Australian Government

Defence Honours and Awards Appeals Tribunal

Atkinson and the Department of Defence [2026] DHAAT 21 (23 October 2026)

File Number(s)	2025/009
Re	Major Peter Atkinson (Retd) Applicant
And	The Department of Defence Respondent
Tribunal	Mr Stephen Skehill (Presiding Member) Major Gary Mychael OAM CSM (Retd)
Hearing Date	6 October 2026
Attendances	Major Peter Atkinson (Retd) Applicant
	Ms Jo Callaghan Assistant Director, Service and Campaign A Directorate of Honours and Awards, Department of Defence for the Respondent
	Mrs Andrea Patel Manager, Veterans and Families Directorate of Honours and Awards, Department of Defence for the Respondent

DECISION

On 21 October 2026, the Tribunal decided to affirm the decision that Major Peter Atkinson (Retd) not be recommended for the Pingat Jasa Malaysia medal.

CATCHWORDS

DEFENCE AWARD – Pingat Jasa Malaysia medal – Indonesian Confrontation – Australian Army – calculation of qualifying service – transit to and from the qualifying area

LEGISLATION

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

Defence Regulation 2016, Regulation 36

Pingat Jasa Malaysia medal

Statutes of Pingat Jasa Malaysia (PJM) (Malaysia), 3 March 2004

Award of the Pingat Jasa Malaysia for Australian Service during the Malay Emergency and Indonesian Confrontation by the Government of Malaysia

Commonwealth of Australia Gazette S159, Guidelines concerning the acceptance and wearing of foreign honours and awards by Australians (approved by Her Majesty The Queen August 2012), dated 12 October 2012

Introduction

1. The applicant, Major Peter Atkinson (Retd), seeks review of a decision dated 3 September 2020 of the Department of Defence to not recommend him to receive the Pingat Jasa Malaysia Medal (the PJM).

Decision under review

2. On 3 July 2020, Major Peter Atkinson (Retd) applied to Defence to be awarded the PJM for his service in the Indonesian Confrontation in 1964. Defence wrote to Major Atkinson on 3 September 2020 advising its view that he was ineligible for the medal because he had not completed 90 days or more in direct support of operations in Malaysia or Singapore in the qualifying area.[1]

3. On 3 September 2025, Major Atkinson made application to the Tribunal seeking review of the decision to not recommend him for award of the PJM.

Tribunal jurisdiction

4. Pursuant to sll0VB(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 sll0V(l) and includes a decision made by a person within the Department of Defence to refuse to recommend a person for an award in response to an application. The term *foreign award* is defined in s110T of the *Defence Act* as an honour or award given by a government of a foreign country, or by an international organisation.

5. The PJM was instituted by the Government of Malaysia to recognise the service of British Commonwealth personnel with the Commonwealth Far East Strategic Reserve from Malaysia's independence until the end of the Indonesian Confrontation, over the period 31 August 1957 to 31 December 1966. An offer of the award of the PJM to eligible Australian personnel was made by the Government of Malaysia in 2004 and subsequently accepted by the Government of Australia.[2]

Major Atkinson's service

6. As listed in the Defence report, Major Atkinson's service records show that he enlisted in the Australian Regular Army (ARA) on 4 January 1960 for a nine-year enlistment period and was discharged on 5 February 1994 under DA26 *Retired Having Reached the Prescribed Retiring Age*, having served for a period of 34 years, one month and two days.[3]

7. Relevant to this application for review, Major Atkinson's service included a period of direct operational support within the qualifying area during the Indonesian Confrontation, as follows:

- Embarked on the AV 1355 Vernon Sturdee from Sydney on 5 May 1964.
- Arrived Labuan, Sabah, Borneo on 25 May 1964.
- Departed Tawau, Sabah, Borneo on 13 July 1964.

[1] Application for review, Major Peter Atkinson, dated 3 September 2025.
[2] Head Defence Personnel Executive Ministerial Submission HDPE 703/04 dated 30 November 2004.
[3] Defence report, dated 17 October 2025.

- Disembarked from the AV 1355 Vernon Sturdee in Sydney in August 1964.[4]

8. Major Atkinson has been issued the following awards for his service with the Australian Regular Army:

- Australian Active Service Medal 1945-75 with Clasps 'MALAYSIA' and 'VIETNAM';
- General Service Medal 1962 with Clasp 'BORNEO';
- Vietnam Medal;
- Australian Service Medal 1945-75 with Clasp 'PNG';
- Defence Force Service Medal with First, Second and Third Clasps;
- National Medal;
- Australian Defence Medal;
- Republic of Vietnam Cross of Gallantry with Palm Unit Citation; and
- Returned from Active Service Badge.[5]

Eligibility criteria for the PJM

9. The Government of Malaysia established a campaign medal known as the Pingat Jasa Malaysia which was offered to the Australian Government in 2004 to recognise Australian service personnel who had served in the Far East Strategic Reserve between 1957 and 1966. The offer was accepted. The PJM medal remains a foreign medal and is additional to the Australian and Imperial service medals and their clasps. These latter medals, which were issued to recognise service in Malaysia, include the Australian Active Service Medal 1945-1975 with clasp 'MALAYSIA' and the Australian Service Medal 1945-1975 with clasp 'FESR'.

10. The Statute approved by His Majesty the Yang di-Pertuan Agong of Malaysia provided that the award could be made to:

> *either man or women whoever been service in Malay Peninsula or Malaysia for the period from **31 August 1957** to **12 August 1966**, either or service with or attached to any of the Armed Forces or security organization group, which directly involve demonstrated endowed with service, sense of duty, chivalry and gallantry for **3 months or more**; or who had served indirectly not less than **6 months or more** in any security organization during the time period;*[6]

11. An Australian document titled *Award of the Pingat Jasa Malaysia for Australian Service during the Malaya Emergency and Indonesian Confrontation by the Government of Malaysia*[7] purported to set out details agreed between Australia and Malaysia as to the administration of the issue of the PJM to Australian personnel. This described the qualifying conditions as:

> *Category One:*
>
> *a. Those members of the Australian Defence Force who were on the posted strength of a unit or formation and served in the prescribed operational area of Malaysia and*

[4] The time in Borneo included voyages within the qualifying area to the mainland of Malaysia and Singapore
[5] Defence report, dated 17 October 2025.
[6] Pingat Jasa Malaysia Statutes, approved by His Majesty the Yang di-Pertuan Agong of Malaysia, dated 3 March 2004.
[7] As listed in the Defence report, dated 17 October 2025.

Singapore, in direct support of operations in Malaysia for 90 days or more, in the aggregate, as follows:

(1) Malaysia during the period 31 August 1957 and 31 December 1966 inclusive, or

(2) Singapore during the period 31 August 1957 and 9 August 1965 inclusive:

Qualifying service between 12 August 1966 and 31 December 1966 may only apply if a member were posted for operations to Malaysia on or before 12 August 1966.

The prescribed operational area of Malaysia and Singapore is the landmass of East Malaysia (that is: the States of Sabah and Sarawak on the Island of Borneo) and the Island of Singapore extending to 12 nautical miles seaward from the coast of these areas.

b. *Those members of the Australian Defence Force who were on the posted strength of a unit or formation outside of the prescribed operational area above, but served in a secondary role in indirect support of operations in Malaysia for 180 days or more, in the aggregate, during the period 31 August 1957 and 31 December 1966 inclusive.*

The secondary role is seagoing service with HMA Ships patrolling outside of the operational area whilst allotted to the Commonwealth Far East Strategic Reserve.

Notes:

1. *Sorties from bases outside of the operational area as prescribed at a. above will not qualify. Only service by those on the posted strength of bases in Malaysia and Singapore, and in cases where sorties have been mounted from these bases, will qualify.*

2. *Service may be aggregated in relation to a. and b. above. This is calculated on the basis that service of one day in the operational area is one day towards qualification for the medal and service of two days in the secondary role is calculated as one day, all towards an aggregate of 90 days. For example, a person who has 10 days service in the operational area and 160 days* service in *the secondary role, will qualify for the medal on the basis of 10 + (160 divided by 2) = 90.*

Category Two:

Qualifying service during the period 31 August 1957 and 31 December 1966 inclusive, as described in Category One, may be deemed to have been established notwithstanding a member of the Australian Defence Force has not met the qualifying period if service was terminated due to the death, evacuation due to illness or injury or other disability due to service.

Major Atkinson's application to the Tribunal

12. In his application to the Tribunal, Major Atkinson advised that he had been an *Australian Army crew member on the landing ship medium, Vernon Sturdee,*[8] when he travelled to Borneo in 1964. The time in Borneo included voyages within the qualifying area to the mainland of Malaysia and Singapore as part of the Indonesian Confrontation

13. Major Atkinson said that on the eve of their departure from Sydney on 5 May 1964, the crew were advised that they were on special service *from last port of call Australia to first port of call Australia.*[9] He said that fellow crew members had received the PJM but he had not been recommended.[10]

14. Major Atkinson queried how he could receive veterans' entitlements for his service in Malaysia but not be recommended for the PJM. He refuted the Defence advice that the instrument for the allotment of persons under the *Veterans Entitlement Act 1986* was for veterans' entitlements only and had no bearing on medallic recognition.[11]

15. He also referenced the *Repatriation Special Overseas Service Act 1962*, which included that special service, for those allotted for special duty, also included the periods outside Australia while proceeding to or from the special area.[12]

The Defence Report

16. As set out in the Defence Report, following Major Atkinson's application to the Tribunal, Defence conducted a re-assessment of his eligibility for the Pingat Jasa Malaysia Medal. Defence affirmed its decision to not recommend Major Atkinson for the award.[13]

17. Defence maintained that Major Atkinson had not rendered sufficient qualifying service towards medallic recognition. Defence stated:

> *13. Major Atkinson's service record, confirms his overseas service for the time period in question as:*
>
> - *Embarked Sydney 5 May 1964*
> - *Disembarked Sydney 12 August 1964*
>
> *14. Record of Movements (RoM) for AV 1355 Vernon Sturdee, compiled from Australian War Memorial resources, confirms the following service for the time period in question (dates in italics represent time in the prescribed area of operations*[14]*):*
>
> *[…]*

Port	***Arrived***	***Departed***
Sydney		*5 May 64*

[8] Application for review, Major Peter Atkinson, dated 3 September 2025.
[9] Application for review, Major Peter Atkinson (Retd), dated 3 September 2025.
[10] Ibid.
[11] Ibid.
[12] Ibid.
[13] Defence report, dated 17 October 2025.
[14] These dates included from arrival in Labuan on 25 May 1964 to departure from Tawau on 13 July 1964, totalling 49 days

Manus Island	*16 May 64*	*17 May 64*
Labuan	*25 May 64*	*30 May 64*
Jesselton	*30 May 64*	*5 Jun 64*
Singapore	*8 Jun 64*	*13 Jun 64*
Terendak	*14 Jun 64*	*14 Jun 64*
Prai (Penang)	*15 Jun 64*	*18 Jun 64*
Singapore	*19 Jun 64*	*30 Jun 64*
Kuching	*2 Jul 64*	*9 Jul 64*
Tawau	*12 Jul 64*	*13 Jul 64*
Wewak	*19 Jul 64*	*20 Jul 64*
Rabaul	*22 Jul 64*	*23 Jul 64*
Sydney	*(?) Aug 64*	

[…]

15. Examination of Major Atkinson's service history alongside the RoM reveals a discrepancy in the disembarkation date. While the service record lists the date as 12 August 1964, the RoM notes an unspecified date in August 1964. Despite this inconsistency, the RoM confirms that the total duration spent within the prescribed operational area totals 50 days and therefore does not meet the required 90-day or 180-day thresholds for eligibility under either direct or indirect support criteria.[15]

18. Defence acknowledged Major Atkinson's comments regarding the *Veterans Entitlement Act 1986* and the *Military Board Instruction 216-1* and reiterated that neither had any bearing on the application of medal that was issued by a foreign country.

[…]

16. Defence acknowledges Major Atkinson's comments regarding the Veterans' Entitlements Act 1986 (VEA) and Military Board Instruction 216-1 (MBI). The VEA sets out the qualifying conditions for veteran entitlements, such as pensions. The MBI sets out the conditions for determining Special Service.

17. Decisions regarding honours and awards are governed by the qualifying conditions specified in the legal instruments specific to the administration of the honour or award. Additionally, foreign awards are subject to the conditions imposed by the awarding foreign government. Neither the VEA nor MBI 216-1 have a bearing on Major Atkinson's entitlement to the PJM.

[…][16]

Major Atkinson's comments on the Defence report

19. On 30 October 2025, Major Atkinson was provided with a copy of the Defence report and asked to provide his comments. His response, dated 30 January 2026, refuted the Defence report in its entirety and reaffirmed his view that he was eligible for the PJM based on the criteria of the original Statutes.

[15] Defence report, dated 10 February 2025.
[16] Ibid.

20. Major Atkinson stated the only legal document applicable to determining his eligibility was the original *Statutes of Pingat Jasa Malaysia* approved by His Majesty the Yang di-Pertuan Agong of Malaysia in 2004, which stated that personnel who served in the Malay Peninsula or Malaysia for three months or more from 31 August 1957 to 12 August 1966 would be eligible for the award. Major Atkinson reinforced his period of active service was from 5 May to 12 August 1964, totalling 90 days, which included his voyage to and from Australia on the *AV 1355 Vernon Sturdee*.

21. Further, Major Atkinson rebutted the relevance of any Australian Government document used to determine eligibility for the medal, including the *Award of the Pingat Jasa Malaysia for Australian Service during the Malaya Emergency and Indonesian Confrontation by the Government of Malaysia* and several other documents cited in the Defence report.[17]

22. Major Atkinson stated:

> *…Please note, this is the original criteria set by the Malaysian Government to offer the award of the PJM.*
>
> *lt makes no reference to all the criteria imagined and produced by the Australian agencies in later Australian documents.*
>
> *Please also note that the PJM is a Malaysian Award, not an Australian award.*
>
> *On the 5 May 1964, we were paraded at Woolwich Barracks and placed on Active Service and advised that we were now subject to the Army Act. We remained on Active Service until we returned to Sydney on 12 August 1964.*
>
> *We therefore meet the 3 months service required by the Malaysian Government for the award of the PJM.*
>
> *[…]*
>
> *Attachment B-04[18] is an Australian (undated) (possibly a Draft) document produced in lieu of an MBI 216-1[19] or other instrument for the intended guidance of a particular branch or organisation at some time in the future*
>
> *I note that when I submitted an MBI as evidence it was deemed to be non medallic in purpose or function and was rejected. I believe that an MBI had precedence over an undated draft eligibility criteria.*

23. Major Atkinson also questioned the accuracy of Defence's determination of the Sydney disembarkation date for the crew of the Vernon Sturdee, which it recorded as 3 August 1964 rather than 12 August 1964.

> *[…]*

[17] These documents were regarding the guidelines for accepting foreign awards and the list of approved foreign awards.

[18] Attachment B-04 of the Defence Report was presented as a non-official, undated word document titled *Award of the Pingat Jasa Malaysia for Australian service during the Malay Emergency and Indonesian Confrontation by the Government of Malaysia*

[19] Military Board Instruction

Quote; "Further, you have also noted on alternative disembarkation date in Sydney of 12 August 1964, which has been taken from the noted Routine Order. The earlier date as stated in the assessment has been confirmed by viewing the ships logs for the Vernon Sturdee and the AV7353 Harry Chauvel which accompanied the Vernon Sturdee on this voyage, as held by the Australian War Memorial." Unquote.

The relevant pages of the Chief Officers Log Book for the Vernon Sturdee held at that Australian War Memorial (AWM) is partially destroyed and water damaged. Contrary to the statements offered by DH&A, the Vernon Sturdee date of arrival in Sydney Harbour they state as being 3 August 1964 cannot be determined from this log book.

Please note the Vernon Sturdee and Harry Chauvel parted company on the northern coast of P&NG at Wewak. Vernon Sturdee proceeded to Rabaul in New Britain to pick up a helicopter and Harry Chauvel proceeded to Sydney. Both ships did not arrive in Sydney together.

[…][20]

The Indonesian Confrontation

24. As listed on the Australian War Memorial website, the Indonesian Confrontation started in 1962 as a small, undeclared war between Indonesia and Malaysia due to the then Indonesian President's belief that *the creation of the Federation of Malaysia represented a British attempt to maintain colonial rule behind the cloak of independence granted to its former colonial possessions in south-east Asia*.

25. Indonesia's attempts to destabalise the new Federation started in December 1962 when a small party of armed insurgents attempted to seize power in the independent enclave of Brunei and were defeated by British troops from Singapore. The actual war began in January 1963, when Indonesia launched a series of cross-border raids into Malaysian territory.

26. At first the Australian Government resisted requests for Australian Defence personnel to be deployed to Borneo but relented in 1965. Australian Army, Navy and Air Force personnel fought as part of a larger British and Commonwealth force under British command.

27. The confrontation ended in 1966 with Malaysia and Indonesia signing a peace treaty. In total, 23 Australians were killed during the confrontation, and eight were wounded. [21]

Tribunal hearing

28. The Tribunal convened a hearing, via audio-visual link, on 6 October 2026 which was attended by Major Atkinson and Ms Jo Callaghan and Mrs Andrea Patel as representatives of Defence.

[20] Major Atkinson's comments on the Defence report, dated 30 January 2026.

[21] Indonesian Confrontation, 1963–66, Australian War Memorial, **Indonesian Confrontation, 1963–66 | Australian War Memorial,** accessed 29 October 2025.

Tribunal analysis

29. The PJM is not an Australian award created by the Sovereign and Government of Australia, but a foreign award created by the Government of Malaysia. The Australian Government has no power to vary the eligibility criteria for the PJM as determined by Malaysia. Rather, the only relevant power of the Australian Government is to decide whether or not to allow ADF personnel to accept and wear the PJM when and if awarded by the Malaysian Government.

30. As noted above, the eligibility criteria specified by the Malaysian Government relevantly require 90 days service *in Malay Peninsula or Malaysia* during the relevant period.

31. It was common ground between Major Atkinson and Defence that his service in that specific geographic area was for 50 days. Major Atkinson's claim to have served for at least 90 days was calculated by counting the period he spent sailing to and from that area. Clearly, time spent outside *Malay Peninsula or Malaysia* cannot be validly counted under the eligibility criteria laid down by the Malaysian Government.

32. That conclusion of itself was sufficient to dispose of Major Atkinson's application to the Tribunal and to require it to affirm the Defence decision to refuse to recommend him for the PJM.

33. However, because he had not-unreasonably raised a number of other arguments, the Tribunal considered that it was appropriate to comment on those.

34. First, Major Atkinson contested the validity and applicability of the document titled *Award of the Pingat Jasa Malaysia for Australian Service during the Malaya Emergency and Indonesian Confrontation by the Government of Malaysia.* He variously described this as undated and draft. In contrast, Defence referred to it in its decision letter as one of the *legal authorities for awarding the PJM*.

35. The Tribunal considered that Defence's description was inappropriate. The document was not a *legal authority* in the usual sense of an Act of Parliament or a Regulation or other instrument issued under an Act. However, that misnomer did not mean that the document was invalid or irrelevant.

36. The Tribunal understands that it is common practice, when the Australian Government agrees to permit the conferral of a foreign award on ADF personnel, for documentation to be generated setting out the administrative arrangements agreed between it and the foreign government for the processes by which eligible ADF personnel are to be identified and medals are to be presented. Documentation available at the hearing clearly indicated that such a document in relation to the PJM had been generated by agreement between the two governments. While these documents did not unequivocally identify the specific document provided by Defence as the agreed document, the Tribunal considered that it was unnecessary for it to seek conclusive proof of that matter as it was clear that it was the Malaysian statute rather than the document in question that provided the answer to Major Atkinson's claim. Had his claim appeared to be valid on the face of the Malaysian statute but rejected on the basis of something in that document, then it would have been necessary for the Tribunal to inquire further into its provenance.

37. There was some disagreement between Major Atkinson and Defence as to the exact date of his return to Australia. Major Atkinson contended that he had arrived back in Australia on a date some days later than that contended by Defence. The Tribunal was unable to form

a final view on this issue, as relevant records held by the Australian War Memorial were water damaged. However, because this date could not have changed the agreed fact that he had served 50 rather than 90 days *in Malay Peninsula or Malaysia*, there was no need to reach any definitive conclusion for the purposes of dealing with this application for review.

38. Major Atkinson stated that before departing Australia he and his colleagues had been clearly advised that until they returned to Australia they were regarded as being on war service and subject to the Army Act. The Tribunal had little doubt that advice in those or similar terms was in fact given. However, the classification of ADF service under Australian law is irrelevant under the Malaysian statute – the key issue is simply having given service *in Malay Peninsula or Malaysia.* Moreover, the Tribunal was aware such advice was routinely given to Australian troops departing for overseas service at the time for the purposes of enabling disciplinary procedures to be administered by officers of lower rank than would otherwise be required for service in Australia.

39. Major Atkinson referred to what he perceived to be an anomaly in that he was eligible for veterans' entitlements for his service in Malaysia but not considered eligible for the PJM. The Defence advice to him that veterans' entitlements legislation does not govern medallic recognition was correct. While there is often some coincidence between the two, this is not a matter of legal or policy necessity. In any event, Major Atkinson had received Australian medallic recognition for his service in Malaysia and Australian veterans' entitlement legislation was clearly not a relevant matter under the Malaysian statute creating the PJM.

40. Major Atkinson pointed out that the documents provided by Defence had not included any that included authorisation for his deployment to Malaysia. Undoubtedly there would have been such documents created at the time. However, given that there was no dispute that he had rendered ADF service in Malaysia, the Tribunal considered that there was no need for official authorising documentation to be provided to or examined by it.

41. Major Atkinson said that it was unfair that he had not been awarded the PJM when other ADF members on his deployment had received it. The Tribunal was aware of one instance in which Defence had concluded that the PJM had been wrongly issued and had written to the individual concerned seeking return of the medal. The Tribunal assumed that it would take the same action if it became aware of other PJM awards made in error. In any event, the Tribunal noted that, in accordance with the adage "two wrongs don't make a right", any past error in awarding others could not provide justification for a further erroneous issue to Major Atkinson. The Tribunal further noted that it was possible that some who had been on the same deployment as Major Atkinson, and thereby not eligible for the PJM by reason of that deployment alone, may have become eligible by the cumulative effect of other deployments to Malaysia.

42. Finally, Major Atkinson drew attention to Defence working papers attached to the Defence report which purported to list his "overseas service". He said that the listed deployments were his active service, and that his overseas service was far greater. The Defence representative acknowledged this matter, and thanked Major Atkinson for his very extensive service throughout his long career with the ADF.

Tribunal Decision

43. In light of the above, the Tribunal decided to affirm the Defence decision that Major Atkinson not be recommended for the PJM.