

## **SUBMISSION BY**



**TO SENATE FOREIGN AFFAIRS,  
DEFENCE AND TRADE REFERENCE  
COMMITTEE**

**Inquiry into Defence honours  
and awards system**

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

**INDEX:**

<b>PAGE</b>	<b>DESCRIPTION</b>
3	The Inquiry and Terms of Reference
4	Who is the Australian Special Forces Alliance
5	Approval of Submission by Directors of ASFA and Lead Authors
6	Brief Summary
7	Genesis for this Senate Inquiry
7	Issue focusses on numerous ADF senior officers – not just one
8	The Australian military honours and awards system
10	Lawful -v- Unlawful. The argument is simple
10	Only one method of recognition for the military
12	Integrity & efficacy – Defence honours & awards system
13	How many <i>Distinguished Service</i> awards have been issued
13	Relevant definitions of “ <i>distinguished</i> ”
14	Relevant definitions of “ <i>in action</i> ”
14	GILBERT’s battle
15	The predecessors to the <i>Distinguished Service</i> awards
17	When did the abuse of the <i>Distinguished Service</i> awards start
17	Cavalier attitude to “ <i>in action</i> ” criteria
18	Media reporting critical of ADF medal issue
20	CAMPBELL’s DSC
20	FOI – 543/22/23 – CAMPBELL’s visits to Afghanistan
21	FOI 544/22/23 – What was distinguished about CAMPELL’s service
23	Revoking military honours and awards
24	The H&A Board: A conflict of interest
24	Commanders of JTF-633 between 2003 and 2017
26	FOI request (123/24/25) – DSC nominations for other JTF-633 Generals
28	ATTEMPTS TO ADDRESS CONCERNS ABOUT VALIDITY OF THE DSC
28	Complaints to Minister for Defence
29	Senate Estimates

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

31	Complaint to Governor-General
31	Complaint to National Anti-Corruption Commission
32	Complaint to Commonwealth Ombudsman
36	<b>TERMS OF REFERENCE – SPECIFIC CRITERIA</b>
36	experiences of ADF personnel progressing through the H&A system
36	the effect of awards and honours on maintaining morale within the ADF
37	integrity of awards to senior officers for conduct in Afghanistan
37	changes in criteria from ‘in action’ to ‘in warlike operations’
38	the operation of the DHAAT, including any potential improvements
42	Extensive new powers for DHAAT
43	any potential improvements to the Defence honours and awards system
43	More detail in Letters Patent
43	Create new honours or amend existing awards
44	Abolish ADF Honours and Awards Branch
44	Audited electronic system for nominations required
45	any related matters
46	NACC Complaint - Schedule of Relevant Documents

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

## **THE INQUIRY AND TERMS OF REFERENCE:**

1. On the 3 July 2024 the Senate referred an inquiry into the Defence honours and awards system to the *Foreign Affairs, Defence and Trade References Committee* (“FADT”) for inquiry and report by the 28 November 2024.
2. The closing date for the lodgement of submissions is the 30 August 2024.
3. The Terms of Reference for the Inquiry are:

The integrity and efficacy of the Defence honours and awards system, with particular reference to:

- a) experiences of Australian Defence Force (ADF) personnel progressing through the honours and awards system.
- b) the effect of awards and honours on maintaining morale within the ADF;
- c) assurance of the integrity of awards to senior officers for conduct in the Afghanistan conflict;
- d) the effect of changes in criteria for some honours and awards from ‘in action’ to ‘in warlike operations’;
- e) the operation of the Defence Honours and Awards Appeals Tribunal, including any potential improvements;
- f) any potential improvements to the Defence honours and awards system; and
- g) any related matters.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

## **WHO IS THE AUSTRALIAN SPECIAL FORCES ALLIANCE:**

4. The *Australian Special Forces Alliance Pty Ltd* (“ASFA”) is a not-for-profit corporation registered with the *Australian Securities & Investments Commission*.
5. The ASFA is essentially a membership-based organisation that is managed by a Board of five (5) Directors to represent the interests of current and former military ‘*Special Forces*’ personnel.
6. The ASFA is a ‘*broad church*’ and full membership is open to anyone who served in any recognised ‘*Special Forces*’ unit anywhere in the World.
7. Associate membership is open to anyone who can demonstrate an interest and support for ‘*Special Forces*’.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

## **APPROVAL OF THIS SUBMISSION:**

8. This submission has been approved by the following persons, who are jointly and severally responsible for making it:
- Wayne HAVENAAR, President – Director;
  - Anthony Lloyd MARSDEN, Vice President – Director;
  - Mark Dennis REILLY, Treasurer – Director;
  - Raymond GALEA, Magazine Editor – Director;
  - Andrew Douglas MacNAUGHTON, Welfare Officer – Director; and
  - Martin Louis BLANDY, ASFA Full Member.
9. It is understood that the persons who made this submission, and any persons who appear as witnesses, are protected by *'parliamentary privilege'*, which is incorporated into Australian law by section 49 of the *Constitution* and by section 16 of the *Parliamentary Privileges Act 1987*, which relevantly defines *"proceedings in parliament"* to include all words spoken and acts done:
- in the course of
  - or for purposes of
  - or incidental to the
- transacting of the business of a House or of a committee and includes the preparation or making a submission or giving evidence to a House or committee.
10. It is also understood that witnesses before parliamentary committees cannot be sued or prosecuted for giving evidence or for the content of the evidence they give.
11. It is further understood that the Houses of Parliament, to protect the integrity of their processes, have wide powers including the power to punish contempt.
12. If required, Messrs BLANDY and MacNAUGHTON (lead authors), are the best placed to appear as witnesses and are willing to do so based on their understanding of the protections afforded.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

**BRIEF SUMMARY:**

13. Members of the ASFA, other military associations and individuals have been trying for almost four (4) years to have a light shone on what we call the long-term abuse of Australia's military honours and awards system.
14. Complaints have been made, without success, to the:
  - Minister for Defence;
  - Office of the Governor-General;
  - National Anti-Corruption Commission; and
  - Office of the Commonwealth Ombudsman [who is also the Defence Force Ombudsman].
15. There is evidence (tangible and anecdotal) that the Australian Defence Force ("ADF") have been ignoring the statutory regulations that govern the awarding of prestigious honours and awards, usually to senior military commanders, effectively since Australia officially took over the process.
16. Every current and/or former Australian soldier, sailor, airman or airwomen know that medals that have an "***in action***" criteria mean that the recipient is supposed to have been in a "***gun fight***" with enemy combatants. The ADF knew this and a 2008 tribunal review revealed that, in relation to senior officers, they had been paying scant regard to that requirement for years.
17. Evidence of a collective guilty mind is demonstrated by the several examples where the ADF conveniently left out the words "***in action***" in the citations and in one 2004 example, they used the words "***in warlike operations***" instead, even though that phrase didn't legally come into existence until the 13 December 2011.
18. Senator Jaqui LAMBIE (TAS) and Senator Malcolm ROBERTS (QLD) have proven to be staunch supporters of this issue and have laboured long and hard to publicly expose the long-term abuse of Australia's military honours and awards system.
19. It was only after Senator ROBERTS moved a *Notice of Motion* in the Senate on the 3 July 2024 and gained majority support for an inquiry by the *Foreign Affairs, Defence and Trade Reference Committee* ("FADT Committee") that all

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

those involved in this issue can finally begin to see some light at the end of the tunnel.

20. All involved in this issue fervently hope that those thirty-one (31) Senators [20 ALP, 10 Greens & THORPE] who voted against Senator ROBERTS motion will realise that the ADF '*medal protection racket*' must end and support proposals to reinstate honesty and integrity into the nomination and approval process.



Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

**GENESIS FOR THIS SENATE INQUIRY:**

21. The genesis for this Inquiry can trace its origins back to the 19 November 2020 when the then Chief of the Defence Force, General Angus John CAMPBELL AO DSC [07/07/2018 – 09/07/2024], publicly vowed to revoke the *Meritorious Unit Citation* (“MUC”) awarded to over 3,000 Special Forces members who served in Afghanistan [30/04/2007 – 31/12/2013] during the public release of the *Inspector-General of the Australian Defence Force Afghanistan Inquiry Report* (“BRERETON Report”).
22. **No** adverse findings were made against members of the *1st Commando Regiment* and only one (1) adverse finding was made against one (1) member of the *2nd Commando Regiment*, yet over 3,000 were to be collectively punished for the actions of a few *Special Air Service Regiment* members.
23. Following the decision in March 2021 by the then newly appointed Minister for Defence, The Honourable Peter Craig DUTTON MP, to over-rule CAMPBELL and restrict revocation of the MUC to the handful of persons who had been adversely named in the BRERETON Report, a group of current and former *Special Forces* members began looking closely at the integrity and efficacy of Australia’s military honours and awards system.
24. Initially, the focus was on the DSC awarded to CAMPBELL in the 2012 Queen’s Birthday Honours List (11/06/2012) but they soon realised that this abuse had been going on for many decades and this motivated them to look deeper into the DSC awards to other Generals.

**Issue focusses on numerous ADF senior officers – not just one:**

25. The fact that this submission may refer heavily to the immediate-past Chief of the Defence Force, General Angus John CAMPBELL AO DSC, is because of evidentiary reasons. There is tangible documentary evidence that CAMPBELL’s DSC was awarded unlawfully and anecdotal evidence that many, many others were also awarded unlawfully for the same reasons that CAMPBELL’s award is unlawful.
26. If anything, CAMPBELL’s case highlights the shortcomings in the military honours and awards system.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
Inquiry into Defence honours and awards system

---

**AUSTRALIAN MILITARY HONOURS AND AWARDS SYSTEM:**

27. Members of the Australian Armed Forces have received honours and awards under two (2) systems – the Imperial system and the Australian system.
28. The Imperial system was used exclusively by Australia until the 14 February 1975, when the Government introduced the Australian system. These two (2) systems – the Imperial and the Australian – then operated in parallel until October 1992, when the Prime Minister announced that Australia would **no** longer make recommendations for Imperial awards. The Commonwealth and the States agreed on this course of action and this proposal was submitted to the Queen, who agreed [by initialling the letter and returning it]. Consequently, Imperial honours made to Australians since 1992 are now regarded as foreign awards.
29. The Sovereign establishes Australian military honours and awards through *Letters Patent* (always in the plural) exercising the Royal prerogative.
30. The relevant *Letters Patent* is signed by the Australian Prime Minister of the day and the Sovereign [at the Court of St James, the official Royal Court for the Sovereign of the UK and the most senior of the royal palaces in the City of Westminster in London].
31. The *Letters Patent* approved by The Sovereign institutes the medal and ordains that the medal is governed by the Regulations Governing the Award. These Regulations, approved by The Sovereign, on the recommendation of the Prime Minister, set out the terms and conditions of an award, and states that the design, and manner of wearing, of the medal is determined by the Governor-General.
32. The relevant *Determination* by the Governor-General informs the design of the medal, its associated insignia, and that the order of wearing is in accordance with *The Order of Wearing of Australian Honours and Awards* and the manner of wearing is in accordance with the *Guide to the Wearing of Insignia*. The design of the medal and associated insignia must be in accordance with the relevant technical specifications. The placement of the medal is approved by The Sovereign, and *The Order of Wearing of Australian Honours and Awards* is the notification by the Governor-General of the positioning of all awards in the Australian honours system. These instruments collectively inform the rules and conditions associated with the award.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

**Lawful -v- Unlawful. The argument is simple:**

33. Australia is a common-law jurisdiction, its court system having originated in the common law system of English law. The country's common law is the same across the states and territories and it was said that the “***Constitution, the federal, State and territorial laws, and the common law in Australia together constitute the law in this country and form ‘one system of jurisprudence’***”<sup>1</sup>.
34. Therefore, if a medal is awarded in accordance with the relevant *Letters Patent* and the related Regulations, it is **LAWFUL**. If is **NOT** awarded in accordance with those instruments, it is **UNLAWFUL!**
35. Whilst a breach of a *Letters Patent*, or the relevant Regulations, is a breach of a law of the Commonwealth, it is **not** a crime and is **not** punishable by anything other than revocation of the award under the instrument to which it relates.

**Only one method of recognition for the military:**

36. Australian military commanders cannot receive cash bonuses or Cartier watches, unlike Australia Post executives. Regardless of rank, the primary recognition for ADF members is **not** monetary – **it is medallic!** Whilst some might receive quicker promotion, and therefore, increased remuneration, part of what is called the ‘*officer culture*’ is the rapid acquisition of prestigious medals, especially during conflicts and particularly those that carry post-nominals, as they increase the prospects of elevation to the highest ranks and the significant salaries and benefits that accompany those ranks.
37. The Military honours and awards system seems to favour senior ADF officers who are quickly (and we say, often unlawfully) rewarded with prestigious medals while Other Ranks (“ORs”) wait for extended periods or have their medal nominations downgraded. The higher the rank of the proposed recipient, the less people involved in the approval process.
38. As this submission will reveal, senior military officers have been nominated for prestigious awards **before** their commands have ended. In one case, an infantry Lieutenant Colonel [and his senior headquarters-based colleague]

---

<sup>1</sup> [Lange -v- Australian Broadcasting Corporation](#) (“*Political Free Speech case*”) (1997) 189 CLR 564 (8 July 1997)

---

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

received a prized medal only **25 days** after their **132-day** UN peace-keeping mission ended.

39. We understand that this Senate Inquiry may receive submissions where ORs have waited many years for approval.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

**INTEGRITY & EFFICACY – DEFENCE HONOURS & AWARDS SYSTEM:**

40. The ASFA allege that the Australian military honours and awards system has been **abused** for decades by current and/or former senior military officers within the ADF who have been **unlawfully** bestowing prestigious medals upon their colleagues.
41. The most abused military honour and award are the *Distinguished Service* awards.
42. The Distinguished Service awards were created on the **15 January 1991** when Her Majesty, the late Queen Elizabeth II, signed a *Letters Patent* creating three (3) new military awards that was counter-signed by the then Australian Prime Minister, Bob HAWKE.
43. The three (3) military awards, and the conditions for the award of the decorations, were:
- a. The *Distinguished Service Cross* (“DSC”) – shall be awarded only for **distinguished command and leadership in action**;
  - b. The *Distinguished Service Medal* (“DSM”) – shall be awarded only for **distinguished leadership in action**; and
  - c. The *Commendation for Distinguished Service* (“CDS”) – shall be awarded only **for distinguished performance of duties in warlike operations**.
44. Note that the DSC is for ‘*distinguished command **AND** leadership in action*’ while the DSM is for ‘*distinguished leadership in action*’ [**not** command and leadership], while the CDS is for ‘*distinguished performance of duties in warlike operations*’ [**not** ‘in action’].
45. While recipients of the DSC and the DSM are both entitled to use post-nominals after their name, the DSC is the more prestigious award for those who are, or likely to be, of Star rank and is the one that has been the most abused.
46. From the **15 January 1991** up until the **12 December 2011**, the criteria for the award of a DSC were:
- Distinguished Command **AND** Leadership;
  - **in ACTION.**

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

47. On the **13 December 2011**, the original 1991 *Letters Patent* was amended by a new *Letters Patent*, signed by Her Majesty, the late Queen Elizabeth II and counter-signed by the then Prime Minister (Julia GILLARD).
48. The amendment simply omitted the words “***in action***” and inserted the words “***in warlike operations***”.
49. The 2011 *Letters Patent* (“*in warlike operations*”) was effective from the **13 December 2011** and currently applies.

**How many *Distinguished Service* awards have been issued:**

50. According to the *Wikipedia* website (on 07/06/2024), **since the first two (2) were issued 1993**, there have been:
  - One hundred and fifteen (**115**) awards of the DSC (to 106 individuals); and
  - Two hundred and twenty (**220**) awards of the DSM (to 208 individuals).
51. We have **not** broken down the number that were awarded under the “***in action***” criteria or the “***in warlike operations***” criteria but suggest that many of those issued under the “*warlike operations*” criteria are still unlawful on a proximity basis that will be discussed later.

**Relevant definitions of ‘distinguished’:**

52. There is **no** statutory definition of “***distinguished***”, in either the *Letters Patent* regulations or the *Defence Act 1903*, however, when considering a 1971 Vietnam War matter, the *Defence Honours and Awards Appeal Tribunal* (“DHAAT”), an independent statutory body established under Part VIII C of the *Defence Act 1903* to consider defence honours and awards matters and made up of eminent jurists and retired senior military officers, decided in *Gilbert and the Department of Defence* [2019] DHAAT 02 (7 March 2019) para 130 on page 38 that:

“... In the absence of a definition of distinguished in the Regulations, the Tribunal decided that in this case a dictionary definition would provide a reasonable basis upon which to form an opinion. The Tribunal noted that the application of the term ‘distinguished’ is subjective and that it is defined in the Oxford Dictionary as ‘very successful, authoritative, and commanding

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

*great respect' and 'remarkable for or by the quality of excellence'...*

53. In relation to 'distinguished command and leadership', Defence stated that it considers this to be:

*The skilful application of leadership over others in the most difficult of circumstances where the outcome was undeniably successful and of a higher standard than that expected of others in similar circumstances". [emphasis added].*

54. In other words, **doing it better** than your predecessors and/or successors – **not** doing it to the same standard.

**Relevant definitions of "in action":**

55. Similarly, there is **no** statutory definition of "**in action**", in either the *Letters Patent* or the *Defence Act 1903*, however, in the *Gilbert* decision the Defence Department **conceded** that when the *Distinguished Service Decorations* were "... instituted in 1991, to be '**in action**' was to be physically present in a specific action involving direct conflict between opposing forces ..." <sup>2</sup>.

56. In a 2020 matter, the DHAAT established this slightly different definition of "**in action**" when they said:

**"In action is usually a relatively straight forward concept involving armed conflict in close proximity to or under the fire of an adversary"** <sup>3</sup>.

57. The GILBERT decision *supra* is a classic example of "**in action**" and what was intended when our late Queen signed the relevant 1991 *Letters Patent* for the Distinguished Service awards.

**Gilbert's battle:**

58. On the 21 September 1971 then Captain [later Lieutenant Colonel] Gregory Vivian GILBERT was an Artillery Forward Observer attached to D Coy, 4<sup>th</sup> Battalion, The Royal Australian Regiment ("4 RAR") during Operation IVANHOE north of Phuoc Toy Province, South Vietnam. He participated in the *Battle of Nui Le*, the last major engagement of the War for Australian Forces.

---

<sup>2</sup> *Gilbert and the Department of Defence* [2019] DHAAT 02 (7 March 2019) para 122

<sup>3</sup> *Hulse and the Department of Defence re: Jensen* [2020] DHAAT 15 (27 August 2020) paragraph 83

---

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

59. The DHAAT found that D Coy [90 men] had been in close combat for most of the day and were down to 85 men. Their closest relief was 4-5 kilometres away. By nightfall, they were virtually surrounded by a strong and aggressive enemy [300 – 33<sup>rd</sup> NVA Regiment] and were in all-round defence in a **35-75 metre area** in thick jungle with zero visibility and lacking basic protection, such as *'shell scrapes'* [a shallow narrow trench to lie in below ground level].
60. GILBERT had to recall grid references and mentally calculate distances and angles as he was unable to use light or his map due to small arms, machine gun and grenade fire. He adjusted *'Danger Close'* artillery fire to within 30-100 metres by the sound of exploding rounds. Captain GILBERT's tactics were later recommended for inclusion in the Standard Operating Procedures for the 1<sup>st</sup> Australian Task Force.
61. Australian casualties were five (5) killed and thirty (30) wounded.
62. To use a colloquialism, GILBERT was in a ***'gun fight'***. He was *"physically present in a specific action involving direct conflict between opposing forces"*.
63. GILBERT received **no** recognition at the time. Many decades later, he raised the issue and was belatedly awarded a DSM [as the *Military Cross*, an Imperial Award, had been discontinued].
64. The *Gilbert* decision contemplates four (4) criteria to qualify for a DSC:
- a. physical presence [i.e. *actually present*];
  - b. in a specific action [i.e. *'a battle'*];
  - c. direct conflict [i.e. a *'gun fight'*];
  - d. between opposing forces [i.e. *'physical presence of enemy'*].

**The predecessors to the *Distinguished Service* awards:**

65. The Imperial *Military Cross* ("MC") and the *Distinguished Service Order* ("DSO") were the most common prestige medals prior to the creation of the *Distinguished Service* awards. Both were awarded for ***'active operations'*** and carried post nominals.
66. There were fifty-four (54) awards of the MC and thirty-seven (37) awards of the DSO during the Vietnam War (1962-1973). Two notable MC recipients later became Governor-Generals [Philip Michael *'Mike'* JEFFERY and Peter John COSGROVE].
-



Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

67. The MC was usually awarded to Lieutenants, Captains and Majors **not** Generals (or Star Ranked officers) as they were rarely ever close enough to the action to qualify. More senior officers, who were involved in actual combat, received the *Distinguished Service Order*.
68. The MC and DSO were generally awarded to officers for bravery during a single **'gun fight'** or series of continuing **'gun fights'** during the same operation – **not** for being in command of troops for up to 12-months with only intermittent visits to where the troops were fighting.

**When did the abuse of the *Distinguished Service awards* start:**

69. The abuse of the DSC/DSM arguably goes back to the **first** two (2) DSCs ever awarded (*1993 Queen's Birthday Honours List*) for a 132-day United Nations Peacekeeping Mission but went from bad to worse in East Timor (16/09/1999 – 18/02/2000), Iraq (2003) and finally, Afghanistan (2003 – 2016).
70. Given that there had been **no** prestigious combat-related medals awarded for nearly 20 years [the Vietnam war ended in 1973], it is little wonder that the ADF pounced on the opportunity in 1993 to rectify that by bestowing a DSC on an infantry Lieutenant Colonel and a headquarters-based Colonel only **25 days** after the mission ended.
71. It is expected that this abuse will continue, despite an amateurish attempt in late 2011 to legitimise the DSC by changing one (1) of the three (3) criteria that had been causing problems.

**Cavalier attitude to "in action" criteria:**

72. The ADF **cannot** claim that they were unaware or oblivious to the abuse of Australia's military honours and awards system following the publication of a 2008 report<sup>4</sup> commissioned by the Vice Chief of the Defence Force.
73. That report discloses that the ADF was aware, and had been for many years, that the requirement for recipients of the DSC to be **"in action"** was problematic. They were even aware that:

---

<sup>4</sup> *Defence Honours and Awards and Commendations Policy Review - 8 February 2008* (particularly page 46 – 47).

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

- a. there had been "... **inconsistent application of the [1996] definition**" ["acts in the course of armed combat or actual operations against an enemy"]; and
  - b. **"... the DSC was awarded inappropriately to officers who were not directly commanding forces in the course of armed combat"**; and
  - c. **"... there had been a somewhat liberal view taken to the definition of "in action" because of the lack of other options"**.
74. Liberal interpretation of the criteria for prestige medals is **not** new as there were instances between 1914 and 1916 of the Imperial *Distinguished Service Order* ("DSO"), which was instituted by Queen Victoria in 1886 to reward individual instances of meritorious or distinguished service in war by majors (or equivalent) or higher for service under fire (or under conditions equivalent to service in actual combat with the enemy), being made to British staff officers who had **not** been under fire, causing resentment among front-line officers.
75. After 1 January 1917, commanders in the field were instructed to recommend the DSO for only those serving under fire.
76. There were effectively three (3) criteria for the awarding of a DSC/DSM, under the original 1991 *Letters Patent* however, it seems that when it comes to assessing those criteria, the ADF have passionately embraced the 5<sup>th</sup> song on the famous 1977 *Bat Out of Hell* debut album by *Meatloaf*<sup>5</sup>, '**Two out of Three Aint Bad**', when deciding if a senior officer gets one.
77. The ADF ignored their own definition of "**in action**" – the two (2) words that applied to CAMPBELL's DSC (and many other earlier ones) in the nomination and approval process.

**Media reporting critical of ADF medal issue:**

78. There have been several media reports about the abuse of Australia's military honours and awards and related issues.

---

<sup>5</sup> The album sold 43 million copies worldwide and is ranked in the 500 Greatest Albums of All Time

---

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

79. The first were the following two (2) well-researched 'You Tube' videos challenging CAMPBELL about his DSC:

**'Fangblenny – A Film About Angus Campbell's Distinguished Service Cross'** – 15/06/2023 (49 minutes 19 seconds);

[Fangblenny – A Film About Angus Campbell's - Search Videos \(bing.com\)](#)

**'La Decada Tragica - Commanders of Convenience'** – 24/06/2023 (68 minutes 4 seconds)

<https://www.youtube.com/watch?v=a8jq3U9JUL8>

80. The videos are compulsive watching. The first suggests that CAMPBELL **failed all three (3) criteria** for the DSC and provides sound reasons. The second expands on CAMPBELL's failings and other senior officers' failings.

81. On the 20 October 2023 Andrew GREENE, the ABC Defence Reporter, published '*Distinguished service medals awarded to army's top brass might be illegal*'.

82. Ellen RANSLEY, the Canberra-based political journalist for '*The Nightly*', published four (4) articles about the abuse of Australia's military honours and awards and related issues. They are:

- 01/07/2024 – '*Brassed Off Over Chief Medal Mess*';
- 03/07/2024 – '*ADF's Medal Probe Looms*';
- 04/07/2024 – '*Diggers Fury as Honours Call goes MIA*';
- 10/07/2024 – '*Six-Year Reign Ends leaving behind embattled Defence*'.

83. Ms RANSLEY is also the first person to point out (on the 01/07/2024) that the **new** Chief of the Defence Force, Admiral David Lance JOHNSTON, was the person who recommended CAMPBELL for the DSC in 2011.

84. Her colleague, Ben HARVEY, wrote an Opinion piece on the 10 July 2024 titled: '*This is what a hero looks like – Sitting in an office can't compare to true battlefield courage*'.

85. If any recipient of a DSC did **not** know (if they did **not** beforehand) that their awards were unlawful, they had absolutely **no** excuse after these media

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

reports, however, we understand that **not** one of them has initiated the process to have their awards formally revoked. So much for honesty and integrity.

**CAMPBELL's DSC:**

86. CAMPBELL's citation reads:

***"For distinguished command and leadership in action as Commander Joint Task Force 633 on Operation SLIPPER from January 2011 to December 2011.***

87. At the relevant time, the criteria governing the award of a DSC were:

- Distinguished Command **AND** Leadership;
- **in ACTION.**

88. CAMPBELL was the Commander of Joint Task Force 633 ("JTF-633") from the **14 January 2011 to 17 January 2012** but Special Forces members knew that CAMPBELL had been based at Al Minhad in the United Arab Emirates, some 1,700 km from Afghanistan and **only ever** made intermittent visits during his tenure as the Commander of JTF-633.

**FOI – 543/22/23 – CAMPBELL's visits to Afghanistan:**

89. Freedom of Information ('FOI') request number 543/22/23 [answered by a Full Colonel on the 14/04/2023] revealed that during his **369-day tenure** as the Commander of JTF-633, CAMPBELL only made **34 visits** to Afghanistan totalling **112 days**. In other words, he was in Afghanistan for 30.25% of his tenure.

90. The Colonel effectively conceded in the response that CAMPBELL was **never** "*in action*", a pre-requisite for the award of a DSC, which means that the award of the DSC to him was unlawful on that ground alone (albeit there are strong suggestions that his command and leadership was **not** '*distinguished*' either).

91. Several Special Forces members somewhat unkindly noted that 55.885% of CAMPBELL's visits to Afghanistan coincided with ***Special Forces 'Lobster Thursdays'***.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

**FOI 544/22/23 – What was distinguished about CAMPBELL’s service:**

92. FOI request (544/23/23) sought details of what was it about CAMPBELL’s service in Afghanistan that was distinguished.
93. The response received (23/08/2023) provided eight (8) sets of documents [15 pages in total).
94. These documents were:
- *Form AD 104 – Nomination for Half Yearly Honours* (1 page);
  - Narrative (justifying the proposed award – 1 page);
  - Synopsis (a paragraph explaining the award for the *Gazette*);
  - *Minutes* by the Chief of Joint Operations Command (2 x 2 pages);
  - *Minutes* of the internal *Defence Honours and Awards Board* (3 pages)
  - various emails (5 pages).
95. It needs to be remembered that CAMPBELL’s tenure as Commander of JTF-633 was from the **14 January 2011 to 17 January 2012**.
96. The *Form AD 104 – Nomination for Half Yearly Honours* reveals that CAMPBELL was recommended for the DSC on the **29 September 2011** by then Rear Admiral David Lance JOHNSTON, the then Deputy Chief of Joint Operations (“DCJOPS”) [later Vice Admiral, Deputy Chief of the Defence Force] and, since the **10 July 2024**, the current Chief of the Defence Force.
97. The email trail strongly suggests that the draft DSC nomination was prepared on or before the **28 August 2011** (or a little over halfway through CAMPBELL’s command) for JOHNSTON by a Warrant Officer Class 2. See page 3 of FOI attachments – email dated 28/08/2011 to Johnston, David RADM with the following Microsoft Word attachment (*See attached file: XXXXX – MajGen A.J. Campbell – DSC doc*).
98. On the same day that JOHNSTON ‘recommended’ CAMPBELL for the DSC (29/09/2011), the eleven (11) members of the *Defence Honours and Awards Board* (“DH&A Board”) [6 of whom were Star-ranked], considered ‘*Individual nominations*’ for the *2012 Queen’s Birthday Honour List*, including CAMPBELL’s.
-

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

99. The *Minutes* reveal that the H&A Board took precisely **3 hours and 25 minutes** to consider numerous nominations [possibly up to 82 as that is how many received awards in the *2012 Queen's Birthday Honour List*]. See attached DH&A Board Minutes.
100. Lieutenant General Brian Ashley 'Ash' POWER, the Commander of Joint Operations Command in Australia ('CJOPS'), was a member of that 29 September 2011 DH&A Board that considered '*individual nominations*', (including CAMPBELL's) but did **not** sign the *Form AD 104 – Nomination for Half Yearly Honours* approving JOHNSTON's recommendation until the 14 October 2011 [or 15 days later].
101. A *Minute* to the Chief of Army [Lieutenant General David Lindsay MORRISON] dated the **14 October 2011** reveals that POWER convened a DH&A Board to consider operational nominations:
- on the 29 September 2011 [the same day JOHNSTON signed the *Form AD 104 – Nomination for Half Yearly Honours*]; and a
  - '*Review Board*' [whatever that is] on the 14 October 2011 [the same day POWER signed the *Form AD 104 – Nomination for Half Yearly Honours*]
- and as a result of those Boards, recommended awards for Army personnel.
102. FOI request 544/22/23 did **NOT** include any documents relating to the deliberations of the 14 October 2011 '*Review Board*'. Perhaps this was a simple oversight by the Defence FOI team but who were they and what did they consider? This is an issue that the Senate Inquiry might like the Defence Department to explain.
103. It appears that eight (8) of the eleven (11) members of the DH& Board may **NOT** have seen any documents concerning the nominations for the *2012 Queen's Birthday Honours List* **UNTIL** the meeting began at 0905 hours on Thursday the 29 September 2011. If this is the case, the process was little more than a '**rubber stamping exercise**'. (POWER, JOHNSTON & Brigadier GALLASCH may have seen some or all before the meeting).
104. It seems clear that CAMPBELL's nomination process began just over 7 months into his 12-month tenure and was completed by the 14 October 2011, three (3) months before he had even completed his term. His one (1) page '*Narrative*' is
-

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

rather bland and does **NOT** specifically refer to any of the criteria for a DSC [*Distinguished Command and Leadership in Action*].

105. Moreover, it is understood that the ADF require nominations for the *Queen's Birthday Honours List* to be completed by the end of October the year before, perhaps to allow the Governor-General's office time to process them. If this is correct, it explains why CAMPBELL's nomination was rushed through **BEFORE** he had completed his 12-month term. It also suggests that senior officers may be receiving preferential treatment over Other Ranks in the processing of nominations for medals.
106. In relation to '*distinguished*', one only needs to look at CAMPBELL'S DSC nomination to see that **no** mention is made of him performing his role to a higher standard than his immediate three (3) predecessors [the test for distinguished command and leadership under the *Gilbert* decision], however, the second sentence in the ultimate paragraph of CAMPBELL's DSC *Narrative* states:
- "He has been central to the task force's capacity to handle losses in action"*.
107. There were forty-one (41) Australian troops killed in Afghanistan over twelve (12) years with **26.8292%** of them dying under CAMPBELL's command in only eight (8) months. One wonders how he managed to handle losses better than his four (4) predecessors, who also lost troops.

**Revoking military honours and awards:**

108. There has been some suggestion that CAMPBELL offered to surrender his DSC on or about the 6 November 2020, around the time of the publishing of the Brereton Report.
109. It does **not** take a leading legal luminary to realise that there is/was **no** mechanism in the relevant 1991 *Letters Patent* to allow for voluntary surrender to occur so how valid was such an offer?
110. Regulation 13(1) of the *Distinguished Service Decorations Regulations* prescribes that the Governor-General may "... **cancel an award of a decoration ...**".
111. In October 2023, CAMPBELL wrote to the Minister for Defence recommending revocation of several distinguished service awards to current and former Special Forces officers who were in command of the Corporals and Sergeants mentioned in the *Brereton Report*.
-

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

112. If CAMPBELL has any honesty and integrity, he could write to the Minister for Defence advising him that his DSC had been awarded to him unlawfully in that he was never ***“in action”*** and invite the Minister to recommend the Governor-General revoke his award. As CAMPBELL has already demonstrated his reluctance to surrender it, that is unlikely to occur.
113. This same process could be utilised by every officer who has been unlawfully awarded a DSC (or DSM), particularly if they want to emulate the honesty and integrity of Michael Joseph KEELTY APM, the former Commissioner of the Australian Federal Police (2001 – 2009), who resigned his *Officer of the Order of Australia* <sup>6</sup> over an allegation he provided confidential police information to Ben ROBERTS-SMITH VC MG.

**The H&A Board: A conflict of interest:**

114. In a text-book example of conflict of interest, Brigadier Dianne Maree GALLASCH AM, was nominated by the H&A Board of which she was a member for a *Conspicuous Service Cross* (“CSC”) and subsequently awarded a CSC in the *2012 Queens Birthday Honours List* ***“For outstanding achievement as the Director General Support at Headquarters Joint Operations Command”***. As the person who may very well have co-ordinated all the awards under consideration, Brigadier GALLASCH may have had access to **ALL** the nominations, including her own (and CAMPBELL’s), prior to the H&A Board meeting, a clear breach of *Defence Honours Awards and Recognition policy!*

**Commanders of JTF-633 between 2003 and 2017:**

115. Of the seventeen (17) Commanders of JTF-633 between 2003 and 2017, twelve (12) of them were awarded the DSC [ 9 in a row] and one (1) was awarded a Bar to the DSC. Of those that missed out, two (2) already had an unlawful DSC from East Timor and two (2) had less than six (6) months in the role but received an Order of Australia (“AO”) instead.
116. Former ADF Major Dr Glenn KOLOMEITZ PhD, who served in East Timor and Afghanistan as a Military Lawyer, summed it up nicely in an interview with Ellen RANSLEY, the Canberra-based journalist for *‘The Nightly’* published on the 2 July 2024, when he said:

---

<sup>6</sup> See Government Notices Gazette C2024G00008 03/01/2024



Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

*“... given every commander of that task force had received the same honour for ‘distinguished command and leadership’ consecutively, it could appear as though the honours [formed] part of a salary package.*

*You can’t tell me they have all done the job so well”.*

117. The following is a table of all JTF-633 Commanders from 2003 to 2017.

Rank	Full Name	Tenure
Air Vice Marshall	Timothy INNES	12/01/2016 – 26/01/2017
Rear-Admiral	Trevor Norman JONES	08/12/2014 – 02/12/2016
Major-General	Craig William ORME	17/09/2013 – 08/12/2014
Major-General	Michael Peter CRANE	17/10/2012 – 17/09/2013
Major-General	Stuart Lyle SMITH	17/01/2012 – 17/10/2012
Major-General	Angus John CAMPBELL	14/01/2011 – 17/01/2012
Major-General	John Patrick CANTWELL	14/01/2010 – 14/01/2011
Major-General	Mark Andrew KELLY	12/01/2009 – 14/01/2010
Major-General	Michael Simon HINDMARSH	01/03/2008 – 12/01/2009
Major-General	Mark EVANS	17/06/2007 – 01/03/2008
Brigadier	Gerard FOGARTY	12/05/2007 – 17/06/2007
Brigadier	Michael Peter CRANE	12/11/2006 – 12/05/2007
Brigadier	Michael John MOON	12/05/2006 – 12/11/2007
Brigadier	Paul Bruce SYMON	16/11/2005 – 12/05/2006
Commodore	Geoffrey Allan LEDGER	16/05/2004 – 16/11/2005
Air Commodore	Gregory John EVANS	28/11/2004 – 16/05/2005
Commodore	Campbell William DARBY	??/11/2003 – 16/05/2004

**KEY:** XXXX = DSC in action XXXX = DSC in warlike operations

**NOTE:** MAJ-GEN CRANE awarded a Bar in 2014 to his “in action” DSC in 2008

MAJ-GEN EVANS awarded a DSC in 2000 and the then Lieutenant Colonel MOON in 2001 for Operation Warden in East Timor but citation does not mention for ‘in action’. (Arguably unlawful).

AVM EVANS awarded a DSC in 2006 for Operation Catalyst in MEAO but citation does not mention for ‘in action’.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

BRIG [later MAJ-GEN] SYMON and FOGARTY are only persons **NOT** to be awarded a DSC for Command of JTF-633. Both received an AO for JTF-633.

CAMPBELL was effectively the last DSC awarded under the “*in action*” criteria.

118. Commanders of JTF-633 made periodic visits to Afghanistan from Dubai but were at little risk of being involved in a “*gun fight*”. Even after the criteria changed in 2011 from “*in action*” to “*in warlike operations*”, there is still an argument available that those Commanders of JTF-633 who were based in Dubai, are still **NOT** eligible for a DSC as the risk of casualties must be proximate to the command and leadership - **not** 1,700 km away!
119. Whilst the DSC “*in action*” abuse effectively ended with the 2012 *Queen’s Birthday Honours List*<sup>7</sup> the DSC “*in warlike operations*” abuse continued and is likely to be continue during the next conflict.

**FOI request (123/24/25) – DSC nominations for other JTF-633 Generals:**

120. On the 7 August 2024 (to obtain proof that the process of bestowing the DSC on other senior military commanders left much to be desired), an FOI request was lodged with the Defence Department seeking the following documents relating to the DSC for **ALL** Commanders [except CAMPBELL] of JTF-633 between November 2003 and January 2016:
- *Form AD 104 – Nomination for Half Yearly Honours;*
  - Narrative (justifying the proposed award);
  - Synopsis (a paragraph explaining the award for the *Gazette*); and
  - *Minutes of the internal Defence Honours and Awards Board.*
121. The FOI request deliberately sought a discrete number of documents (approximately 10 pages per person) to prevent unnecessary delay, however, it is unlikely that they will be provided before the closing date for submissions (30/08/2024). Hopefully, they will be provided in a timely fashion but if they are **not**, the Senate Inquiry might consider compelling the Defence Department to provide them under compulsory process.

---

<sup>7</sup> There was one (1) more DSC awarded to a Special Forces Lieutenant Colonel in 2013 for his actions on the ground in Afghanistan prior to the 2011 amendment to the DSC *Letters Patent*. Clearly, he wasn’t important enough to warrant a speedy award.

---

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

122. The Defence Department acknowledged receipt of the FOI request on Monday the 12 August 2024. The statutory timeframe to provide a decision on the request ends on the **6 September 2024**, however, this can be extended.
123. As soon as any documents are provided, we will make them available to this Senate Inquiry, however, we expect that **all** the *Narratives* will bear a **‘striking similarity’** to each other [the Common Law legal test for ‘*similar fact*’ evidence in criminal proceedings] and will **not** specifically address the three (3) mandatory criteria.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
Inquiry into Defence honours and awards system

---

**ATTEMPTS TO ADDRESS CONCERNS ABOUT VALIDITY OF THE DSC:**

**Complaints to Minister for Defence:**

124. Concerns about the validity of CAMPBELL's DSC were first brought to the notice of Richard Donald MARLES MP, the Deputy Prime Minister and Minister for Defence, in a ten (10) page email on the **7 December 2022**.
125. By letter dated the **10 February 2023** MARLES responded:
- “I am satisfied that the award to General CAMPBELL was validly made, and a review as you have requested is not warranted in the circumstances”.***
126. Given the easily verifiable information contained herein:
- What did MARLES do to satisfy himself that the award was validly made?**
127. On the **7 May 2023**, MARLES was sent a seven (7) page letter inviting him to direct the DHAAT to convene a Division 4 Inquiry into the legality of awards, particularly the DSC, to Commanders of JTF-633. That letter included suitable written *Terms of Reference* for a DHAAT Inquiry.
128. It is understood that MARLES has still **not** responded to that proposal.
129. The Minister for Defence **is the only person** who can ***‘direct’*** the DHAAT to conduct an inquiry and since their creation as a statutory body on the 5 January 2011, DHAAT have conducted numerous Division 4 Inquiries. [DHAAT operated as an administrative body from July 2008 to the 04/01/2011].
130. On the **26 November 2023** (and in the days thereafter), MARLES was sent a six (6) page letter by between 80-100 former Special Forces and other ADF members demanding that he revoke the DSC awarded to CAMPBELL in the 2012 Queen's Birthday List on the basis that it had been unlawfully awarded to him.
131. Fifty-three (53) were former Royal Australian Air Force (“RAAF”) members, from Group Captains down. A Group Captain is a senior RAAF rank and is the rank immediately below *‘Star Rank’*, or the General and equivalent levels. A Group Captain often commands a large RAAF Base with several squadrons of
-

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

fighter and/or transport aircraft, along with all necessary operational and maintenance equipment and personnel.

132. The fact that so many former RAAF members joined this campaign speaks volumes for the level of dissatisfaction over the abuse of Australia's military Honours and Awards system by Army Generals, who have been ignoring the contribution by the RAAF and rewarding themselves with prestigious honours and awards.
133. The letters requested MARLES speedily acknowledge receipt of the letters and advise the authors of what he proposed doing within twenty-one (21) days of the date of the letters.
134. In **February 2024**, fifty-two (52) **different** RAAF members wrote to MARLES demanding he take action.
135. To date, no-one has received the courtesy of an acknowledgement, let alone a response.

**Senate Estimates:**

136. On the **15 February 2023**, Senator Jacqui LAMBIE (Tasmania) first questioned CAMPBELL about the validity of his DSC during the FADT Committee hearings at Senate Estimates.
137. Amongst other things, Senator LAMBIE asked:
- I was wondering if either you or the minister could please explain to this committee how you could be considered in action if you're based 1,700 kilometres away from Afghanistan.*
138. CAMPBELL responded:
- “Clearly, that’s not a question I can answer”.*
139. On the **30 May 2023**, Senator Malcolm ROBERTS (Queensland) first began questioning CAMPBELL about the validity of his DSC during the FADT Committee hearings at Senate Estimates.
140. Senator ROBERTS put the following to CAMPBELL:

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

*Senator ROBERTS: Thank you. Continuing, General Campbell: freedom of information request 545/22/23 specifically requested 'any documents Defence held in relation to dates and places where General Campbell was physically present during a specific action involving direct conflict between opposing forces between 1 January 2011 and 12 December 2011'. The response Defence gave was that there are no such documents in existence. General Campbell, I put it to you that you were never in action in the way required to satisfy the letters patent for the Distinguished Service Cross prior to their amendment. It seems you have been illegally awarded the Distinguished Service Cross while you spent much of your time in relative safety or in the genuine safety of Dubai, not Afghanistan. Yet you are now attempting to strip the Distinguished Service Cross from soldiers you commanded who genuinely earned it while in direct contact with the enemy. When will you hand your Distinguished Service Cross back?*

*Gen. Campbell: Thanks, Senator. That's been most enlightening. I don't intend to reply in substantive content. If those who nominated or those who feel that the award is inappropriate wished to raise that, they would do so, either through the government or to the Governor-General. I am not going to step into a process that is clearly one in which I am not the nominator, I am not the determinant of the letters patent criteria and I am not the judge of what the criteria mean. I appreciate the award, but if that award is regarded as not appropriate, then so be it. But let's use the proper process, Senator. Thank you.*

*Senator ROBERTS: Isn't this demoralising for people who earned it under action?*

*Gen. Campbell: Senator, my point remains. If you regard this as not an appropriately awarded decoration then use the process that exists to see it reconsidered.*

*Senator ROBERTS: Well, we've just had the date confirmed. When you were granted the award, it was awarded for 'in action'. That's how the Distinguished Service Cross came about. So I would put it to you that this is demoralising, and that would be an honourable thing to do, for you, in charge of the Australian Defence Force, to actually surrender your medal.*

*Gen. Campbell: Thank you, Senator. That's very interesting.*

141. Given that the person who nominated him – Lieutenant General Brian Ashley 'Ash' POWER – retired in May 2014, there was little risk of CAMPBELL's "**nominator**" ever raising the issue.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

**Complaint to the Governor-General:**

142. On the **29 December 2023**, a formal written complaint was lodged with His Excellency General the Honourable David John HURLEY AC DSC (Retd), Governor-General of the Commonwealth of Australia, requesting that he revoke the DSC awarded to CAMPBELL in the 2012 Queen's Birthday Honours List as it was awarded to him unlawfully.

143. On the 19 January 2024, the Office of the Governor-General responded, advising that:

“.....

.....

The process for the cancellation of a Distinguished Service Decoration is for the recommending authority, in this case it being the Minister of Defence, to make a recommendation to the Governor-General.

The Governor-General requires advice from the Government to act on Regulation 13(1) of the *Distinguished Service Decorations Regulations 1991*”.

144. On the 22 January 2024, a letter was written to MARLES advising him of the Governor-General's response and **demanding** that he act. **No** response has been received.

**Complaint to National Anti-Corruption Commission:**

145. On the 29 December 2023, a three (3) page electronic complaint was lodged with the *National Anti-Corruption Commission* (“NACC”) concerning the long-standing abuse, going back almost 30 years, of the Australian military honours and awards system by current and/or former public officials within the Australian Defence Force (“ADF”), who have been knowingly and unlawfully bestowing prestigious honours and awards upon their senior colleagues for decades.

146. On the 10 February 2024, the NACC acknowledged receipt of the complaint and sought further and better particulars about the complaint.

147. On the 19 February 2024, the NACC were provided with a total of **three hundred and fifty-four (354) pages** (25 attachments - 27,345KB) of relevant

---

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

documents. The two (2) page *Schedule of Relevant Documents* (attached to this submission) provided to the NACC is a catalogue of relevant documents relating to this matter and those documents can be electronically provided to the Senate Inquiry at short notice, if required.

148. On the 4 May 2024, the NACC advised that:

“... the Commission has not been able to identify a clear allegation of corrupt conduct as defined by the *National Anti-Corruption Commission Act 2022*. As a result, the Commission is unable to take any further action in this matter”.

**Complaint to Commonwealth Ombudsman:**

149. On the 18 March 2024 a twenty-five (25) page written complaint about this issue was lodged with the *Office of the Commonwealth Ombudsman* (“OCO”).

150. Pursuant to Section 19B(2) of the *Ombudsman Act 1976*, the person who holds the office of Commonwealth Ombudsman, is also the Defence Force Ombudsman.

151. On the 8 April 2024, that complaint was initially rejected by the OCO, who completely misunderstood the process of awarding medals and thought that:

***“... consideration of eligibility and approval is undertaken by the Defence Honours and Awards Appeal Tribunal (DHAAT). The tribunal’s decision is then endorsed by the Minister for Defence before an honour or award is issued by the Governor-General”.***

152. The OCO initially declined to consider the complaint because they mistakenly thought the complaint was **NOT** against the senior military commanders who have been abusing the system for decades but against the Minister for Defence and the Governor-General, who are immune from investigation by the Ombudsman.

153. After it was pointed out to them on the 9 April 2024 that:

- the DHAAT has **NO** jurisdiction to consider the eligibility and/or approval of an honour and award **unless** the ADF has failed or refused to recommend a person for an honour or



Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

award and can **ONLY** review a decision if a proper application has been made by the person affected by the decision; **AND**

- that the complaint was **NOT** against either the Minister or the Governor-General but the military commanders,

the OCO doubled down and rejected the complaint for entirely different reasons.

154. In their **second** rejection letter of the 29 April 2024, the Ombudsman said:

*“You have not provided any information in [your complaint] or in your request for reconsideration that demonstrates senior military officers have acted unlawfully.*

*It is not unlawful to nominate a person to receive a particular medal or award, and nomination for medals must be justified by the nominator and supported throughout the process. While senior military officers nominate and support recommendations for honours and awards, the Minister must consider and either support or reject those nominations, prior to recommending them to the Governor General”.*

155. In deciding that military officers have **not** acted unlawfully, the Ombudsman gave scant regard to the fact that a *Letters Patent* is a legal instrument from the Monarch under the *Common Law* and the nomination process ignored the **statutory regulations** made by the Governor-General.

156. The Ombudsman has rejected the complaint on the basis that it is **not** unlawful to nominate a military officer for a medal when the nominee did **not** qualify for the medal under the relevant *Letters Patent* criteria. Clearly, the Ombudsman disregarded their own legislation in finding that an action had to be **‘unlawful’** for them to have jurisdiction.

157. Section 29(1) is **one** of the Acts of Parliament governing the Ombudsman’s jurisdiction and provides the following examples, most of which do **NOT** require illegality as a condition precedent:

- 1 **Conduct that contravenes a law of the Commonwealth,**  
a State or a Territory.
- 2 .....

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

- 3 Conduct that:
- (a) perverts, or is engaged in for the purpose of perverting, or attempting to pervert, the course of justice; or
  - (b) involves, or is engaged in for the purpose of, corruption of any other kind.
- 4 Conduct that constitutes maladministration, including conduct that:
- (a) is based, in whole or in part, on improper motives; or
  - (b) is unreasonable, unjust or oppressive; or
  - (c) is negligent.
- 5 Conduct that is an abuse of public trust.
- 6 .....

158. As can be seen, conduct that contravenes a law of the Commonwealth is the **only** example that requires illegality. Conduct that involves corruption, maladministration (based on improper motives), or is unreasonable, negligent or an abuse of public trust, are other examples.

159. Furthermore, Section 29(2) of the same Act provides:

(2) *Without limiting subsection (1), the following are also disclosable conduct:*

- (a) *conduct engaged in by a public official that involves, or is engaged in for the purpose of, the public official abusing his or her position as a public official;*
- (b) *conduct engaged in by a public official that could, if proved, give reasonable grounds for disciplinary action resulting in the termination of the official's engagement or appointment.*

160. So, it seems that the Ombudsman does **NOT** believe that senior military officers bestowing prestigious awards on their colleague's **contrary to statutory regulations** made by the Governor-General pursuant to a *Letters Patent*, signed by the Monarch and the Prime Minister of the day, involves:

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

- a breach of the *Common Law* [a law of the Commonwealth]; or
  - a breach of a statutory regulation [a law of the Commonwealth];
  - corruption; or
  - maladministration; or
  - unreasonableness; or
  - negligence; or
  - an abuse of public trust; or
  - abusing their position; or
  - disciplinary issues that could result in termination.
161. The Ombudsman also failed to consider the following potential criminal offences under the *Defence Force Discipline Act 1982*:
- a. Section 60 – ***‘Bringing discredit on the Defence Force’***, which prescribes a penalty of three (3) months imprisonment;
  - b. Section 55 – ***‘Making a service document that is false in a material particular’***, which prescribes a penalty of two (2) years imprisonment;
  - c. Section 56 – ***‘Making a false statement for the benefit or advantage of another person’***, which prescribes a penalty of twelve (12) months imprisonment.
162. Whilst the above are criminal offences, the ADF is also subject to disciplinary matters that offend their ***‘Values and Behaviours’***, particularly:

**VALUES**

***Courage***

*The strength of character to say and do the right thing, always, especially in the face of adversity;*

***Integrity***

*The consistency of character to align ones thoughts, words and actions to do what is right;*

***Excellence***

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

*The willingness of character to strive each day to be the best one can be, both professionally and personally.*

**BEHAVIOURS**

*Be accountable and trustworthy.*

163. The senior military commanders who have been abusing Australia's military honours and awards system for decades will **NO** doubt feel emboldened that an office as esteemed as the Office of the Commonwealth Ombudsman/Defence Force Ombudsman has decided that it is **NOT UNLAWFUL** for senior military commanders to bestow prestigious medals upon each other in breach of a *Letters Patent* [and probably the spirit and/or intent of various policy and procedure manuals], as long as they follow the process of having an unlawful nomination ticked off by everyone involved, including the Minister for Defence and the Governor-General.

**TERMS OF REFERENCE – SPECIFIC CRITERIA:**

164. We will now turn to addressing the seven (7) specific criteria in the Terms of Reference.

**a. Experiences of Australian Defence Force (ADF) personnel progressing through the honours and awards system:**

165. We are aware of instances where ADF personnel have had medals downgraded with **no** explanation and examples where ADF personnel have waited many years to receive approval to wear foreign awards, particularly those from coalition forces. We understand that those affected may be making submissions themselves.

**b. The effect of awards and honours on maintaining morale within the ADF:**

166. As a great military commander once famously said:

***“A soldier will fight long and hard for a bit of coloured ribbon”.***

Napoleon BONAPARTE (15/08/1769 – 05/05/1821)

167. NAPOLEON understood the impact the awarding of medals for bravery had on the morale of his troops and the principle is the same for the ADF. Medals are proudly worn by the recipients and are important in establishing an *esprit de corps*.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

168. Medals must be only awarded to those that earn them. It is soul destroying for junior soldiers to see senior commanders wearing row upon row of medals that are questionable.

**c. assurance of the integrity of awards to senior officers for conduct in the Afghanistan conflict:**

169. Sadly, the assurance of the integrity of awards to senior officers in the Afghanistan conflict leaves much to be desired.

170. We rely on what we have said earlier in this submission in this regard.

171. We invite the Senate Inquiry to look very carefully at which senior officers were involved in the DSC nomination process for the Commanders of JTF-633 to see if there are any common threads. (FOI 123/24/25 will provide these answers).

**d. the effect of changes in criteria for some honours and awards from ‘in action’ to ‘in warlike operations’:**

172. The 2011 amendment of the Distinguished Service awards *Letters Patent* was an amateurish attempt to convert an unlawful practice into a lawful practice by naively changing two (2) words.

173. In our view, the risk of casualties to qualify as **“in warlike operations”** must be proximate to the command and leadership – **not** 1,700 km away!

174. The reason the *Letters Patent* was changed was simple. The ADF was aware, and had been for many years, that the requirement for recipients to be **“in action”** was problematic. They were even aware that<sup>8</sup>:

- there had been “... **inconsistent application of the [1996] definition**” [“acts in the course of armed combat or actual operations against an enemy”]; and
- **“... the DSC was awarded inappropriately to officers who were not directly commanding forces in the course of armed combat”**; and

---

<sup>8</sup> *Defence Honours and Awards and Commendations Policy Review - 8 February 2008* at page 46-47

---

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

- **“... there had been a somewhat liberal view taken to the definition of “in action” because of the lack of other options”.**

175. On page 48 of the DHAAT Review stakeholders proposed the introduction of a *‘Meritorious Cross/Medal’* subordinate to the DSC and DSM respectively on the Australian Order of Wear.
176. On the 4 May 2009 Dr Mike KELLY PhD LLB BA [a former Colonel and military lawyer], who was then the Parliamentary Secretary to the Minister for Defence, proposed the creation of a *Meritorious Service Cross* and *Meritorious Service Medal* for **“warlike service not in action”** to address the difficulty with the DSC.
177. Despite being a senior military officer with significant operational service **AND** an eminently qualified military legal officer, KELLY was over-ruled by Senator The Hon Joe LUDWIG (QLD – 07/1999 to 09/05/2016), (the then Cabinet Secretary, Special Minister of State and Manager of Government Business in the Senate) representing the Prime Minister, who had **some** Army Reserve service. LUDWIG entered politics from the Queensland Branch of the *Australian Workers Union* (“AWU”), following in the footsteps of his father, Bill LUDWIG, who had been the National President of the AWU.
178. LUDWIG proposed amending the regulations instead. It is likely that he was convinced to do this by *‘the Boys Club’* in Defence who would have seen the proposed MSC/MSM as substantially inferior to the DSC.
179. On the 25 November 2009 the then Chief of the Defence Force, Air Chief Marshall Sir Allan ‘Angus’ HOUSTON AK AFC, directed the Vice Chief of the Defence Force to progress to amendment to the DSC *Letters Patent*, however, it still took a further two (2) years and three (3) weeks for the DSC *Letters Patent* to be amended.

**e. the operation of the Defence Honours and Awards Appeals Tribunal, including any potential improvements:**

180. The ASFA are staunch supporters of the DHAAT.
181. The DHAAT is an independent statutory body established under Part VIIIIC of the *Defence Act 1903* (“Defence Act”) [sections 110T to 110Z] to consider defence honours and awards matters. It currently comprises eleven (11) members, including six (6) retired Star Ranked Officers, and four (4) highly qualified legal officers who hold, or have held senior public service roles,
-

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

including a Secretary of the Commonwealth Attorney-General's Department and who currently sit, or have sat, on a variety of Courts/Tribunals, including Veterans Review Board, Magistrates and Coroners Courts, Administrative Appeals Tribunal, and other Tribunals.

182. **ALL** Members have impressive qualifications and experience!
183. Currently the DHAAT can only hear applications in respect to decisions **NOT** to award medals and other military awards. This leaves the door open for arbitrary and capricious decisions by senior military officers to revoke an award, knowing full well that there is **NO** right of review [such as we saw with CAMPBELL's vow to revoke the MUC on the 20/11/2020].
184. On the 7 September 2015 the DHAAT delivered their 141-page report into an inquiry under Division 4 of the Defence Act into the refusal to issue, withhold and forfeit honours and awards since 1939.
185. The '**Report of the inquiry into the refusal to issue entitlements to, withholding and forfeiture of Defence Honours and Awards (2015)**' is available at:  
  
<https://defence-honours-tribunal.gov.au/completed-inquiries/>
186. The DHAAT made five (5) sensible recommendations in their report and these are set out fully in the Executive Summary on pages 11-13.
187. The first four (4) have been adopted, however, Recommendation 5, which was:  
  
That Section 110(V)(1) of the *Defence Act 1903* be amended to provide a mechanism for review of decisions to withhold, forfeit or restore medals
- has **not** been actioned and there are strong suspicions that ADF misconduct is the reason why.
188. A *Freedom of Information* ("FOI") request from the Defence Dept (FOI 832/23/24 – dated 17/06/2024) has revealed that neither the former Liberal/National Party Government **NOR** any relevant Minister did anything wrong in relation to progressing the DHAAT recommendations.
-

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

189. Initially, the Department of Defence view was that Recommendation 5 was “... **a reasonable recommendation and not controversial**”. [See pages 3-4 – 15/09/2015; page 7 & page 31 – 21/09/2016) by Assistant Director, Policy and Tribunal, Directorate of Honours and Awards, Department of Defence].
190. Another option considered (25/09/2015 – page 28 and page 30) was to amend Section 112Z of the Defence Act to allow Regulations to be made on this subject.
191. On the 29 September 2015 (page 27) the Director Legislation, Defence General Counsel, noted (correctly, in our view) noted that:
- “Medals are not part of Defence legislation, they are a crown prerogative and in my opinion they should be contained in a letters patent or a royal warrant”.***
- NB. A significant part of our argument has been that *Letters Patent* should be more prescriptive by including definitions in the statutory regulations and a more detailed revocation and appeal process.
192. A Briefing Paper dated the 16 August 2016 (pages 43-48) and signed by the First Assistant Secretary, People Services, to the Chief of the Defence Force (“CDF”), Air Chief Marshall Mark Donald BINSKIN AC, recommends that Recommendation 5 be “**Endorsed**” and notes (page 47) that the *Defence Honours and Awards Advisory Group* (“DHAAG”) supports this recommendation.
193. On the 24 August 2016 the Chief of Staff to the CDF (see page 50) advises that Recommendations 4 and 5 needed to be discussed in person!
194. The notes for the meeting with the then Minister, Dan TEHAN, on the 14 September 2016 (see page 68-70) reveal that the DHAAG had met twice in 2016 to consider the matter and had reached agreement to recommend the Minister accept ALL five (5) recommendations, however, it also noted that the CDF had sought additional advice on recommendations 4 and 5 and may not have fully supported or fully agreed with each of the recommendations.
195. Despite the Department of Defence being initially in favour of all five (5) recommendations **AND** supported by DHAAG [up to 12 members], the CDF decided by the 21 September 2016 (see page 77) that he did **NOT** support Recommendation 5.
-



Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

196. Oddly, by the 12 October 2016 a Decision Brief for the CDF now stated that DHAAG also **no** longer supported Recommendation 5 (see page 84).
197. The claimed reasons for **not** supporting the recommendation (see pages 84-85) can best be described as because of **'judicial activism'** by the DHAAT.
198. This is an example of **one** (1) individual in the ADF deciding to go against the sensible recommendations of a Statutory Tribunal, his own advisers and a Group within the ADF whose sole existence was to provide advice on such matters. This is one of the reasons why the ADF cannot be trusted in relation to the awarding of honours and awards.
199. By the 8 December 2016, Recommendation 5 was still under consideration and further advice would be provided in 2017 (see page 138 and 145).
200. The FOI request sought all documents up until 2024, however, the last document provided was a letter dated February 2017 from the Minister (Dan TEHAN) to the Chair of the DHAAT advising of his intention to convene a further meeting in early 2017.
201. This is seemingly where Recommendation 5 was left to languish – **under consideration!**
202. We make **no** criticism of Dan TEHAN or any of his successors for **not** progressing Recommendation 5 as it is the duty of the ADF to remind their Minister of outstanding issues. The fact that they did **not** suggests that they resented the DHAAT [or junior military personnel] being allowed to question the decisions of senior military commanders and allowed the issue to lapse.
203. **No** government should oppose a statutory right of review. Many forms of administrative action allow an aggrieved person the right to a review by someone who was **not** involved in the decision-making process (including ultimately by the Courts) and we say medal revocation cases are **no** different.
204. Even the decisions of Judges and Magistrates, except Judges of the High Court of Australia, are subject to review by a single Judge (in the case of a Magistrate) or a Full Bench (of 3 in the case of Judges). State/Territory Courts of Appeal decisions are ultimately subject to review by the High Court of Australia.
205. If Parliament is unhappy with a decision of the High Court, their only remedy is to enact legislation that effectively negates the decision they dislike.
-

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

206. We propose that the *Defence Act* be amended to include Recommendation 5 and drafted a simple amendment some time ago that:
- inserts **sixteen (16) words** into Section 110V(1)(a);
  - adds a new sub-section 110V(2)(c) [**21 words**]; and
  - adds a new **forty-one (41)** word definition in Section 110T to give effect to ss 110V2(c).
207. The DHAAT were very clear about when mandatory forfeiture of medals should apply and we agree with them completely. Our proposed amendments capture the DHAAT's 2015 recommendations **but** enhance their desire to deny appeals in relation to mandatory forfeitures for '*serious crimes*', which includes what are often referred to a "**War Crimes**".
208. Our proposed amendment even includes a default provision that provides if the Minister for Defence is tardy (as he has demonstrated he is), the DHAAT recommendation is deemed to be accepted 90 days later and must be implemented.

Extensive new powers for DHAAT:

209. The ability for the ADF to recommend prestige awards **must** be removed from them as they clearly cannot be trusted. The ASFA suggest that the DHAAT's power be expanded to provide that **all** recommendations and nominations for prestige military honours and awards (everything other than a service or campaign award) be considered and approved by the DHAAT, who then advise the Minister for Defence or Governor-General accordingly.
210. Such a proposal requires legislative amendment to allow for this process to occur but is **not** beyond the ability of the Commonwealth's Office of Parliamentary Counsel who currently employ fifty-eight (58) legislative drafters, all lawyers with the specialist skills needed to write the nation's laws.
211. The DHAAT panel of judicial members should be increased and **ALL** prestige medal considerations and revocation applications should have a minimum of three (3) members [2 jurists and 1 ex-ADF from the relevant service]. For cases involving controversial matters, the panel should be five (5) members [4 jurists and 1 ex-ADF from the relevant service].

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

**f. any potential improvements to the Defence honours and awards system:**

More details in Letters Patent:

212. All *Letters Patent* should be standardised by having comprehensive definitions in the statutory regulations prescribing the criteria for the award and a comprehensive revocation and appeal process.
213. An honour or award should only be revoked by the Governor-General **IF** the DHAAT recommend revocation after considering the evidence relied on by the ADF to justify revocation and any information provided by the holder, if they challenge the application. Power should exist for the holder to agree to revocation and allow DHAAT to deal with matters *ex parte* if the holder does **not** defend the matter after receiving appropriate notice of the hearing.
214. A *Letters Patent*, if intended to only apply to certain ranks, should clearly state the rank of those to whom it is available. For example, where command is a criteria, *'this award may only be made to a rank equivalent to or higher than a Lieutenant Colonel'*.

Create new honours or amend existing awards:

215. We like the 2009 proposal by Dr Mike KELLY to create a subordinate *Meritorious Service Cross* and *Meritorious Service Medal* for **“warlike service not in action”** to address the difficulty with the DSC.
216. There are other options, such as:
- amending the DSC to recognise *'Distinguished Command and Leadership of Troops on operations'* (either war-fighting or Peacekeeping Missions) for where a commander was **not** directly exposed to gunfire himself; or
  - creating a *Distinguished Command Cross* to recognise extraordinary command or leadership of troops on operations (either war-fighting or Peacekeeping Missions) where the troops were directly exposed to gunfire but the commanding officer may **not** have been. The Lieutenant Colonel who was awarded the first ever DSC in 1993 is a classic example of an ideal candidate for this proposed award. There is **no** doubt that his command and leadership of that UN Peacekeeping Mission was

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

extraordinary and led to its success but he was **not** directly exposed to gunfire himself.

Abolish ADF Honours and Awards Branch:

217. The Defence Honours and Award Branch, including the DHAAG and H&A Board, should be disbanded and that part of the ADF budget they receive [and the APS staff] should be allocated to the DHAAT to enable them to be able to deal with the increase in their workload that would be brought about by being the approval authority for all prestige honours and awards.
218. Pending these changes, a non-military member of the DHAAT should participate in all meetings of the DHAAG and H&A Boards to restore credibility to the process.

Audited electronic system for nominations required:

219. Where an ADF member is nominated for any honours or award (other than a service or campaign medal) the person making the nomination must be able to make the nomination into a locked electronic system without fear that it will be altered or ignored by those higher up in the chain of command.
220. To avoid capricious rejection or arbitrary downgrading of nominations, we propose that **all** persons in the chain of command involved in the nomination process must indicate their support or otherwise for the nomination. If a person opposes the nomination or proposes downgrading the medal to an alternative, they **must** provide reasons for their opposition or the downgrading.
221. If it is proposed to reject or downgrade a nomination, the DHAAT and the ADF member affected must be advised accordingly to enable the decision to be challenged at the earliest opportunity.
222. The DHAAT should have access to the system to enable them to periodically check that the nomination process is being followed and the ADF Annual Report should also include statistics of nominations and the outcome of each.

g. any related matters:

223. There must be a thorough investigation of **all** awards of the DSC/DSM since 1993.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
**Inquiry into Defence honours and awards system**

---

224. A Division 4 Inquiry by the DHAAT would be the ideal process, however, this requires the Minister for Defence to “**direct**” the DHAAT to do so.
225. Any investigation **must** consider the following:
- visits by the recipients to the place relating to the award, including number of visits, dates and duration of visits and dates and places where the recipient ‘**was physically present during a specific action involving direct conflict between opposing forces**’ and his/her role during that presence, including but not limited to what the recipient actually did during that specific action; and
  - the recommendation and/or nomination of the recipient for the DSC (or DSM) and what was it about his/her command that was ‘*distinguished*’, including but not limited to, what the ADF Honours and Awards Board and any others associated with the recommendation and/or nomination considered.
226. Where it is established that the recipients were *never “in action”* or “*in warlike operations*” or that their command and leadership or leadership was **not “distinguished”** within the meaning of the established definitions, the Minister for Defence **must** recommend revocation of **ALL unlawful** Distinguished Service awards to the Governor-General.
227. Failure to do so will result in the prestige of the DSC/DSM being devalued by being presented to and/or retained by people who are **not** lawfully entitled to it.

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
Inquiry into Defence honours and awards system

**NACC COMPLAINT NUMBER: 2023122963151-6481**

**SCHEDULE OF RELEVANT DOCUMENTS**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>DATE</b>	<b>PAGES</b>
01	NACC Letter – Complaint background	29/12/2023	13
02	Bio – CAMPBELL, Angus John	(2018)	3
03	CAMPBELL's <i>Distinguished Service Cross</i> Citation	11/06/2012	1
04	List of Australian Casualties - Afghanistan	Undated	2
05	DSC <i>Letters Patent</i> – 1991 ( <i>"in action"</i> )	15/01/1991	3
06A	Commonwealth Government Gazette – S18	22/02/2012	2
06B	DSC <i>Letters Patent</i> – 2011 ( <i>"in warlike operations"</i> )	13/12/2011	2
07	Instrument – Appointment as Chief of Defence Force	19/04/2018	1
07A	Instrument – Re-Appointment as CDF	23/06/2022	1
08	FOI – Statement of Reasons – Afghanistan visits	14/04/2023	6
8A	CAMPBELL's visits to Afghanistan - Highlighted	Undated	4
8B	CAMPBELL's visits – SF Lobster Thursdays	Undated	1
09	FOI – Statement of Reasons – ' <i>distinguished</i> ' issue	17/08/2023	7
09A	FOI Schedule of Documents – ' <i>distinguished</i> ' issue	Undated	1
09B	FOI Honours & Awards Board DSC documents	12/09/2011	15
10	CSC Citation – Dianne Maree GALLASCH	11/06/2012	1
10A	CDS Citation – Dianne Maree GALLASCH	26/01/2014	1
10B	AM Citation – Dianne Maree GALLASCH	26/01/2003	1
10C	Bio – GALLASCH, Dianne Maree	Undated	4
11	Defence Honours and Awards Manual	03/09/2012	24
11A	DHAM – Chapter 1 - DSC	Undated	3
11B	DHAM Sample Narrative - DSC	Undated	2
12	New Medal Policy coming - DHARP	Undated	2
13	List – Chief of Joint Operations	Undated	3
13A	Defence Management Changes - CJOPS	19/09/2007	2
14	Email to Richard Donald MARLES re DSC	07/12/2022	1

Submission by the Australian Special Forces Alliance Pty Ltd to  
**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**  
Inquiry into Defence honours and awards system

14A	Email attachment – CAMPBELL's DSC	Undated	9
15	MARLES letter supporting CAMPBELL's DSC	10/02/2023	1
16	Letter to MARLES – Direct DHAAT Inquiry – DSC's	31/05/2023	7
17	Email to MARLES - Revoke DSC awarded to CDF	26/11/2023	1
17A	Letter to MARLES - Revoke CAMPBELL's DSC	26/11/2023	6
18	Complaint to Governor-General – DSC issue	29/12/2023	9
18A	GG letter - response to revoke DSC letter	19/01/2024	1
19	Email to MARLES - Further demand to revoke DSC	22/01/2024	2
19A	Letter to MARLES - Advice from GG	22/01/2024	2
20	DSC RECIPIENTS AND AWARD DATES	Undated	2
21	DHAAT decision - Gilbert -v- Dept of Defence	07/03/2019	41
22	DHAAT decision - Hulse -v- Dept of Defence	27/08/2020	34
23	DHAAT decision - Jellicoe -v- Dept of Defence	23/08/2016	9
24	DHAAT Review – Defence Honours & Awards policy	08/02/2008	122
		<b>TOTAL</b>	<b>354</b>