone who understood courage, respected it, and recognised what it meant to act in the face of danger.

This was not a naïve decision. It was a conscious, informed choice to step outside his role as a Storeman and enter a high-risk aerial mission under enemy threat.

This case is not about whether he had to be there.

It is about the fact that he chose to be there.

46. Defence also made an opening statement that acknowledged Corporal McCutchen's service, and his experience and his contribution to the defence of Australia. However, Defence went on to state that:

[t]he battle of Long Tan remained one of the most significant moments in Australia's military history. We recognise that he was involved in the urgent supply of ammunition linked to the battle and that was an important task carried out under pressure and it formed part of the collective effort that supported Australian troops when they needed it.

*At the same time, we must apply defence honours criteria consistently and fairly. Our decision not to make a recommendation for an honour is not a decision that diminishes his service, his willingness to help or the value of what he contributed. Defence is sincerely grateful for your grandfathers' service and we acknowledge the sacrifice made by him and your family.*¹⁶

47. In response to a question from the Tribunal as to why the application did not meet the criteria for an honour, Defence highlighted that it had conducted assessments against both the gallantry and distinguished service criteria; and that, in relation to gallantry awards:

¹⁶ Oral submission, Defence, 19 March 2026 Audio recording 11:40 – 12:45.

- a) Corporal McCutchen boarded the helicopter voluntarily;
- b) there were *other people who did the exact same function as him*;
- c) *from a defence point of view the recognition of the skill is relevant and linked to the pilots; of their skill flying in and they have both been recognised for their actions*;
- d) *being a volunteer itself is not an eligibility criteria for an award*; and ¹⁷
- e) against the contention that the act of volunteering for the mission was the basis for Corporal McCutchen being considered gallant, Defence did not agree that the act of volunteering met the threshold for gallantry.

48. Defence went as far as to state that the ‘steps’ were:

There was a call for urgent supply for the soldiers on the ground. It took a while but the two Australian pilots actually went against orders and they decided that they would do this. They needed the gunners and the helicopters; they also needed people to assist and because it happened so quickly...and I imagine that with your grandfather being a storeman he was able to get the ammunition and part of the group that was able to wrap it up and once you're on the helicopter that's it.....as soon as they got on that helicopter and were wrapping up the ammunition there was no way that they were going to have to get off. ¹⁸

49. In relation to the risks associated with the mission and specifically whether the mission could be regarded as *suicidal*, Mr Kasper stated:

I guess, like it is in the records and history books and whatnot with Major O'Brien and Sergeant Major George Chinn choosing the volunteers and both of them...they...I did read somewhere which I can't reference at the moment that they didn't want to choose young soldiers because they thought that they wouldn't come back, so the way I see...a lot of men did put their hands up to be the volunteers....I find it...well, in that we find the men who volunteered were gallant because it was clearly stated by the pilots that it was a suicide mission... ¹⁹

50. Defence stated that the captains of the aircraft had been recognised by virtue of their performance during challenging weather conditions. In response to a query from Mr Kasper in relation to Corporal Harrington, one of the door gunners, who had been

¹⁷ Ibid, audio recording 14:10 – 14:20.

¹⁸ Ibid, audio recording 17:20 – 18:20.

¹⁹ Oral submission, Mr Joshua Kasper, 19 March 2026, audio recording 19:10 – 19:30.

awarded the Air Force Medal, Defence clarified that the member had been awarded the Air Force Medal for sustained performance across his career.

51. The relevant section of the nomination reads:

...
Sergeant Harrington took part in all phases of helicopter operations in the Republic of Vietnam in Vietnam, several times coming under fire. On these occasions, he performed his duties with a high degree of efficiency.
....

52. Critically, the events at Long Tan were not specifically identified in the nomination, nor was the mission identified as being high-risk in that particular document.

53. There was no other materially significant discussion at the hearing.

54. Mr Kasper's closing statement was consistent with the sentiment that he had expressed in his opening. *That voluntary decision, in those conditions, is what elevates this to gallantry. A voluntary act. In a combat environment. Under real and immediate threat. Beyond what was required or expected. I respectfully submit that his actions were not only brave — they were gallant, and worthy of recognition.*

55. The conditions to which Mr Kasper referred in the previous paragraph were that Corporal McCutchen was in a *helicopter flying low over an active battle, in poor weather, under threat of enemy fire, carrying volatile ammunition. He did this knowing the risks, as the pilots flew at tree top height with their navigation lights on — effectively turning the helicopter into a glowing target for enemy machine guns.*

56. Mr Kasper also tabled what he referred to as an *Anchor Line*: *"This case is not about whether he had to be there — it is about the fact that he chose to be there."*

Tribunal Consideration

57. The Tribunal is required to review decisions 'on the merits'. This requires an examination of the merits of the matter in dispute rather than the lawfulness of the decision under review.²⁰ The merits review revolves around the evidence and accordingly, the Tribunal conducts an independent review, with values, expertise, methods and procedures of its own, and not those of the decision-maker.

58. The facts, law and policy aspects of the decision are all considered afresh and a new decision made.²¹ The Tribunal reviews the decision, and not the reasons for the decision. In doing so, there is no legal onus of proof, and there is no presumption that the

²⁰ Council of Australian Tribunals Practice Manual dated 7 April 2006 p.1.3.1.2.

²¹ Pearson, Linda, "Merit Review Tribunals", in Creyke, Robin and' McMillan, John, *Administrative Law - the Essentials*, AIAL 2002, p. 68

decision was correct.²² The Tribunal is bound to make what it regards as the 'correct or preferable' decision and must reach a decision that is legally and factually correct.

59. In reaching its decision, the Tribunal is bound by the eligibility criteria that governed the making of the reviewable decision in the first instance and has no discretion in relation to altering or amending these criteria.

Tribunal Analysis

60. Prior to entering into its analysis, the Tribunal wishes to acknowledge a number of points raised by Mr Kasper in his opening statement. Firstly, the Tribunal accepted unequivocally that Corporal McCutchen was a highly experienced soldier who had accrued combat experience in a number of theatres. The Tribunal also accepted that, as a consequence of this experience, Corporal McCutchen almost certainly understood courage, respected it, and recognised what it meant to act in the face of danger. In other words, the Tribunal accepted without reservation Mr Kasper's view in relation to the first two of his three key points from his opening statement.

61. The remainder of this report, though, focuses on the essence of Mr Kasper's third fundamental point: that Corporal McCutchen's voluntary decision to fly low over an active battle, in poor weather, under threat of enemy fire whilst carrying volatile ammunition ought to be considered gallant.

Is volunteering central to the concept of gallantry?

62. Although volunteering (or equivalent terms) are not directly referenced in the gallantry regulations, the Tribunal took the view that the *special and additional element of courage, fearlessness, daring or heroism*²³ that is now accepted as the benchmark for gallantry is entirely divorced from the notion of voluntary service.

63. It is possible, in the Tribunal's opinion, to complete any given task, regardless of whether the task was directed by the chain of command, or was entirely of one's own volition, in such a way that those conducting the task might be considered gallant. The act of volunteering was therefore, in the Tribunal's view, almost entirely agnostic to the concept of gallantry. (The rationale for the view that the *act of volunteering* is *almost entirely agnostic* will become evident later in this section.)

64. The Tribunal also took the view that volunteering for high or higher-risk missions does not automatically invite consideration for a gallantry award. If this were the case, the thousands of infantry soldiers who charged into machine gun fire in the First World War would all have been eligible for gallantry awards. This is similarly the case with the crews of the Royal Air Force (RAF) Bomber Command in the Second World War who

²² *McDonald v Director-General of Social Security* (1984) 1 FCR 354.

²³ See paragraph 19.

got airborne night after night knowing that the odds of surviving a tour were statistically improbable:

Of the 125,000 who served, 58,000 were killed....Of those who were flying at the beginning of the war, only ten percent survived.

...

The crews faced formidable odds...At times in the great offensives of 1943 and 1944 the short-term statistics foretold that less than 25 out of each 100 crews would survive their first tour of 30 operations...On a single night Bomber Command lost more aircrew than Fighter Command lost during the Battle of Britain. Yet the crews buckled on their chutes and set out with unshakeable resolution night after night....

*Yet despite the chilling odds, the flow of volunteers never faltered.*²⁴

65. And yet, despite this protracted display of extraordinary courage, an astonishingly low percentage of Bomber Command personnel received gallantry awards.²⁵

66. There are numerous other similar examples in the history of human conflict, but the point is that even those personnel who knowingly and willingly exposed themselves to elevated levels of risk are typically still required to have demonstrated a *special and additional element of courage, fearlessness, daring or heroism as part of that voluntary service* to be assessed as having been gallant. In this regard, the Tribunal noted that none of the 11 other personnel involved in the aerial resupply mission at Long Tan received a gallantry decoration.²⁶

67. The Tribunal therefore had some difficulty with Mr Kasper's proposition that Corporal McCutchen's *Voluntary Exposure to Risk*²⁷ was a determinant in this case.

²⁴ See website: <https://www.bombercommandmuseum.ca/archives.ca/commandlosses.html>, Accessed 24 June 2026

²⁵ 'Of the approximately 10,000 Australians that served with Bomber Command in the Second World War, just two received a Victoria Cross, 62 were awarded the Distinguished Service Order and six were awarded a Conspicuous Gallantry Medal.

²⁶ Flight Lieutenant Francis Riley (aircraft captain of A2-1020, and arguably the most vocal proponent of proceeding with the mission, to the point where he challenged the authority of higher command) received a Distinguished Flying Cross (DFC) in 1967 for a range of events, including the Long Tan resupply, across his *tour of duty* in Vietnam. Flight Lieutenant Cliff Dohle (aircraft captain of A2-1022) was awarded a MID at the time, and was subsequently awarded a DSM in 2010, principally for his role in the Long Tan resupply. Although one of the door gunners received an Air Force Medal in 1969, this decoration was for a range of achievements *across his career*, as opposed to being directly associated with the Long Tan resupply mission. The Tribunal also notes that the Regimental Sergeant Major of 6 RAR (Warrant Officer Class 2 George Chinn) who acted in a role similar to Corporal McCutchen on board A2-1020 received a number of awards, including a DCM, US Bronze Star with V (Valor) Device, US Army Commendation Medal for Valor, Republic of Vietnam Cross of Gallantry with Gold Star and Republic of Vietnam Armed Forces Honour Medal, Second Class.

²⁷ See application for Tribunal review.

68. That said, and noting that what *amounts to an ‘act of gallantry’, necessarily varies according to the individual circumstances of each action, and depending on many factors, including the level of threat, the person’s training, role and responsibility, the risk to the individual and/or the group, and the consequences of undertaking, or not undertaking, the particular act*, the Tribunal accepted that volunteering for a *bona fide* ‘suicide mission’ would, on balance, meet at least the spirit if not the intent of this benchmark.

69. With the above in mind, the Tribunal’s approach centred around two key elements: whether Mr Kasper could have reasonably known that the sortie had, at least for a limited period in a discussion between the pilots been labelled a *suicide mission* **and** whether he volunteered to take part in such a mission.

Could Corporal McCutchen have reasonably known that this had been labelled a ‘suicide mission’?

70. As part of the review process, Mr Kasper provided documentation, including witness accounts written by Warrant Officer Class 1 R.C ‘Bob’ Thomson, that he believed supported the claim that Corporal McCutchen’s actions met the threshold for gallantry.

71. As part of his application for review, Mr Kasper had also stated:

...He [Corporal McCutchen] was one of the ammo unloaders on A2-1022 piloted by Flt Lt Cliff Dohle during the ammunition re supply to 6RAR during the Battle of Long Tan in Vietnam in 1966. My Grandfather “Q” Store Corporal William (Bill) McCutchen loaded that helicopter²⁸ and wrapped the ammo in blankets. All the men from both Helicopters knew they were going against higher orders to not carry out this mission as it was classed as a suicide mission, A2-1022 was first on the scene of the battle flying at tree top height in tropical monsoonal rain conditions. They were sitting ducks and were getting shot at by the Viet Cong.

72. With respect to Mr Kasper’s contention that *all the men...knew they were going against higher orders to not carry out this mission as it was classed as a suicide mission*, the Tribunal has not been able to locate, nor has Mr Kasper been able to produce, any evidence that shows how the relatively private discussion between the aircrew and the senior officers had apparently become such common knowledge in short order.

73. Indeed, if the Tribunal was to rely on the way the discussion about the resupply was presented in Dr Bob Grandin’s book, *Answering the Call*²⁹ only the four Iroquois pilots, Group Captain Raw and Brigadier Jackson were present in the headquarters

²⁸ The Tribunal has not been able to confirm that Corporal McCutchen loaded the helicopter with ammunition. According to the Thomson article, the loading of ammunition was mostly completed prior to Corporal McCutchen arriving at the helicopters.

²⁹ Noting that, as the co-pilot on one of the two Iroquois involved in the mission, FLTLT Grandin is the only author of any of the books dealing with this subject who was actually present at the discussion.

throughout the discussion. And, most importantly according to the post-war reflections of Flight Lieutenant Grandin, just one of the four pilots (himself) briefly referred to the sortie as being *suicidal* until the lead pilot (Riley) abruptly shut down further discussion on the subject.

74. Further, the discussions were described as having occurred in a headquarters building close to the 1ATF helicopter pad, before the aircraft subsequently flew some distance to another helicopter pad (6 RAR's *Eagle Farm*) where the ammunition was loaded by the soldiers who eventually accompanied the aircraft during the resupply.³⁰ One of the books notes that during the loading of the ammunition by the soldiers, '*Riley and Grandin*³¹ don't speak about anything other than the procedures of the task ahead.'³² It is therefore not clear to the Tribunal how the soldiers on board A2-1022 became privy to the details of a brief and reputationally-sensitive discussion, conducted in their absence. The Tribunal notes that other books refer to the mission as being *extremely hazardous*,³³ or *dangerous*³⁴ as opposed to being *suicidal*. Similarly, although a paper presented at the 2010 Air Power Conference by the RAAF historian, Doctor Chris Clark³⁵ describes the mission as being '*extremely vulnerable to even small arms fire*', it stops short of suggesting that the mission was *suicidal*.

75. In any event, the Tribunal was unable to find any evidence to support the contention by Mr Kasper that the sortie '*was classed as a suicide mission.*'

76. Post hearing, Mr Kasper was asked how he had formed the view that *all the men* [emphasis added]....*knew they were going against higher orders to not carry out this mission as it was classed as a suicide mission.* In fairness, his response acknowledged that his earlier wording *was too broad in suggesting that all personnel involved understood the mission to be contrary to orders or appreciated the full extent of the risk.* He went on to state that *historical material more accurately supports the position that senior decision-makers and flight crews understood the mission to be exceptionally dangerous, outside normal protocol, and in some accounts described as a "suicide mission".*³⁶ Although the Tribunal agreed that senior decision makers and the helicopter aircrew were undoubtedly aware of the risks, it has not yet been able to locate any evidence to suggest that, these personnel aside, ordinary soldiers were sufficiently aware of the risks to truly appreciate the gravity of the situation.

³⁰ *The Battle of Long Tan*, FitzSimons, p278.

³¹ These being the only two pilots who, according to Grandin, had engaged in a discussion about the mission being suicidal within the 1ATF headquarters.

³² *The Battle of Long Tan*, FitzSimons, p278.

³³ *The Battle*, p93.

³⁴ *The Battle of Long Tan*, p145.

³⁵ *The RAAF at Long Tan*, Clark (formerly Coulthard-Clark), C., seminar paper presented to 2010 Air Power Conference, p5, accessed at

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjB7bz4i8yUAXVNha8BHVUGC1cQFnoECDQQAQ&url=https%3A%2F%2Fwww.radschool.org.au%2FBooks%2FThe%2520RAAF%2520at%2520Long-Tan.pdf&usg=AOvVaw2zwEGvAzCnWgjlRyTJRZK6&opi=89978449>

³⁶ Mr Kasper's Response to Defence Honours Tribunal – Clarification of Evidence, para 1.

77. Later Mr Kasper also suggested that:

*My Grandfather volunteered, **went against orders** and knew he may lose his life, however his actions on that day along with the other crew members saved 6 RAR from certain death.*

78. The Tribunal does not accept the proposition that Corporal McCutchen **went against orders**. There is no doubt that, in electing to proceed with the aerial resupply, the helicopter pilots collectively defied both Standing Orders and the initial direction from the ranking RAAF officer, but this defiance does not extend to the orders likely to have been provided to Corporal McCutchen and Craftsman Service. These personnel were, presumably, directed to dispense the ammunition from the aircraft *on the pilot's command*. Noting that, by all reports, this was conducted successfully the Tribunal took the view that Corporal McCutchen's actions were likely entirely in accordance with the directions and/or orders provided to him at the time.

Did Corporal McCutchen volunteer for a highly dangerous aerial resupply mission?

79. As part of his application for review, Mr Kasper stated that *His [Corporal McCutchen's] decision to volunteer for a highly dangerous aerial resupply mission — under fire, in extreme weather conditions, and with a high risk of being shot down — was far beyond what was expected of his role, rank, or training.*

80. However, this view seemed to run counter to the view expressed by the other soldier on board A2-1022 (Craftsman Ray Service), as outlined in the Thompson article:

*On the afternoon of the 18 August 1966, I was enjoying a drink of beer with the Admin Company. A Sgt ran up to us and ordered the group to go over to the 'Q' store and collect ammunition boxes and load them into the two helicopters that were sitting on our pad. As the only RAEME there, I thought it was my duty to volunteer to help out.....We loaded the two helicopters and I noticed that I had the last box of ammo to be loaded and as I did, I saw the 'Q' store **Cpl McCutchen arrive with a bundle of blankets** [emphasis added] and he jumped on board with them. I could see that he needed my help, so I climbed on board the helicopter to help him wrap the ammo boxes.³⁷*

81. Craftsman Service also stated that *While we were busy doing this, the pilot took off*,³⁸ the inference being that both he and Corporal McCutchen had been, in essence, inadvertent volunteers.

82. Mr Kasper also stated at the hearing that *Defence accepts that Corporal McCutchen volunteered, that the mission involved real danger, and that it occurred in the context of an active combat operation*. Critically, Mr Kasper did not suggest that

³⁷ Statement by Craftsman Ray Service, passenger on board A2-1022, as articulated in the WO1 Thomson article.

³⁸ Statement by Craftsman Ray Service, one of the mission participants, as articulated in the WO1 Thomson article.

Defence agreed that Corporal McCutchen volunteered to be part of the dangerous mission. Indeed, the fact that Defence also stated *Volunteering to board the aircraft to assist with the wrapping and loading of ammunition, and the aircraft then taking off with both Admin Coy personnel on board...* strongly suggests that Defence do not agree that Corporal McCutchen's volunteering extended as far as willingly taking part in the aerial resupply.

83. As part of its response to a post-hearing request for information, Defence confirmed that it *does not fully accept the characterisation advanced by Mr Kasper. While it is acknowledged that Corporal McCutchen was present in a combat environment and exposed to operational risk, Defence cannot conclusively determine whether he volunteered for the resupply mission, nor the extent to which any such volunteering amounted to a willing participation in the airborne phase of that mission.* (Note that this position appears to run counter to at least some of the elements of the position offered by Defence at paragraphs 20 of this report.)

84. Mr Kasper was requested, post-hearing, to document the rationale as to how he had been able to form the view that Corporal McCutchen had made a conscious decision to step outside his role as a Storeman and volunteer for a high-risk aerial mission. In response, Mr Kasper indicated that he had relied on a passage from a book, that *someone has to do it, and can we, in good conscience, send some young soldier out on what by any measure might indeed be a suicide mission?*³⁹ However, the Tribunal's interpretation of the context of this extract was that it was entirely limited to a discussion between Officer Commanding Admin Company, Major O'Brien and the unit's Regimental Sergeant Major Warrant Officer Class One Chinn, ostensibly justifying to themselves their own (arguably contentious) decision to embark Riley's helicopter.

85. Mr Kasper also stated that *Historical accounts support that several soldiers did volunteer to board the aircraft for the specific purpose of assisting with the airborne delivery of ammunition.* In making this contention, Mr Kasper appears to have relied upon a statement by David Cameron, author of *The Battle of Long Tan* which states: *several soldiers volunteered to board the aircraft to assist in dropping the ammunition*⁴⁰ and a more detailed extract from a post-war book by Bob Grandin, which states:

*As the aircraft were loaded (and it all happened very quickly with no time for careful analysis or management by committee) it became apparent that some soldiers would be needed in the helicopters to heave out the ammunition. The on-board machine-gunners could not leave their guns. **Several of the soldiers asked to go aboard and Major O'Brien told RSM Chinn to select some and that he would make the final decision.*** [emphasis added]

Chinn told O'Brien he intended to go himself in one aircraft. It was pointed out that RSMs are responsible for organising ammunition, not delivering it. He forcefully

³⁹ Peter FitzSimons, *The Battle of Long Tan*, p. 279

⁴⁰ David Cameron, *The Battle of Long Tan* p. 195

*and almost insubordinately told the major he was going, come what may. O'Brien had known Chinn for twelve years, from the time he joined the army, and had served with him in the SAS. So he said, 'Bugger you, George, I'm coming too.' Later the commanding officer asked why a company commander and the regimental sergeant major had gone on a dodgy resupply mission instead of staying at Nui Dat doing what they were paid for. They could only say that it seemed like a good idea at the time and the commanding officer said, 'Bloody silly thing to do, but well done.'*⁴¹

86. The Tribunal accepted that this second passage certainly appears to have intended to set in place a procedure whereby a larger group of volunteers were 'down selected' by Warrant Officer Chinn. However, the Tribunal could find no evidence that there was ever a more general call for volunteers for the *airborne segment* of the mission (as opposed to the documented call for volunteers to prepare and load the aircraft) which consciously sought to limit participation to older soldiers, or that Corporal McCutchen's presence on the aircraft was the result of any such call. Indeed, the evidence provided by Craftsman Service seems to suggest that, despite the intention to hand select particular soldiers, this intention was not made manifest.

87. Regardless, the Tribunal acknowledged the possibility that Corporal McCutchen did in fact volunteer and was in fact hand selected by Warrant Officer Chinn to complete the airborne segment of the mission.

88. Mr Kasper had also claimed that *RAAF operational records from August 1966 list him as a non-duty passenger and volunteer. That confirms he was not ordered to be on that aircraft.* However, following a request for a copy of these records, Mr Kasper apologised and stated that, despite further inquiries, he had '*not been able to identify or obtain a record containing those precise terms.*'

89. Thus, despite the relatively large number of accounts that have been written about the battle of Long Tan, not one of them provides a sufficiently reliable account as to the mechanism by which Corporal McCutchen found himself heaving ammunition from an Iroquois in the middle of a firefight, and perhaps we will never know. However the Tribunal is struck by the possibility that the decision by Warrant Officer Chinn and Major O'Brien to board Riley's aircraft, and the time compression that almost certainly accompanied this decision by virtue of the fact that 'their' aircraft departed significantly earlier than its counterpart, largely stymied Warrant Officer Chinn's and Major O'Brien's ability to fully implement their command and control obligations, including their stated intent to hand select older volunteers.

Conclusions

90. Whilst recognising the *possibility* that Corporal McCutchen's participation in the aerial resupply was voluntary, the Tribunal was not sufficiently satisfied on the evidence before it that Corporal McCutchen's participation in the airborne segment of the aerial

⁴¹ Bob Grandin, *The Battle of Long Tan, as told by the Commanders*, pp.148-149.

resupply was voluntary, or that he could reasonably have known the levels of involved risks. More particularly, the Tribunal was unable to find any evidence that Corporal McCutchen consciously volunteered for a *suicide mission* or that, as Mr Kasper contended, Corporal McCutchen's involvement was a *conscious and informed act of bravery*.

91. Although we may never know how Corporal McCutchen came to be on aboard A2-1022 on 18 August 1966, he has nevertheless been a participant in one of the most significant military encounters in ADF history, and his family can—and should—be immensely proud of both his involvement in the Battle for Long Tan, and his considerable service to the nation.

Tribunal Decision

92. The Tribunal decided to recommend to the Minister that the decision that the late Mr William McCutchen not be recommended for a gallantry award for service at the Battle of Long Tan be affirmed.

Description of the Battle of Long Tan

The following description of the Battle of Long Tan has been developed by the Defence Honours and Awards Appeals Tribunal from a range of sources, including the official history, operation and artillery logs and the Tribunal's own research. The purpose of this attachment is to provide a general background of the battle and to give context to Mr McCutchen's actions.

1. On 18 August 1966, Delta Company (D Company), 6th Battalion, the Royal Australian Regiment (6 RAR) was engaged in one of Australia's heaviest actions of the Vietnam War. The soldiers of D Company, with a New Zealand Artillery Forward Observer team (FO) attached in direct support, held off a large enemy force, which appeared determined to annihilate them. The battle lasted for over three hours in a rubber plantation near the village of Long Tan. Much of the battle occurred during a tropical downpour. The battle site was approximately five kilometres east of the 1st Australian Task Force (1ATF) base but within range of artillery firing from that base.

2. D Company was greatly assisted in its defence by heavy concentrations of close artillery fire provided by two Australian and one New Zealand field batteries as well as a United States medium battery in the 1ATF Base. Excellent Australian communications also enabled an ammunition resupply by Royal Australian Air Force (RAAF) helicopters, arriving not long before the final Viet Cong (VC) assault on the company. The arrival of a troop of Armoured Personnel Carriers (APCs), together with infantry reinforcements from other elements of the battalion, just on dusk, was the final step in causing the enemy to break off the engagement. However it was D Company that bore the brunt of the battle.

3. D Company was one of four rifle companies of 6 RAR. Together with 5 RAR, New Zealand elements and supporting artillery, engineers, signals, intelligence and logistic units, they made up 1ATF. The 1ATF had deployed to a newly established base near Nui Dat, in the centre of Phouc Tuy Province, South Vietnam in June 1966. Their mission was to take control of security in the Province. The Australians based their plans on their lengthy experience in counter revolutionary warfare gained in Malaya and Borneo. Phouc Tuy Province had previously been the responsibility of the Army of the Republic of Vietnam (ARVN). The ARVN units had been forced back to the major towns, leaving the VC largely in control of the smaller villages and much of the surrounding countryside.

4. In the lead up to the Long Tan battle in August 1966, the Task Force had busied itself preparing the base defences and patrolling; establishing control over the area in the immediate surrounds of the base. There were a number of contacts with the enemy,

however, prior to 18 August 1966, all contacts were of small scale and the enemy was identified as either local force VC, who were lightly armed, often with old or obsolete weapons, or elements of the D445 Provincial Battalion. Neither force was uniformed, nor did they have indirect fire weapons.

5. During the early hours of 18 August, the 1ATF base was mortared and shelled by indirect mortar, artillery and recoilless rifle fire, resulting in 22 casualties. The probable enemy firing points were identified by compass bearings taken from locations within the base and these positions immediately engaged by artillery counter battery fire. The VC firing positions were to the east of the 1ATF Base and on the western edge of a rubber plantation.

6. Soon after first light, B Company, 6 RAR, was sent to search for these firing positions. B Company found evidence of the positions, together with signs of casualties presumably resulting from the counter battery fire, and identified tracks heading east away from the firing positions. D Company was then deployed on foot from the base to relieve B Company and ordered to follow up this track. D Company deployed, just as they had done in previous patrols, with only 60 rounds of ammunition per rifleman in their ammunition pouches and 600 rounds per machine gun. They took sufficient rations for a three day patrol.

7. Over the previous weeks, signals and other intelligence had identified the probable deployment of a main force VC Regiment to the east of the base, but patrolling had not been able to locate any tangible signs of its presence. In order to protect the source of this intelligence, 1ATF Commander, Brigadier Jackson, had not warned 6 RAR of this possibility, however he had directed that no patrol was to proceed beyond the range of artillery deployed within the base. The use of indirect fire by the enemy in the early hours of 18 August should have confirmed this intelligence and provided a warning of the potential presence of a better armed and trained force that was superior to the D445 Battalion.

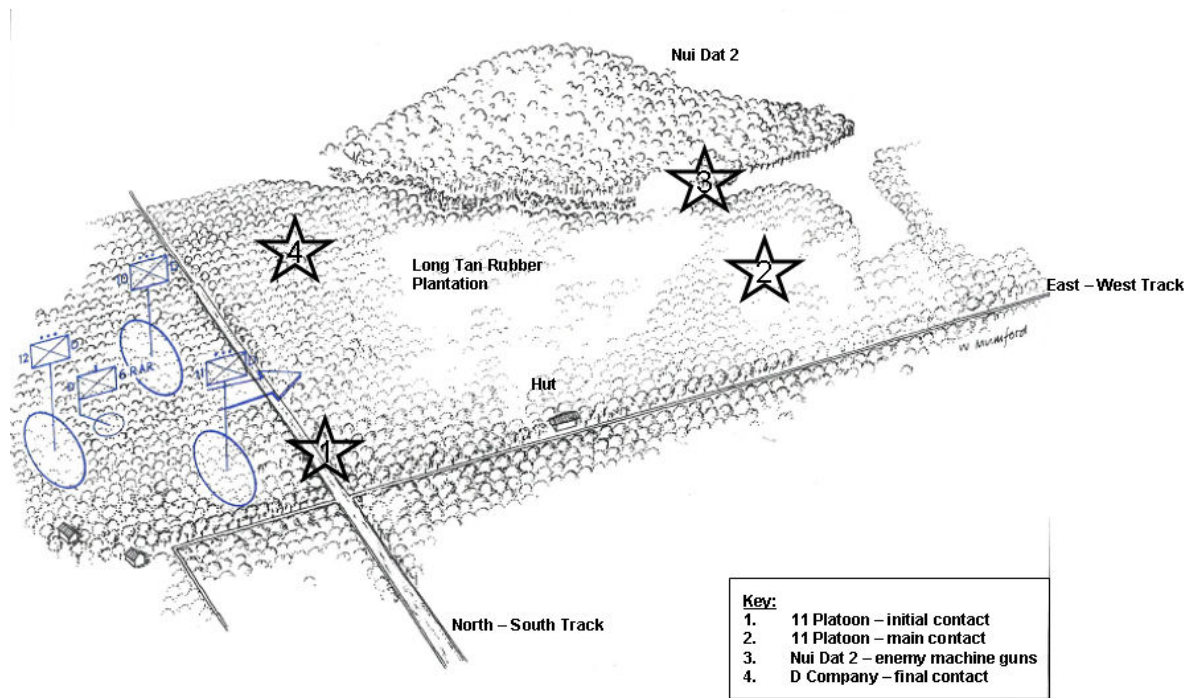
8. After a handover from B Company, D Company entered the rubber plantation and advanced to the east following the track used by the withdrawing enemy. The plantation was relatively open, providing good observation and fields of fire between the rows of trees.

9. D Company was comprised of three rifle platoons (each of approximately 30 soldiers) commanded by a company headquarters element (CHQ). CHQ contained the command group, signallers, a medical orderly and the attached FO party. CHQ was protected by an infantry support section. Each rifle platoon carried three belt-fed machine guns (GPMG M60), and the support section held one, making a total of ten machine guns in the company.

10. Soon after entering the rubber plantation it was observed that the track split and Major Smith, the Officer Commanding D Company, changed his patrolling formation to 'two up'. That is, the company advanced into the rubber plantation with two platoons abreast, 10 Platoon on the left and 11 Platoon on the right, followed by CHQ and the reserve platoon (12 Platoon), see Map 2 (below). The company frontage was estimated to be around 400 metres.

11. At 1540 hours, 11 Platoon (on the right) were in the process of crossing the north-south track that traversed the rubber plantation, when they encountered a small enemy patrol of six or seven uniformed soldiers moving north along the track. 11 Platoon engaged the enemy, wounding one VC. The enemy fled east, carrying their wounded comrade. They did not return fire but dropped an AK47 assault rifle in their hasty retreat. This weapon and the identification of enemy in uniforms should have alerted D Company to the presence of regular main force VC troops, rather than the irregular VC previously encountered.

12. Following this brief encounter, the commander of 11 Platoon, Second Lieutenant Sharp, received approval from Major Smith to quickly follow up the enemy who had fled. Second Lieutenant Sharp changed the formation of 11 Platoon to 'extended line' in order to provide the maximum possible frontage towards the expected enemy. His three sections were deployed across a frontage of approximately 300 metres, with 6 Section on the left, 4 Section and Platoon Headquarters in the centre and 5 Section on the right. Each section was approximately 9 soldiers strong. After a fast 250 metres advance they passed a hut (found to be unoccupied) and then, at 1608 hours, having advancing a further 250 metres, they were engaged from their left flank by small arms and machine gun fire. This heavy fire was from a distance of approximately 150 metres (see Map 2) from the higher ground on the forward slopes of the Nui Dat 2 feature.



Map 2: 1515 hours 18 August, D Company patrol enters Long Tan rubber plantation⁴²

13. This sudden burst of accurate fire devastated 6 Section, catching it from a flank, whilst they were upright and moving, causing significant casualties. Only two members of 6 Section (one of whom was badly wounded and unable to be evacuated) ultimately survived the battle. Second Lieutenant Sharp reacted by calling for immediate artillery support and by deploying the uncommitted 5 Section to move across his front to bring fire onto the enemy. Shortly afterwards the enemy sent forward an attack wave from the east forcing 5 Section to fall back and go to ground; and for the remnants of 11 Platoon to form an all-round defensive position. This initial enemy frontal attack wave was beaten back by accurate and well-controlled fire of 11 Platoon, using their semi-automatic rifles and machine guns. At around this time rain began to fall, and soon after became monsoonal.

14. At approximately 1650 hours, Second Lieutenant Sharp was killed whilst exposing himself in an attempt to determine the fall of shot of the artillery fire that was now assisting the defence. His platoon sergeant, Sergeant Buick, then took command of 11 Platoon. He organised the defences, controlled the artillery fire support, communicated with Major Smith and eventually directed a withdrawal.

15. After taking heavy casualties in frontal attacks from the east, the enemy appeared to have realised that they could not defeat 11 Platoon with attacks from that direction and commenced a number of attempts to outflank them. However, 11 Platoon was so

⁴² Adapted from Ian McNeill, *To Long Tan, The Official History of the Australian Army and the Vietnam War 1950-1966*, Allen & Unwin, St Leonards, 1993, Sketch 14.1, p 326.

determined in their defence that their defensive position was never penetrated, despite themselves taking very heavy casualties. Even after the withdrawal, the enemy never ventured into the position that had been occupied by 11 Platoon, as two wounded soldiers, unable to be rescued during the withdrawal, remained untouched until the relief the next morning.

16. Meanwhile, as a result of enemy mortar fire directed near the initial 11 Platoon contact location on the north-south track, CHQ and 12 Platoon moved northwest some 300 metres and set up a temporary defensive position. The probable mortar firing position was engaged with counter battery fire from the US medium battery. 10 Platoon was, by this time, further east but still some 2-300 metres northwest of the 11 Platoon contact location. Major Smith directed Lieutenant Kendall, the commander of 10 Platoon, to move his platoon in an attempt to support 11 Platoon, now in heavy contact.

17. As they advanced towards the sounds of the contact, 10 Platoon fortuitously observed and then engaged a large enemy force that were then attempting to outflank and assault 11 Platoon from the north. Ten Platoon were able to break up this assault wave, inflicting heavy casualties upon the enemy. Ten Platoon now themselves came under heavy fire, and took a number of casualties. They were unable to link with 11 Platoon. Major Smith then recalled 10 Platoon to re-join CHQ in the rear defensive position.

18. Realising that his company was under severe threat from an unexpectedly aggressive, determined and well-armed enemy, Major Smith requested air support, a resupply of ammunition and reinforcements using his radio communications.

19. The airstrike was initially called at 1702 hours and the aircraft appeared overhead in location at 1715 hours. For aircraft safety the artillery fire, falling in support of 11 Platoon, was halted to allow for this planned airstrike. By this time the rain was very heavy and the airstrike had to be abandoned as the aircraft were unable to see the coloured smoke thrown by 11 Platoon in order to identify the target location. The aircraft subsequently dropped their bomb-load further east of the contact site.

20. Major Smith then directed Lieutenant Sabben to take two sections of his uncommitted 12 Platoon to attempt to relieve 11 Platoon using a more southerly route than that previously taken by 10 Platoon. At 1730 hours, 12 Platoon reported that they were still 400 metres from 11 Platoon and they were coming under fire both from the north and south as well as receiving 'overs' from fire directed at 11 Platoon from the east. Artillery fire was then recommenced with the field regiment having its fire directed to the south of 12 Platoon.

21. At 1800 hours, the helicopter ammunition resupply arrived at CHQ and the ammunition distributed to 10 Platoon who had fought heavily during their attempted advance to 11 Platoon. The artillery fire was again halted for air safety. It was at this

moment that Sgt Buick made the decision that, as 11 Platoon was now almost completely out of ammunition, that the only solution for the survival of the remainder of his platoon was to attempt a clean break and to make a withdrawal. Of significance was that no member of D Company had been able to reach 11 Platoon for the two hours that the battle had been raging.

22. The order to withdraw was passed by word of mouth and the surviving soldiers rushed to their rear in small scattered groups. They were initially unaware that the 12 Platoon patrol was just a few hundred metres to their rear. Lieutenant Sabben had by this time realised that he could not reach 11 Platoon, and noting that smoke had been thrown for the ammunition resupply, decided to throw smoke himself in the hope 11 Platoon would see it. Some, including Sergeant Buick moved to the smoke they could see at 12 Platoon. Some, from the right section, moved directly to the smoke observed further back at CHQ, where the helicopter resupply was occurring.

23. At approximately 1815 hours, 12 Platoon, with the remnants of 11 Platoon, consolidated with the remainder of the company. Temporarily a short lull descended on D Company as contact with the enemy was broken. This enabled the reorganisation of the company defensive locality and the distribution of ammunition, under the direction of the Company Sergeant Major, Warrant Officer Kirby. The returning wounded from 11 and 12 Platoons were moved to the company aid post, under the care of the company medical orderly.

24. At 1820 hours, Major Smith reported on the battalion radio net that the 'enemy could be reorganising to attack'. At the same time, B Company elements, who had been directed to join and reinforce D Company by foot, reported that they were now 500 metres southwest of D Company.

25. Back at the 1 ATF base, at approximately 1800 hours, Brigadier Jackson, in response to the earlier request for reinforcements, authorised a relief force comprising A Company, 6 RAR mounted in the APCs of 3 Troop, 1 APC Squadron, to proceed to relieve D Company. The force had a difficult passage to reach D Company, needing to 'swim' a flooded stream and to advance through terrain that could afford concealment to an enemy who may well have been planning to ambush them. To reach D Company as rapidly as possible, Lieutenant Roberts, the commander of 3 APC Troop, had split his force, one element to proceed as quickly as possible to relieve D Company and the other to await the collection of the Commanding Officer of 6RAR, Lieutenant Colonel Townsend (CO 6 RAR) to facilitate his passage to the battle location.

26. At 1830 hours, the main group of 3 APC Troop, carrying A Company, entered the rubber plantation from the south, approximately 1500 metres from D Company. Lieutenant Roberts deployed his APC in extended line astride the north-south track, for the advance north to D Company. At 1835 hours, this force struck a significant enemy group crossing their path from the east. Initially fearing that it could be friendly forces,

and fearful that heavy 50 calibre machine gun fire would be directed towards D Company, the troop halted. At this moment an infantry Sergeant recognised the enemy and promptly initiated contact with his rifle. The enemy were then scattered by the combined fire of APCs and infantry weapons. This enemy group were later identified as elements of the Regional Force Unit, D445.

27. At 1840 hours, after the advance was resumed, 3 APC Troop met another enemy force, this time moving west to east. Forewarned from the earlier contact the enemy utilised an anti-tank weapon which fortunately missed its target. However an APC commander was mortally wounded before the enemy was again scattered and the advance resumed. The APC carrying the wounded APC commander returned to the 1ATF Base.

28. Shortly afterwards, the APC Troop was joined by the other APC element carrying the CO 6 RAR, who had arrived without incident. The APC troop quickly covered the remaining distance to D Company without further contact with the enemy.

29. At the D Company location, the enemy had moved quickly and aggressively to undertake what was later described by Lieutenant Kendall as 'human wave' assaults. These assaults from the east, starting at approximately 1830 hours, fell mainly upon 10 Platoon, which had been sited on that part of the company perimeter. The enemy attack was supported by machine guns firing from the Nui Dat 2 feature. D Company exacted a heavy toll on the enemy, as they advanced in relatively open terrain. D Company had the advantage of being low to the ground and with their machine guns well sited and the fire closely coordinated. Additionally, the artillery fire from the regiment of three field batteries, which commenced at 1834 hours, was able to be brought in very close to the D Company defensive locality. This was achieved as the direction of fire was almost overhead and the splinter pattern of the numerous shell bursts went forward from the point of detonation.

30. From 1840 hours, the New Zealand field battery was lifted from falling just to the east of D Company, with the remainder of the regiment, and directed onto the slopes of Nui Dat 2. This action was described in the artillery radio log as being an attempt to silence the flanking fire from enemy machine guns. The United States medium battery was directed at a possible mortar location further to the south east of D Company. The rate of fire from the eighteen 105mm field howitzers at this period (from 1834 until 1855 hours) was probably the most intense rate ever fired by artillery in support of Australian forces during the Vietnam War, with 1,350 rounds being fired at the VC positions in just this twenty minute period.

31. As the APCs swept in from the south, the artillery fire was halted and the enemy were observed rushing away to the east. They had broken off their already faltering attack and, as darkness fell, no further sign of the enemy was seen. The combined force was deployed in all-round defence and reorganised by Lieutenant Colonel Townsend.

Later that night the casualties were evacuated. Of major concern was that the roll-call taken by 11 Platoon had disclosed that 16 men were missing in action. The next morning a battlefield sweep was conducted and two wounded soldiers from 11 Platoon were recovered along with the bodies of 14 men who had died in that forward location.

32. At or near Long Tan on 18 August 1966, a total of 17 Australians had been killed and 24 wounded, with one of the wounded dying several days later. Earlier, during the indirect fire attack on the 1ATF Base, a further 22 Australians had been wounded.

33. Later investigations indicated that the enemy engaged was the regular, well trained and equipped 274 VC Regiment, supported by the local D445 Battalion. Casualties to the Vietnamese forces were very high, with estimates, based on both body count and captured documents, being well in excess of 150 killed in action, perhaps many more, as the enemy made every possible effort to recover their dead and wounded.

34. There has been much conjecture as to the intent of the 274 VC Regiment on 18 August 1966, when it approached the newly established 1ATF Base. Was it intending to test out the Australians? Was it intending to attack the 1ATF Base; or was it attempting to lure an Australian force out of the base and destroy it in an ambush?

35. Certainly one outcome was that the enemy never again conducted large scale operations within artillery range of the 1 ATF Base. No Australian base in Phuoc Tuy Province was ever subjected to an enemy ground assault intended to overrun it. However, Fire Support Bases (FSB) deployed outside Phuoc Tuy Province, such as FSB Coral, FSB Balmoral and FSB Anderson were assaulted. It may be that one of the reasons for this was that the enemy units in these later cases were not as aware of the potency of 1ATF defensive techniques as were the enemy operating within Phuoc Tuy Province after 16 August 1966.

36. The 1ATF also learned many tactical lessons - not the least of which was the realisation that they were now in a 'real war' against a well-armed, brave and determined enemy.