



REPORT OF THE
COMMITTEE
OF INQUIRY
INTO
DEFENCE AND
DEFENCE RELATED
AWARDS

March 1994

in common because the Australian system grew out of traditions and practices established under the Imperial system and there are elements common to both.

From the perspective of 1994, the Committee was asked to look back over time and fulfil its terms of reference by advising the Government on past service which is worthy of recognition. The submissions received by the Committee cover issues which go back to World War II. In many cases the Committee has been struck by anomalies, or has had drawn to its attention service which was overlooked at the time and which by today's standards is worthy of recognition.

To help guide it through the diversity of issues raised, and to give consistency to its approach, the Committee developed a set of guiding principles. These principles have undergone refinement during the course of the Committee's work but their substance was established and agreed to early in the Committee's deliberations. The Committee believes that the principles proved their value as the many submissions and oral presentations made during its inquiry were tested against them.

Statement of Principles

The Committee recognises that the Australian system of honours and awards is underpinned by values which are held in high regard in our society and which characterise the way Australians view the world around them. These values include a sense of fairness, equity and compassion, and an egalitarian

commitment to acknowledge the quality of service and substance of action without regard to status or class.

In considering the issues raised by the variety of submissions forwarded for its consideration, the Committee has sought to approach its task in a spirit that remains true to the above values. In addition, the Committee has been mindful that honours and awards must be geared towards recognising the extraordinary, not simply signposting ordinary events in our society. The Committee has also been conscious that in considering service in defence and defence-related areas, it is important to maintain the distinction between warlike and non-warlike service, as well as the distinction between service in operational theatres and service in non-operational areas.

The Committee has developed ten principles to guide its consideration of the many submissions placed before it and the diversity of issues raised therein. These principles are as follows:

1. Recognition of service by medals (other than medals for long service or special occasions such as a coronation) should only occur when that service has been rendered beyond the normal requirements of peacetime. Normal duties such as training and garrison duties should not be recognised by the award of a medal, even though they may be demanding, hazardous and uncomfortable, and may be undertaken in countries other than Australia. As a general rule, medals should be reserved

for the recognition of service in military campaigns, peacekeeping or other military activities clearly and markedly more demanding than normal peacetime service.

Normal service in the Defence Force does not in its own right warrant a medal. The conditions of service and salary structure of the Defence Force recognise hazardous duty, relocation and difficulties which arise during the normal course of employment. Medals should be reserved for those who have done something special. The Committee recognises that in certain countries, medals are given to mark various stages in the careers of service personnel. This has never been the practice in Australia and the Committee is not persuaded that the Australian approach should change.

6

2. Normally only one medal within the Australian system of honours and awards should be given in recognition of a single period of service. In the case of a major or protracted conflict consisting of different campaigns in different theatres, such as the two world wars, it is appropriate to consider a range of campaign awards. The Committee recognises that overseas service by Australian defence personnel in certain military operations may attract foreign awards or recognition from the United Nations. This should not affect the decision to award an Australian medal. The same considerations apply in relation to medals issued by philanthropic organisations, such as the International

The Imperial tradition of avoiding duplication of awards has been adopted by the Australian system of honours and awards. The Committee supports strongly its continued application.

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

The Committee is conscious of the need for consistency in its recommendations to Government. The standards of measurement for service that apply must be transparent and fair in the eyes of the community.

4. The Committee notes that the existing Regulations for defence and defence-related awards and decorations in the Australian system allow for access to these awards by civilians. The Committee believes this is appropriate. Access by civilians should be limited to those closely involved with military activities or in clear support of military efforts in the theatre of operations to which the award relates. Deserving civilians performing humanitarian functions in or near the operational theatre should be considered for a non-defence award.

Under the Imperial system certain groups of persons such as Merchant Mariners who were closely involved in military activities, qualified for war medals. Where the ADF has to call on civilian technical and other

expertise during the course of its activities in a theatre of operations and these civilians work in close collaboration with the ADF as part of ADF operations, it is appropriate that their eligibility for defence and defence-related awards and decorations be considered on the same basis as the eligibility of ADF personnel in the same situation.

5. Decisions to recognise service through the award of a medal must be made against the background of a range of practical considerations, including the practicability of confirming the accuracy of claims and identifying the eligible participants. Another consideration is the passage of time and the proportion of total persons eligible who might be able to claim personally a medal for service which they rendered.

The integrity of any system of honours and awards requires service to be recognised by a medal to be validated and verified through official records. The Committee is aware that this is not possible in certain cases because of an absence of records or other compelling evidence. There is also a consideration that generally those who rendered the service should be the ones who enjoy personally the celebration of that service through a decoration or award.

6. In relation to Imperial awards, the Committee will contemplate amendment to the terms and conditions governing these awards only under the most exceptional circumstances where a clear anomaly or manifest injustice can be established. Otherwise the Committee

will seek to find solutions within the established terms and conditions for these awards and will address situations where an anomaly or injustice in application may have occurred.

Should anomalies or injustices in either the terms and conditions or application of Imperial awards be detected, the preferred method of rectification is to grant access to the Imperial award for which persons would now be considered to qualify. In cases where the Imperial system did not provide recognition for a particular service but where the Committee believes recognition is warranted, it should be made under the Australian system. The Committee has taken account of the views of Her Majesty The Queen that issues relating to Imperial honours and awards for World War II are now closed. The Committee also notes Her Majesty's preference stated in 1992 that Australian governments no longer make recommendations under the Imperial system of honours and awards, now that Australia has its own comprehensive national system. However, the Committee has balanced this with its approach to issues from the perspective of 1994 and of what is considered fair and reasonable today.

7. The Committee adheres strongly to the official view that honours and awards given to Australians on the recommendation of Australian governments under the Imperial system are Australian awards.

All awards made on the recommendation of an Australian government are Australian awards, whether they are awards made under the Imperial or Australian system. All such awards are an expression of gratitude from a grateful people and nation for services rendered, and have been granted in this light. It may be possible to criticise the Imperial system for not serving the needs of Australia to the same extent as our own system, but it is not appropriate to belittle awards made under that system as inferior or non-Australian.

8. Recognising that its work requires viewing past service through the eyes of 1994, the Committee believes that appropriate benchmarks in considering hitherto unrecognised service between 1945 and 1975 are the terms and conditions currently attached to an award of the Australian Active Service and Australian Service Medals. Service rendered during this period which generally meets those terms and conditions should receive retrospective and comparable recognition.

The Committee believes that the terms and conditions attached to the Australian Active Service Medal (AASM) for service in warlike operations and the Australian Service Medal (AASM) for service in non-warlike military operations, and the standards of measure which have been used in relation to these awards are a fair and contemporary expression of the level of service which is worthy of recognition through a medal. The Committee has used these established

standards in viewing service in the period 1945-75 in cases where the Imperial system did not recognise such service.

9. While the Committee has regard to previous decisions and interpretations on awards made by the Australian Government and military authorities, it will not consider itself constrained by these in meeting its terms of reference. The Committee will take into account any new or additional information which is made available to it and will operate according to the normal standards of fairness.

The Committee has taken a fresh look at all the issues referred to it by public submissions and has sought to deal with them fairly and equitably.

10. Matters relating to honours and awards should be considered on their merits in accordance with these principles, and these considerations should not be influenced by the possible impact, real or perceived, on veterans' entitlements.

Even though the terms of reference for the Committee preclude it from considering issues relating to the *Veterans' Entitlements Act 1986*, the Committee remains conscious of the nexus between medals and entitlements in some cases. The Committee considers, however, that entitlement issues are a separate matter for consideration by the Australian Government and its agencies.