



ASASA Submission to the Senate Inquiry The Defence Honours and Awards System

Introduction.

This submission addresses critical concerns related to the experiences of Special Air Service Regiment (SASR) veterans with the honours and awards system during multiple war fighting campaigns since 1957. We outline the significant impact on morale, longer term mental health, the integrity of awards, changes in award criteria, and potential areas for systemic improvement. In preparing this submission input has been sought from a wide range of SASR veterans across the nation with long service in peace and considerable operational experience in Vietnam, Somalia, Sinai, East Timor, Iraq and Afghanistan.

Some have been nominated and have received decorations and honours, some have been nominated and not received awards, some have performed significant acts of gallantry and not been nominated, some have been nominators while others have reviewed nominations at the Unit, Task Force and Special Operations Command level. We have also considered the 2007 / 2008 internal Department of Defence document "Review of Defence Honours, Awards and Commendations Policies" and consulted the Directorate of Defence Honours and Awards to confirm the current processes.

Veteran Experiences with the Honours and Awards System.

Our experiences with the Honours and Awards System have been mixed. We note that there are two separate processes for Honours and Awards depending on whether they are given for excellence and conspicuous service in peace or distinguished service and gallantry on warlike operations. Both processes have their challenges and faults. Peacetime service nominations are passed from the Unit (SASR) to Headquarters Special Operations Command, then to Army Headquarters (or in some instances Navy or Air Force Headquarters) before submission to the Directorate of Defence Honours and Awards.

For warlike operational service the nominations are passed from the Special Operations Task Force Headquarters to the deployed Joint Operations Headquarters then onto Headquarters Joint Operations Command (where Headquarters Special Operations Command have a representative on the Joint Operations Command Honours and Awards Board) before submission to the Directorate of Defence Honours and Awards. In both cases the directorate then consolidate the nominations and forward them to the Chief of Defence Force for approval and onforwarding through the Minister of Defence Personnel to the Governor General.

On occasions dedicated service and acts of bravery have been readily acknowledged, on other occasions significant actions have not been recognised or the nominations have been rejected at various levels from the Unit / Task Force Headquarters to Joint Task Force Headquarters, to Headquarters Special Operations Command, to Headquarters Joint Operations Command / Army Headquarters before even reaching the Directorate of Defence Honours and Awards. This is a long bureaucratic process which exposes the nominee to personal biases, diminution of award and the vagaries of command and staff churn.

There have been recorded instances where individuals have not been recognised at the lowest levels due to indifference, jealousies and spite, others where nominations have simply disappeared into bottom drawers, others where the recommendation has been downgraded at higher levels for no apparent reason, and others where significant acts of courage have not been recognised due to the poor quality of the submission – the writing skills of the nominator. All contribute to a flawed system that is viewed by many soldiers, NCOs and junior commanders as biased, unfair, unjust and skewed in favour of senior officers. A more transparent process for tracking nominations needs to be developed and all recorded acts of gallantry from the start of the Afghanistan conflict need to be reviewed.

Effect of Awards on Maintaining Morale.

While it is outside our remit and experience to comment on the impact on morale within the broader ADF, we can attest that many SASR veterans feel aggrieved that their long, dedicated and often courageous service has not been adequately recognised. While we acknowledge that the Chiefs of Staff Committee formally abolished quotas for awards in 2007 it does not appear that this has really occurred. The issue of quotas for gallantry awards has been a highly contentious issue for veterans since the Vietnam War, where many acts of gallantry went unrecognised due to a limited quota system, with some acts only now being recognised more than 50 years after the event. There is no quota on acts of gallantry in action, so there should no quota on recognising such acts.

Certainly, for non-operational awards there appears to be a system where accolades are shared across the board, rather than based on actual merit. From our experience, the dedication and input required to perform at an exceptional standard in SASR compared with a regular unit are vastly different. There is also a pervading system where equity across the board is more important than consideration of the actual merit of the service performed in determining the approval of awards. We have one example where a Commanding Officer recommended two junior officers who undertook exceptional service to be appointed Members of the Order of Australia in the same list, but only one was appointed. After making four further attempts to have the second officer recognised, he was told to desist as the unit had had their quota.

Likewise, on operations the same approach to achieving equity across units and formations with gallantry awards has seen many deserving SASR (and Commando) soldiers not being justly considered, and subsequent awards not being made. We have veterans who deployed to East Timor, Iraq and Afghanistan on multiple occasions (up to 15 times) who received no formal decorations or honours other than

unit citations, whereas some senior commanders and regular troops received significant honours after a single deployment.

We seem to recollect (it is hard to know for sure as the current system is so opaque that is it often hard to keep track of nominations) of an example where an individual was nominated for the Medal of Gallantry on two separate occasions on separate deployments but has not received any award. This would indicate that even if the various boards didn't believe the action deserved recognition, they certainly didn't review his previous nomination the second time around.

Inequity and Lack of Recognition

We know the Patrol Commander who commanded throughout the action in which Corporal Donaldson VC received his award was never nominated for a decoration even though those with him have attested to his bravery and the then Chief of Army suggested he should be awarded a Star of Gallantry. We also know of a soldier who rescued his severely wounded patrol commander under intense fire was nominated for a Star of Gallantry, but the award was downgraded to a Medal of Gallantry and took 10 years to be awarded. It is further worth noting that his actions on the battlefield were very similar to those of Corporal Keighran VC.

The result of this inequity and lack of recognition goes beyond falling morale, it has impacted the mental health of some veterans. Many feel that their courage, dedication, commitment and loyalty has not been valued, nor that of their wounded or deceased comrades. They ask, "why did we risk all", only to be denigrated and discarded decades later. This, combined with the physical and mental stresses of the battlefield, has led to cases of moral damage within the SASR Afghanistan cohort that could otherwise have been prevented.

A Fair and Balanced Process

We question how it can be that where a senior officer commanding troops during combat operations makes a recommendation for a gallantry award which is supported by a superior in the chain of command of the rank of Brigadier, an officer further up the approval process especially those in the safety of Australia, some of whom have no combat experience, have the authority to downgrade the recommendation or not approve it? It is unconscionable that an officer far removed from the scene of the action can override the recommendation of two senior officers who are intimately aware of the act of gallantry for which an award has been recommended. This undermines the authority and calls into question the judgement of those making the recommendation without any valid reason for doing so. If the immediate superior of the recommending officer (Task Force or Joint Task Force Commander) have any issues with the recommendation he should discuss the matter with the recommending officer. Should the recommendation be supported by the two officers closest to the action, then officers further up the approval process should accept their judgement and recommendation.

We question the broad designation of operational areas and the resulting medallic recognition. For example, during Operation Slipper doing a single deployment to Al Minhad Air Base UAE was a lot different than being involved in numerous combat actions over multiple tours in Uruzgan Province Afghanistan. Yet both received the

same combat loading and same medallic recognition. Again, this disparity and inequity devalues the award and has left many feeling resentful.

This could in future be in part rectified by the development of stricter criteria for the awarding of the Infantry Combat and Army Combat Badges, the inclusion of numeric designators or stars on campaign medals for each six months of service completed and the development of some form of medallic recognition for those either wounded or killed in action / service (similar to the US Purple Heart award and as recently recommended to the Minister for Defence Personnel by the Defence and Honours Tribunal). We also question why the Nursing Service Cross has been removed from the Defence honours and awards. This decoration was an important way of recognising the work of medical personnel who often are required to save lives under the most trying circumstances.

Integrity of Awards Relating to Senior Officers.

The practice of awarding Distinguished Service Orders (DSO) under the Imperial Awards system to Battalion Commanders and senior officers in Vietnam in cases where the officer was not clearly 'in action', set a dangerous precedent. Distinguished Service Crosses (DSC) to the Commanders of the deployed Joint Task Force (JTF) has become controversial especially given the wording of the original Letters Patent. Changing the Letters Patent in 2011 from distinguished command and leadership *in action* to *in warlike operations* has devalued the original intent of the award.

That the DSC was awarded to most senior officers in command positions in Afghanistan is seen as a recognition of expected duties rather than truly distinguished or exceptional command and leadership. While to some extent this is a carryover from our experience in Vietnam, the practice has led to a further erosion in confidence in the integrity of the system increasing cynicism, a feeling of injustice and bias, and reinforcing feelings of resentment.

Despite these weaknesses in the awards system applied to senior officers in the past the ASASA sees no merit and only dangers in seeking to retrospectively take away awards and honours from anyone, from the Chief of the Defence Force to junior officers or individual soldiers. Such acts would constitute a new and dangerous precedent to the tradition of ANZAC, which government should not embrace. What is done is done by the standards of the day during past conflicts. To remove awards retrospectively would create a public outcry and would risk further debasing faith in the awards system. The focus must be on the future.

Changes in Criteria of Awards.

The shift from recognising acts 'in action' to 'in warlike operations' has diluted the prestige of the Distinguished Service Cross and Distinguished Service Medal by lowering the bar or threshold for the award. This has allowed a broader interpretation that favours a command performance that is expected of a commander, rather than one of truly distinguished leadership. This change undermines the original intent and value of these awards. As articulated by Major General Bill Crews AO the President of the RSL during the inhouse Defence review of Honours and Awards in 2007 "the 'in-action' qualifying criteria should not be relaxed and the members of the RSL place

great weight on the importance on being 'under fire' or under conditions equivalent." As such the Letters Patent for the Distinguished Service Cross and Distinguished Service Medal in our view need to be reviewed and returned to the threshold of 'in action'.

It is worth noting that a mechanism already exists within the Australian Honours and Awards system to recognise significant command contribution both in peace and 'warlike operations' in the Military Division of the Order of Australia. For example, the then Major General Peter Cosgrove was appointed a Companion of the Order of Australia in the Military Division for his command and leadership during INTERFET in East Timor in 1999 / 2000.

Current Serving Veterans and the Evolving Nature of War

There are recent Examples of SAS veterans who have been deployed on operations in peace time which have resulted in them becoming engaged in warlike encounters or prolonged combat operations, facing an enemy where casualties can be expected. In such instances their service should be regarded as qualifying service for the purpose of service pensions and the Gold Card and soldiers should be regarded as 'in action' for the purpose of medallic recognition, awards and honours.

Where Special Forces soldiers are deployed on clandestine non warlike but dangerous and high-risk operations during peace time, commanders should be able to recommend them for conspicuous service and other awards. In such cases higher command should respond and support those recommendations without regard to the secret nature of the operations.

Injuries incurred by soldiers on clandestine secret operations in peacetime should be recorded, reported and acted upon by Defence and the Department of Veterans Affairs (DVA) in the normal manner. The Defence Honours and Awards System needs security protocols in place to ensure that recognition for honours or awards recommended after secret classified operations during peacetime can be dealt with properly. DVA needs similar security protocols to ensure injuries on such operations are recorded and properly actioned. No soldier should be denied welfare, pension or health entitlements under the relevant veterans' legislation after transition for ADF service because an injury causing warlike or non-warlike operation was not properly recorded in their name on their personal records, for security or policy reasons.

Counter Terrorism and Special Recovery (CT/SR)

SF soldiers are periodically assigned to operational service on codenamed CT/SR duties for specified tours of duty and are awarded medallic recognition for non-warlike operational service. If a designated SF CT/SR force is called out by the government and ordered into action against a terrorist enemy in a battle in which casualties are expected (hijacking, embassy siege or hostage rescue) in Australia or overseas that action should be considered warlike service. For honours and awards recommended during that combat action warlike recognition should apply. The SF CT/SR unit engaged in that action should be regarded as having completed 'qualifying service' for pensions and other purposes and should be entitled to medallic recognition for warlike service during that tour of duty on the prescribed operation.

Alternative Avenues for Recognition.

If additional avenues for recognition beyond the Order of Australia are sought there are two possible options:

First, the Letters Patent to the Conspicuous Service awards could be amended from “in non-warlike operations” to “military service during peace and on warlike operations”, with a W designator introduced for awards made ‘on warlike operations’; or

Second, a new category of awards for Meritorious Military Service “on warlike operations” could be introduced. This would distinguish between, on the one hand, recipients who have given meritorious service ‘on warlike operations’ but who have not been directly involved in combat operations and the Distinguished Service awards ‘leadership in action’ and, on the other hand, those awarded an Order of Australia or a Conspicuous Service award for exceptional peacetime service.

The Role of the Defence Honours and Awards Appeals Tribunal.

The ASASA has had little exposure to the Defence Honours and Appeals Tribunal as a process through which individuals may question why a nomination has not been approved and seek redress. Noting that the Directorate of Honours and Awards can only process nominations forwarded to them by HQJOC or the Service HQ and have no authority over what the various units, commands and service headquarters do with the nominations before they receive them it is considered that the process can best be enhanced by using a single registry of all nominations that enables them to be tracked and recorded throughout the process. This would better enable the Appeals Tribunal to review adverse decisions.

Summary

The Defence Honours and Awards system from nomination to consideration and recognition needs to be fundamentally overhauled. Currently there are too many opportunities for Commanders and Staff Officers to reject claims and not forward them based on their personal biases or for nominations to fall through the cracks due to poor processes. This has led to many nominations not only being rejected but not considered either in a timely manner or at all. The current awards and honours system is broken and needs rectification. The Senate is now in a position to inform government and the parliament on a better pathway forward towards new legislation which establishes a system with greater fairness’ and integrity

Recommendations

The following improvements are recommended:

1. *A Better Process.* A single online confidential register and submission portal for all nominations be established by the Directorate of Honours and Awards. Once the recommending officer lodges the nomination on the portal it cannot be removed. The various Honours and Awards Boards and Commanders up the chain of command must then review the nomination and make their

recommendations. Once all comments and recommendations have been received by the Directorate of Defence Honours and Awards, they then, within four months, are to forward the nomination to the CDF and notify the nominator of the status of the submission. If the submission is rejected by the CDF, the reasons why are to be noted and passed back to all through the chain of command. This will provide greater transparency, potentially reduce or at least expose individual bias and hopefully allay some of the concerns re the lack of transparency expressed by SASR veterans. It will also provide an auditable chain for later review by the Defence Honours and Awards Appeals Tribunal should such be required.

2. *Gallantry Awards*. The process for approval of gallantry awards should be simplified as follows:
 - a. the recommended level of the gallantry award be made by the soldier's commanding officer and forwarded to his immediate superior (Task Force or Joint task Force Commander);
 - b. the Task Force or Joint Task Force Commander either supports or recommends a down grading of the award together with his reasons for doing so and forwards the submission to the Joint Operations Commander.
 - c. the Joint Operations Commander notes the submission but cannot change the recommended award, before passing it to the CDF through the Directorate of Defence Honours and Awards; and
 - d. the CDF notes the submission but cannot change the recommended award before forwarding it through the Minister of Defence Personnel to the Governor General.
3. *Authority to Approve or Overturn Awards*. Should the current system for approving gallantry awards be retained, all nominations should have at least two witness statements from others directly involved in the action and all Boards considering recommendations for gallantry awards have at least two members who have combat experience, and preferably themselves to hold an award for gallantry. If there are not currently serving members with the appropriate background, then appropriate ex-service personnel could be appointed. This will provide a level of expertise that provides credibility for decisions reached. If during the review and approval process, a senior officer or Board does not approve the award or downgrades it, they should be required to state their reasons for doing so. This will ensure that arbitrary decisions to not support or down grade an award are minimised, that an officer doing so is forced to justify his reasons, and it will minimise the level of bias that exists at present.
4. *Quotas*. Boards be reminded that there are no quotas by design or by default, and that the idea of equity across units and formations is not a factor in the making decisions.
5. *An End of War List*. An end of war list should be re-introduced for all future war and warlike operations undertaken by the ADF. In the case of the war in Afghanistan, conduct a thorough review of all operational nominations and other accounts of significant gallantry that has been witnessed and recorded but not nominated (not simply those that have reached the Directorate of Honours and

Awards) since the initial deployment to Afghanistan in 2001 and compile an 'end of war' list for consideration..

6. *Review and Resubmit Worthy SASR Nominations.* Conduct a thorough review of all SASR nonoperational and peacetime nominations (not simply those that have reached the Directorate of Honours and Awards) and resubmit them for consideration.
7. *Medallic Recognition.* Improve medallic recognition to more accurately reflect the nature and risk of service. Tighten the criteria for the award of the Infantry and Army Combat Badges, award either numeric designators or stars on campaign medals for every six months deployed.
8. *Wounds and Death in Action or in Service.* Develop some form of medallic recognition for those physically wounded and or killed in action /service, with the proviso that recognition only be given to those killed or wounded while on a declared operation. It should not be awarded for physical, mental or emotional illnesses which present post operational service after return to Australia, which would dilute the value of the award.
9. *Nursing Cross.* Reintroduce the Nursing Cross to recognise the unique contributions of medical personnel.
10. *Reinforce the DSC and DSM.* Review and revise the criteria for the Distinguished Service Cross and Distinguished Service Medal, emphasizing extraordinary leadership and contributions in combat over routine command responsibilities. This could be achieved by amending the Letters Patent for both from 'in warlike operations' to 'leadership in action' with 'leadership in action' defined as "to be in control while physically present or in close proximity during a specific action or series of actions involving direct conflict with an adversary". This definition not only recognises the actions of leaders in direct combat but also those who contribute to the battle and or campaign through their leadership and direction in developing plans, preparing intelligence assessments, delivering orders, directing the maneuver of forces and deployment of reserves, and coordinating fire, medical and logistic support. It not only places the potential recipient closer to the battlefield but also does away with the Command criteria as this has a specific definition in military doctrine and has been used in the past to deny the Distinguished Service Cross to junior leaders even though their leadership on the battlefield was significant and beyond that expected of their rank and position.
11. *Awards for Senior Officers.* Should further awards for leadership, command or exceptional service in warlike operations not associated with direct combat be required either:
 - a. review the policy surrounding the issuing of awards within the Military Division of the Order of Australia; or
 - b. amend the Letters Patent of the Conspicuous Service awards to include 'during peace and in warlike operations', provided that a clasp 'W' or equivalent for a warlike operation award of a CSC is appended.

- c. consider the introduction of a Meritorious Military Service award for exceptional operational service not associated with direct combat service.
12. *Government not to Retrospectively Remove Awards.* Note in respect to senior officer awards we believe any steps to retrospectively downgrade or remove awards already granted would be seen as mean spirited and petty minded. It would also cause undue and unnecessary angst and harm to the individuals concerned, all who to our knowledge have served honourably and were nominated and received their award in good faith.
13. *Counter Terrorism/ Special Recovery Operations.* If a designated SF CT/SR force is called out by the government and ordered into action against a terrorist enemy in a battle in which casualties are expected (hijacking, embassy siege or hostage rescue) in Australia or overseas that action should be considered warlike service. For honours and awards recommended during that combat action warlike recognition should apply. The SF CT/SR unit engaged in that action should be regarded as having completed 'qualifying service' for pensions and other purposes and should be entitled to medallic recognition for warlike service during that tour of duty on the prescribed operation.
14. *Recognition of Clandestine Warlike Service.* Where SAS veterans have been ordered into action on clandestine operations during peacetime which may result in them becoming engaged in warlike encounters or prolonged combat operations, facing an enemy where casualties can be expected their service should be regarded as qualifying service for the purpose of service pensions and the Gold Card and soldiers should be regarded as 'in action' for the purpose of medallic recognition, awards and honours.
15. *Recognition of Clandestine Non-Warlike Service.* Where Special Forces soldiers are deployed on clandestine non warlike but dangerous and high-risk operations during peace time, commanders should be able to recommend them for conspicuous service and other awards and higher command should respond and support those recommendations without regard to the secret nature of the operations.

Conclusion.

The integrity and morale associated with the ADF's Honours and Awards system are paramount. Implementing the above recommendations will significantly enhance fairness, transparency, and respect within the system, ensuring that it remains a source of pride and respect for all members of the Australian Defence Force.

Hon Martin Hamilton-Smith
National Chairman
The Australian Special Air Service Association

Dated 28 /8/24

Enclosure 1. Personal Statement by an SAS Patrol Commander Veteran of Multiple Campaigns and Repeat Tours of Warlike Service in Action

Enclosure 2. Observations on the Senate Terms of Reference by an SAS Command Veteran and Senior Officer

Personal Statement by an SAS Patrol Commander Veteran of Multiple Campaigns and Repeat Tours of Warlike Service in Action

“In my experience of 22 years of service in the Army, and post service in ESO roles I have come to the following conclusions about the Australian Honours and Awards system.

- There is little or no due diligence involved in the awarding of medals, up to and including the VC.
- Some decorations have been devalued by becoming an expectation of just doing the job of a certain command appointment, rather than being awarded for extraordinary or particularly distinguished ‘warlike’ service.
- There is a general inconsistency in what criteria or circumstances of actions are required to be awarded the same medal across units, corps, services, and operations.
- In cases where general peer consensus feels strongly that medals were awarded incorrectly or were not awarded when they should have been, there is no real avenue for redress.
- The Honours and Awards tribunal is generally a brick wall to any redress and a very difficult process for a veteran without considerable resources, contacts and senior level support/sponsorship to engage upon.

My observation from experience is that there is little or no due diligence conducted for the nomination and award of medals, up to and including the VC. You would think that an award of such a prestigious decoration would necessitate a very robust due diligence process. With every available witness being consulted, and all available evidence scrutinised to get a clear picture and consensus on what really happened before a nomination proceeds.

Instead, for a VC all that is required is the statements three witnesses and a compelling recommendation word picture. This is fine if the witnesses are all honest and unbiased, but no so good if they are not, or have some other bias. The rest of the potential recipient’s colleagues who were there on the day are not consulted and kept in the dark. It is all kept strictly ‘honours in confidence.’ They are only informed when the medal has Royal accent and is officially announced.

As we have seen in the media in recent years, this has the potential of being associated with frustration and bad blood if the rest of the colleagues strongly disagree with the citation when it becomes public. The only due diligence for the VC is a lot further up the chain, where an appointed panel deliberates the wording of the citation to see if it meets historical presence, but there is no due diligence back down the chain to those who were there on the day.

There is no real means of complaining or redressing an award which peers feel was unwarranted or incorrect. Once signed by the Monarch, the citation becomes carved in stone and any attempt to question it is an attack on the sanctity and integrity of the honours system, and anyone complaining is a bitter liar in the eyes of the public. With the lesser medals there are no witnesses at all. It all relies on a compelling nomination/recommendation (usually from someone in command) and goes up the chain for approvals and sign off. Again, this is kept Honours in Confidence and there is generally no further consultation with others who were there on the day.

The awarding of DSCs and DSMs to contingent and senior commanders during the middle east campaign became an epidemic and a running joke. It got to the point that if a commander did not get a DSC or DSM, the assumption was that he or she must have screwed up or upset someone up the chain of command. It was galling that a commander who spent the deployment in comfortable aircon away from any danger could be awarded the same DSM as an NCO/SNCO might receive for his leadership in actual two-way range combat. Indeed, it is rare to see any officer who was in command for an Afghanistan rotation who did not get a DSC or DSM.

So, in the eyes of veterans, what is supposed to be a prestigious decoration, has become significantly devalued. A norm rather than an exception for exceptional performance. A comparable situation applies in peacetime, with most senior RSMs likely to receive a CSM and possibly OAM, and most unit commanders and higher likely to receive a CSC and an AM. And with these peacetime conspicuous service and order of Australia awards there is a clear class and rank distinction. With Officers getting the higher 'Cross' awards, and Members of the Order, and other ranks just getting the lower level 'Medal' and OAM. This class division of awards with the Officers always getting the higher award for do their job, has no place in the 21st century.

Throughout my relatively long army career and extensive operational experience, I have witnessed serious inconsistencies in what it takes to be awarded or not awarded a gallantry medal, and to some extent DSMs for combat leadership. There does not seem to be a clear guideline or benchmark to delineate what criteria is required for a certain medal to be awarded or not. It seems to be entirely subjective from the point of view of the recommending officer and not to an insignificant extent influenced by other factors such as PR benefits and the potential aggrandizement of the unit.

I know colleagues who were awarded MGs in minor engagements, and other colleagues who got no award yet displayed incredible gallantry in the direst of circumstances. There is also a big disparity between the medals that different units get, with some units recommending MGs for a brief contact where a couple of shots were fired, and other units recommending no medals for actions in quite significant firefights.

Speaking from my own perspective, I was a Patrol Commander of the lead patrol in the Battle of Khas Oruzgan in 2008, for which Mark Donaldson was to receive the first Australian VC since Vietnam. It was an intense battle for nearly 3 hours where we were heavily outnumbered by enemy, and nine out of thirteen of us were wounded, including myself. As a commander on the ground, it was incredibly stressful to command in that maelstrom, and I flatter myself that I led in a distinguished and gallant way. I commanded as a SGT and my immediate superior, a Captain was not involved in the battle and was located on a ridgeline over two kilometres away from us. I lead my team in the direst of circumstances despite being shot twice and wounded by shrapnel during the latter stages of the battle.

After the battle and recovery, back in Australia, I did an ADF speaking tour around major military bases and institutions with Mark Donaldson VC. The ADF got me to be interviewed for the AWM. The battle and my command were drawn upon for tactical training purposes at RMC and Staff college, and I ended up being written about in

several books. I had several senior ADF figures in Canberra telling me at that time that I should be decorated for my part in the battle. I even had Ken Gillespie, the former Chief of Army, tell me that in his opinion, I should have been awarded a Star of Gallantry.

But I never received any medallic recognition at all. Not even a commendation. I compare this to colleagues of mine who did receive DSMs and MGs for much less significant actions and are as perplexed about the inconsistency as I am. I have a couple of colleagues who got DSMs who do not even know why they got them, as their citation just mentions their great leadership over a deployment, with no specific details. It certainly seems to me like a glaring inconsistency or disparity, that my command and leadership in what was spoken about at the time as the bloodiest battle for Aussie troops since Vietnam, was deemed worthy of no recognition at all.

Yet with regularity, senior officers in Op Slipper were rewarded with DSMs and DSCs despite barely leaving base and never being in any sort of real combat or danger. Was their leadership and Command in action behind a desk more worthy of medallic recognition than my leadership, command, self-sacrifice, and gallantry during a significant ground battle? Does the fact that I was a SGT and not an Officer mean my performance and leadership was not worthy of recognition. If I had been an officer, would I have walked away with a DSC or SG?

In my 22 years of service, including 16 years at SASR, I have seen multiple cases of what can be politely described as 'raised eyebrows' over incorrect medal awards, and many cases of deserving recipients who got no recognition, including myself as I have mentioned. In these cases, there is little that can be done to redress perceived unfairness or glaring mistakes. In one case I was involved with, I felt strongly that one of my soldiers should have been awarded for his gallantry. At the time because I was still serving, the only avenue I had was repeated lobbying and recommendations to our CO, and eventually (3 years later) the soldier got a well-deserved, but retrospective MG. Unfortunately, you cannot realistically lobby for yourself in this way. Equally you cannot nominate yourself for a medal.

In many cases deserving soldiers miss out altogether. Once key people leave service, the original commanders move on, documents and records go into archive or are lost, it is near impossible to revisit the lack of an award for a deserving soldier. Post Vietnam war, they had an 'End of War list,' which had names of deserving soldiers who missed out on awards at the time due to quotas etc. Then years later these Vietnam vets finally received medals from the modern honours system.

There was no 'End of War list' for the more recent Australian campaigns, as they claim there were no quotas and there were none nominated who missed out due to a quota. My experience was that there certainly were unofficial or undeclared medal quotas. If six soldiers displayed equally distinguished gallantry in a particular engagement, they would not give all six of them MGs. One or two would get one and the rest would miss out. In my own case, when efforts were made by senior retired officer to try and redress the issue, he was told by a senior officer in Canberra, that with the award of a VC to one of my team members, it was felt that sufficient medallic recognition had been awarded for that engagement. To my mind that is just like a quota. (i.e. "we are

not saying you didn't do a great job, and would be deserving of recognition, but with VC etc we feel we have awarded enough gongs for that battle").

In another example SGT H was awarded an SG for an incredibly brave act. His scout was lying ahead in the open, gravely wounded from an ambush from the flank. Withering fire was still coming in, continuing to strike the scout, and holding back the rest of the team. SGT H rushed forward into heavy fire to reach the scout. He was struck by rounds in his body armour and knocked to the ground senseless. The enemy then moved forward to finish him off. SGT H regained his senses and breath at the very last moment and was able to kill the enemy at short range. The scout Trooper Jason Brown was recovered, but sadly was KIA.

It was hard to understand why SGT H didn't get a VC. Surely his actions were equally valiant compared to the actions of other recent VC recipients. At the time we were told by senior ADF figures that he would have got a VC if he had been killed or if Trooper Brown had lived. But they added that this would be unlikely 'because SASR already had two VCs for Afghanistan'.

The Honours and Awards tribunal is supposed to be an avenue to help redress omissions, errors, and mistakes in the honours system. It is a virtual brick wall and very few applications are successful, and it is nearly impossible for an individual who doesn't have considerable evidence, resources, witnesses, access to key decision makers, and senior level support to be successful. A medal which, at the time, would just have taken an officer to recommend and a few approvals up the chain, needs a long court case type panel deliberation and robust evidence to get approved by the Honours and Awards tribunal.

Invariably such applications are unsuccessful or get knocked down to a lesser award than the recent may have got at the time. There appears to be two classes of medal omissions- Those that were recommended at the time at unit level, but were never actually approved or awarded, and those that were never recommended in the first place.

The second category is almost impossible to redress and many fall in this category. Including myself I suspect. My personal feeling towards the Honours and Awards tribunal would be 'why even bother?' If they will only give me deserved recognition years later, after a long bureaucratic battle through a tribunal, then the award is inevitably devalued, given reluctantly and I do not even want to be insulted by receiving it.

I think medals and awards from our nation are an overwhelming good thing. They can create long lasting and deep national, service, unit, family, and personal pride.

Unfortunately, when the system does not work so well, they can also create division, discontentment, unfairness, life-long bitterness and become devalued.

Fairness, consistency, and appropriate levels of due diligence are essential for the system to work well. There also needs to be an accessible and fair mechanism for redress and to right past mistakes or omissions. "

Statement Ends

Observations on the Senate Terms of Reference by an SAS Command Veteran and Senior Officer

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.**

“The extant H&A system is not designed to be transparent and it’s not an entirely objective system either. Anyone involved with either providing a nomination or any of the various levels of decision-making concerning H&A very quickly becomes aware of these facts. The deliberately designed lack of transparency and inbuilt confidentiality has, in the past, afforded some decision makers the option to introduce ‘equity’ into recognition of merit. This is, of course, the antithesis of recognising genuine merit, especially for those who have served in combat.

In my experience, the drive to achieve ‘equity’ across many units and formations within the services led inexorably to many deserving SAS (and Commando) awards not being justly considered and subsequently made. This was particularly so during the Afghanistan campaign, a period which saw SAS soldiers inexorably involved in combat in substantial numbers and not merely being present in a conflict theatre. Too often, well deserving SF nominees were clearly not recognised to ensure others be recognised within a finite number of awards being available. This observation is not to deprecate the value of service of others but to highlight the fact that those who did serve in combat should have recognised merit and courage where it undeniably existed. Service in combat is clearly very different to service in other peacetime or non-operational settings and as such neither ‘equity’ nor ‘quotas’ have any justification.

Whilst I cannot cite each one, I remember being bitterly disappointed on many occasions when the recommendations made relating to service in combat, were not subsequently recognised. There is no doubt in my mind that the decisions were most often driven by a desire to introduce a perceived form of ‘equity’ into the H&A system.

To be fair, I never had a gallantry or bravery award disallowed by senior H&A committees, but Distinguished and Conspicuous Service awards were often ‘metred out’ in pursuit of a perceived level of ‘equity’. Not a ‘quota’ per se but unquestionably a desire to ensure everyone got a share of the recognition. I still believe this fundamentally undermined a system meant to recognise merit in combat.

Arguably, any attempt to achieve ‘equity’ in recognition is at odds with a need to achieve genuine integrity in the H&A system; a system which is supposed to recognise merit and exemplary service. An essential aspect here is the need to comprehend and be able to articulate’ the difference between ‘operations and action in combat.

A possible way to somewhat ‘rectify’ this inequity is to develop an ‘end of war’ list and have this list duly considered by the H&A system.

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

The only self-evident observation I can make here is that morale is certainly reinforced positively by H&A decisions that are clearly warranted and that morale is subtly detrimentally affected by a H&A system that obviously lacks integrity. Any shortcomings in the H&A system within the ADF is always obvious to servicemen and women. To think otherwise is naive.

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

This seems to me to allude to the inaccurate media claims that some 'senior' officers within the SOTGs did not deserve their awards or, in the mistaken belief of pursuit of 'integrity', that they should selectively have these awards removed.

The response to this should simply be that they were awarded recognition through the extant H&A system and, as such, they need no further substantiation as to the validity of such awards.

The H&A system should stay well removed from the legal due process associated with allegations of criminal activity or LOAC breaches.

If, subsequently through full due legal process, individuals are determined to have breached Laws of Armed Conflict, then fully informed decisions as to the retention of otherwise of the awards can be made by the Governor General as advised by the ADF.

A statement to this effect should be made publicly to reinforce in the public's mind the integrity of the H&A system especially as it relates to service in Afghanistan and the awards recognising the service of some 'senior officers' from within the SOTGs.

d. the effect of changes in criteria for some honours and awards from 'in action' to 'in warlike operations'.

I believe that the DSC/DSM should revert to the original intent of recognising service 'in action'.

The term 'in action' will need to be clearly and unambiguously defined. It may be appropriate to compare and consider the mechanisms for the award of the Infantry Combat Badge which demands that the individuals who receive the award were on the recognised ORBAT of the unit in action thereby excluding others physically removed from the unit/subunit by default.

I do not understand why the qualification parameters for the changes were made. We probably need to understand why these changes were made and the underlying rationale. I have an opinion as to why, but it isn't based upon any evidence, so I'll refrain from offering it.

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

I don't have sufficient knowledge of the workings of the Tribunal to make any valid contribution

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

I believe operational awards should be clearly separated from the 'normal' H&A regime. There is a significant difference between recognising effort above and beyond the obligation to duty in and on operations, and particularly combat, to that for recognition of effort above and beyond the call of duty in any other peacetime situation. This is obvious when recognising acts of valour or courage but the incredible psychological, physical and emotional demands of protracted exposure to 'real operational' (aka combat) pressures should be seen as being quite different to service and even protracted exemplary service in a peacetime setting. I recognise that the difference between 'operational' and 'combat' and 'peacetime' would have to be defined very carefully to permit this approach."

Statement Ends