

Foreign Affairs, Defence and Trade Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600

**SUBMISSION TO SENATE INQUIRY INTO DEFENCE HONOURS AND AWARDS SYSTEM**  
**BRIGADIER ALLAN A. MURRAY, CSM (RETD)**

**References:**

- A. Defence Honours & Awards Appeals Tribunal (DHAAT), Murray and the Department of Defence [2023] DHAAT 7 (4 May 2023)  
[Microsoft Word - BN42864043.docx \(defence-honours-tribunal.gov.au\)](#)
- B. Department of Defence, Directorate of Honours & Awards, *Guidance to applicants on preparing a submission for Defence to review honours and awards*, March 2020, Version 5.0.
- C. [2023-RCB-Inquiry-report.pdf \(defence-honours-tribunal.gov.au\)](#)

**Introduction**

1. I am a retired senior Army officer, writing in an individual capacity. My service details are at the end of this submission.
2. I am happy for my submission to be published.

**Aim**

3. My aim is to provide my experiences and views on the current honours and awards system, and offer my suggestions for improvement, having dealt with Defence Honours & Awards Directorate (DH&A) in regard to:
  - a. Upgrade of the Australian Service Medal (ASM) to an Australian Active Service Medal (AASM) for service in south Lebanon with the United Nations during the South Lebanon Conflict, 1985-2000.
  - b. Medallic recognition for service with NATO in western Europe, 1980-89.
  - c. Medallic recognition for Force-level logistic assets within Australia supporting operations in East Timor (Operation WARDEN), 1999-2000.
4. I have also taken a 'review' to the DHAAT for the south Lebanon service. See ref A.

**Scope**

5. The terms of reference (TOR) to be addressed in this submission are:
  - a. experiences of Australian Defence Force (ADF) personnel progressing through the honours and awards system, TOR para (a);
  - b. the operation of the DHAAT, including any potential improvements, TOR para (e);

- c. any potential improvements to the Defence honours and awards system, TOR para (f); and
- d. any related matters, TOR para (g).

### **Experiences with DH&A and Nature of Service (NOS) Branch – TOR paras (a) and (f)**

6. There are three key strands to the DH&A's externally-generated retrospective review work:

- a. **Honours reviews.** As objective as possible, heavily reliant upon witness statements and supporting records of the day.
- b. **Individual reviews of award entitlements.** Very objective, reliant upon supporting documents.
- c. **Reviews of award entitlements for groups.** Such as medal upgrades. More subjective, requires historical research, analysis of new information and comparisons to Cabinet agreed definitions. This is the most challenging strand.

These strands are guided by ref B.

7. **My experience 1.** All three of my dealings with DH&A fall into the third strand of review work. All of my dealings with DH&A have been lonely, bruising and confusing.

8. After the submission of dozens of pages of background information and 'new evidence', Ref B details that DH&A will conduct a 'process' review and, if appropriate, a 'merit' review. Approximately six months after each of my submissions, I received a very short response (one paragraph) from DH&A denying my claims. During the six months there was no engagement at all with me and the short responses were not accompanied by a 'statement of reasons' for denying my claims.

9. **Suggested Improvements.** For the more subjective of the work strands, DH&A engage with the claimant during the review stages; this will open the system.

10. In the decision letter, DH&A provide a 'statement of reasons'; this will make the system transparent and accountable. This will increase understanding and may reduce the number of review requests going to the DHAAT. Currently the only way to open up the thinking behind the DH&A decision is to appeal to DHAAT.

11. **My experience 2.** In all three of my dealings, the one paragraph response from DH&A relied heavily upon the advice of the NOS Branch i.e., the current nature of that service is 'such and such' therefore your claim is denied. Sorry, I didn't ask what the current nature of service was, I asked you to consider awarding or upgrading a medal! DH&A had simply hand-passed my claim to NOS Branch, did not appear to have undertaken any independent analysis of the 'new evidence' I had provided that may override the current nature of service, and defaulted to the *status quo*. I subsequently found out there is no mechanism for externally generating a review of nature of service. This impenetrable maze-like arrangement was worthy of a chapter in Joseph Heller's book, *Catch-22*.

12. **Suggested Improvement.** Breakdown the nexus between DH&A and NOS Branch for retrospective recognition. NOS is about conditions of service made in the period around the

deployment. DH&A should be about applying agreed principles and definitions to the service circumstances of the individual and group, in particular the new evidence. These should be the basis for acceptance or denial not a blanket referral to NOS Branch and their pre-prepared response, which is not subject to any external review.

### **Operation of the DHAAT - TOR paras (e) and (f)**

13. **My experience 3.** My review was anomalous, I was seeking to drive a change of medallic entitlement for a group through the individual review process. There is a mechanism to do this, although it is not often used. (see ref A, para 15.) The normal route is through a Government-directed inquiry. My review was denied. I was very concerned about the DH&A input.

14. DH&A presented a well-crafted package of incorrect and misleading information as part of their adversarial role playing. They were certainly liberated by not having to give sworn evidence, e.g.:

- a. I argued that the United Nations Interim Force in Lebanon (UNIFIL) had failed at peacekeeping and without a Mandate, had defaulted to the lower end of peace enforcement. My evidence was that between 1985-2000, there was a counter-insurgency war underway, the South Lebanon Conflict, between Israeli forces and insurgent groups e.g. Hezbollah and the Amal Movement. How could it be peacekeeping in the midst of a war? The DH&A response ... “UNIFIL’s mission is an ongoing active Chapter VI peacekeeping mission, whether it can be claimed to be successful or not.” (ref A, para 33.)
- b. DH&A repeatedly stated that I was an ‘unarmed observer’, inferring that this precluded me from warlike service. (ref A, paras 27, 32.) I countered that it was not in the Cabinet agreed definition and gave examples of unarmed Australians serving in warlike conditions, e.g. Observers in Sierra Leone and Yugoslavia, customs staff in Cambodia, entertainers in Vietnam.
- c. I argued, Yes, I was an ‘unarmed observer’ but I worked as part of the heavily armed and protected, 6,000-strong UNIFIL. In south Lebanon, I operated under their ‘operational control’. On a daily basis, the majority of tasking was in support of UNIFIL, at their direction. This is the model that was taken by Observers from Lebanon and applied in the new mission in Yugoslavia in 1992. The DH&A response ... “While UNIFIL was providing security for UNTSO personnel, the two organisations have different missions. Brigadier Murray may have worked with UNIFIL, but his role was always as a Military Observer as part of UNTSO.” (ref A, para 33.)
- d. I provided numerous examples of general threats during my service to which I was exposed almost daily in the South Lebanon Conflict, from either side – IEDs; kidnapping; indiscriminate artillery, mortar and tank fire; and land mines. I also provided specific details of threats to me from both sides – a nearby Israeli airstrike; weapons pointed at me on two occasions; on another occasion, two

small arms shots fired at me and a partner (perhaps warning shots); and regular Katyusha rockets fired from where I worked and aimed at where I lived when off-duty. I also highlighted that more generally ‘the Intifada’ was underway at the time in Israel, where I lived when off-duty. The DH&A responses ... “only one hazard stated by Brigadier Murray in his submission involves hostile forces: land mines.” (ref A, para 31.) And ... “The threat of landmines is acknowledged and was taken into account in the Defence Review.” (ref A, para 32.) What about the other threats?

- e. DH&A argued ... “there is a popular misconception that merely being present in an area where combat activity is occurring translates to warlike service. The applicable definition for warlike service is that it involves a military combat [underlining added] activity to pursue a specific military objective in which the use of force is authorized.” (ref A, para 29.) Firstly, there were no other examples beyond Lebanon, secondly this was not the correct definition. The 1993 Cabinet-approved definition of ‘warlike’ is as follows ... “Warlike operations are those military activities where the application of force is authorised to pursue specific military objectives and there is an expectation of casualties.” The absence of the word ‘combat’ in the correct definition is significant. The incorrect addition by DH&A was deliberately misleading.
- f. DH&A argued ... “Observers operate with the consent of the parties involved and are dependent on the cooperation of the parties for their effectiveness.” (ref A, para 32.) I argued that whilst the Lebanon Government may have previously provided consent, from 1985 Hezbollah and the Amal Movement shared the running of the villages in south Lebanon. When I asked if they had given consent, there was no DH&A response.

Was I back in High School reading more ‘Newspeak’ in George Orwell’s book, *1984*? To my great disappointment, the DHAAT offered ... “the Defence submissions, while much shorter and less detailed, have been far more targeted towards the question.” (ref A, para 49.)

15. **My experience 4.** Through my experience with the DHAAT, I became aware of deeply cynical behaviours by DH&A, in their words ‘a model litigant’, i.e.:

- a. **Rifle Company Butterworth (RCB).** A Ministerial direction exists that RCB was ‘hazardous’ service. The ASM was issued, and the service should have defaulted to non-warlike with the corresponding Veteran’s Affairs benefits flowing. For decades, DH&A (supported by NOS Branch) claimed it was hazardous peacetime service, an illogical position according to the 1993 Cabinet agreed definitions. Hazardous and peacetime are mutually exclusive. It took two individual reviews and a Government-directed inquiry into RCB by DHAAT to eliminate this cynical ploy. See ref C, Chapter 16.

- b. **AASM with Clasp ‘Middle East’, for service in south Lebanon in 2006.** A 2010 Ministerial direction exists to issue this award. Ever since, DH&A has claimed it is not ‘warlike’ service, thus ignoring the Ministerial direction and denying a precedent for subsequent claimants. It was an impediment to the success of my review with the DHAAT. (See ref A, paras 26 and 55) DHAAT failed to address this cynical ploy in my review. How long before it will be addressed?
- c. DH&A played an illogical word game with me about the application of definitions. Ref A, paras 42-43 need to be read to be believed. Fortunately, the DHAAT called them out.

16. **Suggested Improvements.** The DH&A unrestrained adversarial approach is just not helpful. Are all of their submissions to the DHAAT equally incorrect and misleading? Their ability to say whatever they want (or not say things), as they are not under oath, is being abused. As they are so familiar with the system, they appear to have signed up to an approach of ... ‘the ends justify the means’.

#### **Related matters – TOR para (g)**

17. **Recognition backlog.** I would like to document my understanding of some of the recognition backlog. There are large pockets of the veteran community contentiously denied medallic recognition, and sometimes the Veteran’s Affairs benefits that flow from such recognition. These include:

- a. Those ‘caught in the crossfire’ in various locations on Israel’s borders in 1967 and 1973. Very similar to the 2006 experience in south Lebanon.
- b. HMAS *Supply (1)*. Supporting NZ Government protests against French nuclear tests at Mururoa Atoll, 1973. Seeking support to access the NZ Special Service Medal with Clasp ‘Nuclear Testing’.
- c. Unarmed observers in Beirut, 1982-83.
- d. Australians with NATO in western Europe in the post-détente period, 1981-89. Seeking to be declared non-warlike service and awarded ASM.
- e. Unarmed observers in the South Lebanon Conflict, 1985-2000.
- f. Australians living and working in Israel during the Gulf War, 1991. Subject to SCUD attack from Iraq. Families evacuated. Seeking recognition same as Gulf War veterans.
- g. Operation HABITAT. Service in northern Iraq with NATO’s Operation PROVIDE COMFORT, 1 May 1991-30 June 1991. Seeking upgrade to AASM.
- h. Force level logisticians supporting operations in East Timor from within Australia seeking the INTERFET Medal.
- i. Special Communications/Collection Operations. Recognised with either an ASM with Clasp ‘Special Ops’ or with the Australian Operational Service Medal (AOSM) with Clasp ‘Special Ops’.
- j. Medallic recognition for ‘Killed, Wounded, Injured or Ill’.

18. I would like to stress that recognition is not always about seeking a medal. Because for so long the medal awarded was directly linked to the level of Veteran's Affairs entitlements, seeking a medal or upgrade became the means to accessing improved Veteran's Affairs entitlements. This is what is increasingly important to veterans as they age.

**My service**

19. My service in the Army of 40.5 years includes with the North Atlantic Treaty Organisation (NATO) in West Germany, 1986; Syria, Israel and south Lebanon with the United Nations, 1992-93; in support of operations in East Timor, 1999; the Sydney 2000 Olympics; and leading the force generation of troops for the Solomon Islands and visiting them, 2013.

20. I have commanded rifle platoons and a supply company on exercises, a United Nations team on operations, 8th Combat Service Support Battalion (2004-05), 8th Brigade (2012-14) and was Assistant Commander of 2nd Division (2007-08).

21. I have been awarded the Conspicuous Service Medal (CSM), Australian Service Medal (ASM), Defence Long Service Medal with Federation Star (DLSM), Australian Defence Medal (ADM) and the United Nations Medal (UNTSO ribbon) with numeral '2'.

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