



**AUSTRALIAN PEACEKEEPER & PEACEMAKER
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The National Veteran Mental Health & Well-being Forum
The National Younger Veteran Consultative Forum
The New Military Compensation ESO Working Group
The Veterans' Medicines Advice and Therapeutic Education Services
The Stakeholder Advisory Group to the INTERFET Vet's Study
The National Treatment Monitoring Committee
Female Veterans' Reintegration Research Project

Listed Ex-Service Organisation with the Department of Veterans' Affairs ESO Directory

The Secretary,
Senate Standing Committee on Foreign Affairs, Defence and Trade,
PO Box 6100,
Parliament House,
CANBERRA ACT 2600

Subject: Submission to the Senate Hearing Committee of Australia's Involvement in Peacekeeping Operations.

Dear Dr Dermody:

Please find attached the Australian Peacekeeper & Peacemaker Veterans' Association (APPVA), submission to the Senate Hearing Committee of Australia's Involvement in Peacekeeping Operations.

Please do not hesitate in contacting me, should you wish to further discuss this submission.

Yours Sincerely,

P.A. Copeland,
National President.
20 March 2007

"Looking After Our Own"



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Senate Standing Committee on Foreign Affairs, Defence and Trade.

Inquiry into Australia's involvement in Peacekeeping Operations.

Submission by:

The Australian Peacekeeper & Peacemaker Veterans' Association Inc.

20th March 2007.

1. Background.

1.1 The Australian Peacekeeper & Peacemaker Veterans' Association (APPVA) is an Ex-service Organisation (ESO), which represents the interests of over 75,000 Australian Defence Force (ADF) and Australian Police Force (APF) veterans, who have served on over 58 Operations to 67 different countries across the world, since 14th of September 1947.

1.2 The APPVA is very pleased to be invited to provide this submission on behalf of a significant constituency, that has served Australia in world peace and security **non-stop** for almost 60 years. This year on 14th September 2007 will commemorate this significant milestone in Australia's military history.

1.3 This paper has been written with the input from current and ex-serving members of the ADF, who have served on Peacekeeping Operations.

2. Aim.

2.1 The aim of this paper is to present to the Senate Standing Committee on Foreign

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Affairs, Defence and Trade (FADT), perspective views that may address the Terms of Reference (TOR) of the Inquiry into Australia's involvement in Peacekeeping Operations.

PART A.

3. Government Policy and Framework. *The Government Policy and Framework for procedures and protocols that govern the Government's decision to participate in a Peacekeeping Operation (PKO), for determining the conditions of engagement and for ceasing to participate is unknown to this association.*

3.2 The APPVA understands that commitment to PKO is made with extensive diplomatic consultation with the requesting body (for example the United Nations (UN)). The decision would be made upon the request of the force; any particular specialist force; composition and size.

3.3 Significant Diplomatic negotiations are also the first stage of the request, of which a number of diplomatic missions may be conducted in order to provide the necessary clearances and report to Government and the ADF/APF.

3.4 The APPVA is aware of the requirement to follow the Protocol of the PKO, which may provide a Mandate (for example Chapters 6 & 7 of the UN Charter), which will determine the potential Rules of Engagement (ROE) and Orders for Opening Fire (OFOF). It is within the ROE and OFOF that has presented problems in past PKO.

3.5 During a number of PKO, ADF members have had overly restrictive ROE and OFOF. Whilst it is understood that the Protocols of a given PKO needs to be cognisant of the Law of Armed Conflict (LOAC), protective measures, security measures, civil rights and the nature of the operation. The experiences in Rwanda (The Second United Nations Mission in Rwanda (UNAMIR II)); Somalia; and Cambodia (The United Nations Transitional Authority in Cambodia (UNTAC)) – three examples, saw the requirement of ADF members being helpless to protect the general civilian population in a number of situations, without intervening with lethal force in order to protect innocent civilians.

3.6 The effect to these ADF members of their inability to intervene was devastating and is still living memory today, with large reported cases of mental illness, in particular Post Traumatic Stress Disorder (PTSD).

Comment: Diplomatic negotiations **must** insist on the ability to intervene on PKO for situations such as potential murders, killing of innocent civilians and genocide. Past history has noted the lack of the ability of the UN to effectively intervene with lethal force. ROE need to be made clear that the PKO is there to assist the humanitarian recovery and intervene in order to maintain law and order; prevent unnecessary deaths; and provide protection for innocent civilians. In most cases, the civilian population relied upon Australian protection as they were seen as part of the UN PKF, unfortunately, devastatingly to the Australian Peacekeepers, they were unable to intervene due to restrictive ROE and OFOF. Civilians view the UN as a force to protect them, even save them, where unfortunately the UN has displayed this inability. The UN has been branded the "Toothless Tiger", of which Australia must insist on intervention with lethal force to protect innocent people on UN Operations. This would place a degree of credibility and trust back into the UN by the International community.

4. Classification of Service – Australian Veteran Entitlements.

4.1 In February 2006, the APPVA was successful in lobbying to have the service of Rwanda reclassified from Non-Warlike Service (NWLS) to Warlike Service (WLS). This was after a long battle in order to seek the correct classification of these members. The result of this reclassification has provided tangible benefits with the Veteran Entitlement Act 1986 (VEA).

4.2 Due to the large amount of Rwanda veterans reporting with mental illness, it is evident that the trauma of being unable to intervene in the deaths of many civilians had a significant impact on those who served in Rwanda. These veterans were unable to seek additional Income Support (IS), under the provisions of NWLS, whilst been Totally & Permanently Incapacitated (TPI), under the Veterans' Entitlement Act 1986 (VEA). This situation placed inordinate stress of these veterans, particularly in order to maintain a quality of life on the TPI pension alone.

4.3 As a result of the correct reclassification from NWLS to WLS, these veterans are now eligible for the following VEA entitlements:

4.3.1 Eligibility for War Service Pension (WSP) for being on the Special Rate (SR) of Pension (Totally & Permanently Incapacitated (TPI)); or, unable to work 8 hours per week due to an illness/injury that is not necessarily service related; or access to WSP at age 60 years – commonly known as the “burnt out soldiers pension”, which provides for the Age Pension equivalent only accessed at age 65 years of age for the average Australian.

4.3.2 Access to treatment for All Conditions of medical, dental and psychological illness/injury or wounds at age 70 years. This is known as the “Gold Card”.

4.3.3 The change of award to the Australian Active Service Medal (AASM) and the Returned from Active Service Badge (RASB).

4.4 There are a number of PKO that have had ADF members serve, that have been denied access to the VEA, or the Military Rehabilitation and Compensation Act 2004 (MRCA), particularly with the Burden of Proof being under the Reasonable Hypothesis. The Reasonable Hypothesis Burden of Proof is the beneficial approach toward evidence for a particular illness or injury that may have become clinically onset as a result of service on WLS.

4.5 Notwithstanding the above, NWLS is also provided with the Reasonable Hypothesis for NWLS or Peacekeeping Service or Hazardous Service under the VEA, or NWLS under MRCA. Therefore, given the difficulty in obtaining appropriate medical documentation for given illnesses or injury on PKO, which is nominally provided by another country as part of the multi-national force, it would be beneficial to the Australian veteran to have his/her claim considered for acceptance by the Repatriation Commission under the VEA; or the Military Rehabilitation Compensation Commission (MRCC), under the MRCA. This has been a difficult process to provide such evidence to DVA in order to have claims accepted.

4.6 A number of deployments have been non-classified for various individuals or teams. The Australian Training Support Team – East Timor (ATST-EM) is one particular unit that

has been completely denied WLS or NWLS access to VEA entitlements. A Ministerial Submission (MINSUB), has been provided to Mr Bruce Billson, MP (Minister of Veterans' Affairs and the Minister Assisting the Minister of Defence). To date, the APPVA is awaiting a favourable outcome from our submission, however it should be noted by the Senate Committee that this is a matter of high priority of the APPVA to seek resolution.

4.7 A copy of the MINSUB for The Reclassification of Service of ATST-EM to WLS is attached to this paper for scrutiny by the FADT Committee.

4.8 Other Contingents have included individuals that were sent to East Timor, particularly during the Australian Led International Force in East Timor (INTERFET), unlisted as visitors and are frustrated by the inability to be eligible for Veterans' Entitlements and ADF Entitlements. One such case is that of Captain William McAuley, who has presented his case to The Hon. Sussan Ley, MP. Captain McAuley has been denied an ADF entitlement of subsidised Housing Loan under the ADF Home Loan Scheme (ADFHLS). Captain McAuley has also been denied recognition in the form of the AASM, after repeated use of the ADF Redress of Grievance (ROG) system.

4.9 Captain McAuley's case is considered not to be isolated, of which it is claimed that up to 400 ADF members who deployed to East Timor are in similar circumstances. Other deployments as examples, to Somalia (HMAS JERVIS BAY) in 1993; RAAF Air Crew and Ground Liaison Officers (GLO) inserting Australian Army Engineers to Namibia in 1989; are some of the Contingents that the APPVA is aware of not being eligible for VEA, ADF and medal entitlements.

4.10 Classification of OPERATION ASTUTE – TIMOR LESTE JOINT TASK FORCE 631 (JTF 631), commencing 25 May 2006. Current serving members who have served in both INTERFET, and/or The United Nations Transitional Authority in East Timor (UNTAET) have commented that OP ASTUTE, as been more dangerous than that of service during INTERFET and UNTAET. Both INTERFET and UNTAET were classified as WLS. OP ASTUTE was classified as NWLS, with the Minister for Defence, Dr Brendan Nelson, visiting troops shortly after their insertion to announce the unwanted news of the classification of OP ASTUTE being NWLS. This had considerable effect toward the morale of the Soldiers and continues as a matter of concern for those who have served on JTF 631.

4.11 It is quoted by the original Commander of JTF 631 Brigadier Mick Slater DSC, CSC, who was formally the Commanding Officer of the 2nd Battalion Royal Australian Regiment (2RAR), during INTERFET, stated that in comparison to his tour in September 1999 that *"I believe that the situation that was faced in the first 5 days here this time was, in some significant ways, more complex and uncertain that the situation we faced in 1999. It needs to be remembered that we essentially conducted a permissive entry in 1999, and while there was a degree of uncertainty, the vital cooperation of TNI ensured that we were able to achieve a rapid build-up of forces without serious incident."*

Brigadier Slater continues: *"This time there was no cohesive force on the ground that could guarantee security while we attempted to get a firm foot in place, and there was far more actual violence within Dili. In other words, we had to assume that our lodgement could be contested and our plan reflected that."*

"Secondly, the range of actors with arms of varying types – from military assault weapons through to melee weapons such as swords, machetes, and even darts fired from slingshots was quite bewildering. It was a very demanding environment, and the complexity was increased

because many of the instruments of the state had collapsed. We had few reliable, legitimate sources of information about the range of actors rampaging through Dili when we arrived.”¹

4.12 Consistent with Brigadier Slater’s comments, is justification for further investigation and consideration that the service with OPERATION ASTUTE should be reclassified as Active Service. This has been pertinent with the recent attacks against Australians by youths with steel arrows and the cordon and search operations tracking the Rebel Leader “Major” Alfredo Reinado.

4.13 Culminating in the deployment to OPERATION ASTUTE is the latest insertion of a Sabre Squadron (-) of the Special Air Service Regiment (SASR), it is indicative that the service in Timor Leste is dangerous and warrants reclassification to WLS.

Comment: The APPVA seeks consideration by the FADT Senate Committee to have these cases reviewed and considered to have these ADF members eligible for VEA (Compensation and Veteran Entitlements) and ADF entitlements (ADFHLS and Medals).

5. Recognition of Service on PKO by the Government.

5.1 The APPVA highlights to the Senate FADT, that service in PKO is unique, complex, difficult, very dangerous and is frustrating. This service is significantly special. ADF and APF members have served in PKO in the most difficult and horrific circumstances. It is indeed highlighted that Peacekeeping can be just as hazardous as WLS, requiring a great deal of flexibility of those Force members, in order to negotiate outcomes to prevent bloodshed.

5.2 For some time, the APPVA has recommended to the Government via the Minister of Veterans’ Affairs to strike a special medal to recognise such difficult service. The striking of an Australian Peacekeeper Medal, would be considered by most Peacekeepers as a positive recognition of their service by the Australian people. This proposal has been met with negative comments within Government, which is unfair to those who have risked their lives to secure peace to war-torn nations and having a significant impact on world peace and security.

5.3 The APPVA is pleased to say that the Federal Government has provided \$200,000 toward a National Peacekeeping Memorial on ANZAC Parade in Canberra. It is understood that after much negotiation, a position has been sited for this memorial. Whilst the APPVA is grateful for the efforts of the Australian Peacekeeping Memorial Project Committee (APMPC), led by Major General Tim Ford AO (Retired), we feel that more significant funding should be made by the Federal Government. The Project estimated cost could be up to \$2.5 million. The fund raising activity will have to be significant in order to raise this amount of money. We would like to see the generosity of the Australian Government, representing the public in providing at least half of this cost, in order to commemorate and remember the sacrifices of Australians who have died on PKO since 1964 (Lieutenant General R.H. Nimmo CBE was the first to die at his post).

5.4 What also makes the above comments unique is that on the 14th of September 2007, marks the 60th Anniversary of Australian Peacekeeping. A significant military milestone, of which the police entered into peacekeeping with the UN Force in Cyprus (UNFICYP) in 1964. Since then, Australia’s involvement in PKO has been dynamic with the provision of Non-Government Organisations (NGO), Government Organisations and recently in East Timor – Australian Customs Border Control.

5.5 It is evident that Australia’s involvement with PKO is evolving and adapting to the

many pressures and demographics presented for individual operations. This involvement deserves to be appropriately recognised by the Australian Government, the Veteran Community and the wider Public.

5.6 Peacekeeping Deaths. The Australian War Memorial (AWM), has for some time rejected calls for the deaths of Australian Peacekeepers to be listed alongside those who have served and paid the ultimate sacrifice for Australia. The ruling by the AWM is deemed antiquated by having only those who died on war service being eligible for mention. We feel that the Peacekeepers who have died on PKO should have equitable recognition of their sacrifice, whilst serving Australia on overseas operations in some of the most dangerous places on earth. The APPVA asks this committee to consider having the 25 names placed on the Roll of Honour in the AWM, as an eternal remembrance of their sacrifice to world peace and security.

Comment: The APPVA seeks the endorsement of the FADT Senate Committee to have a wider recognition of the service of Australia's Peacekeepers, in the form of acknowledgement through an Australian Peacekeeping Medal awarded to all Australian Peacekeepers (ADF and APF); AWM listing of Australian Peacekeeper deaths on the Roll of Honour alongside those who died in war; and greater assistance in funding the National Peacekeeping Memorial on ANZAC Parade in Canberra.

PART B

6. Training. *The training and preparedness of Australians likely to participate in a peacekeeping operation.*

6.1 Currently, Defence conducts Mission Rehearsal Exercises (MRE) which has received accolades as some of the finest preparations for operations in the world. These MRE cover a broad range of personnel and Government Agencies, for example the Department of Foreign Affairs Trade (DFAT). The Australian Federal Police (AFP) also conducts a similar form of training for their personnel. With the coordination between Defence and AFP, MRE's can be developed for any operations in order to confirm procedures required to support the Mission/Government interests.

6.2 The Australian Federal Police (AFP), runs the International Deployment Group (IDG), which is conducted in similar nature to the ADF MRE. It is believed that the IDG and ADF MRE is working well and is preparing Australian Peacekeepers well for service on Operations overseas.

6.3 Therefore, the training organisations are currently in place to support overseas operations and have worked closely with key stakeholders. Supporting Concept. Direct liaison between agencies in order to develop the requirements of the MRE. A Memorandum of understanding (MOU) is required between all agencies in regards to Mission Tasking, Command and Control by job/task specific requirements.

6.4 It should also be noted by the Senate Committee that the ADF has arguably the best trained service personnel in the world. The training has significantly provided successful contributions toward PKO and has provided International accolades for the professionalism of these people.

PART C

7. Coordination. *The coordination of Australia's contribution to a peacekeeping operation among Australian agencies and also with the United Nations and other relevant countries.*

7.1 There are many variables to this TOR. It should be noted that Australia has not only participated in PKO with the UN, but also the following Peacekeeping Operations:

- 7.1.1 Multinational Force & Observers (MFO) Sinai 1982-1986 & 1991-present;
- 7.1.2 South Pacific Peacekeeping Force (SPPKF) Bougainville 1995;
- 7.1.2 Peace Monitoring Group (PMG) Bougainville 1998-2003;
- 7.1.3 International Force in East Timor (INTERFET) Sep 1999 – 20 Feb 2000;
- 7.1.4 OPERATIONS TREK & PLUMBOB – Solomon Islands;
- 7.1.5 Regional Assistance Mission to Solomon Islands (RAMSI);
- 7.1.6 Cambodia Mine Action Centre (CMAC);
- 7.1.7 Stabilisation Force (SFOR), North Atlantic Treaty Organisation (NATO) forces in Bosnia;
- 7.1.8 Interim Force (IFOR) NATO forces in Bosnia; and
- 7.1.9 Kosovo Force (KFOR) NATO forces in Kosovo.

7.2 Coordination of Australian agencies and PKF agencies is crucial to the establishment of a wide range of issues of resolution, which includes robust and enforced LOAC, Mission Mandate, contribution of Australia, and other negotiable items.

7.3 Perhaps on the most organised Peacekeeping Operation is the Multinational Force & Observers Sinai (MFO). The MFO has a stringent protocol to abide, which is the Camp David Accord of 1979. The MFO has a week of familiarisation, including overnight stay in one of the remote Check Points (CP) or Observations Posts (OP). The MFO is perhaps one of the best PKO in terms of logistics, support, protocols, Standard Operating Procedures (SOPs) and accommodation.

7.3.1 The MFO was formed as a result of the peace between Israel and Egypt after some years of occupation in the Sinai Peninsula in Egypt. Initially Australia was involved with a Helicopter Contingent from the RAAF on the Second United Nations Emergency Force (UNEF II) during the period 1976 to 1979. The UN intended to place a PKF on the Israeli and Egyptian International Border, in order to provide a buffer zone between the two countries. This UN concept was vetoed by the Russians. The US State Department was involved with Sponsors from Germany and Japan. After the Camp David Accord was finalised, of which US President Jimmy Carter had a significant negotiation role, the MFO was officially operational on 25 April 1982. RAAF Helicopters returned to the Sinai as the Rotary Wing Aviation Unit (RWAU), and were withdrawn in 1986, as the Labor Government at the time stated that Australia had been

over-committed to peacekeeping operations.

7.3.2 In 1992, Australia returned to the MFO, providing 26 soldiers in varying tasks in Operations, Administration, Security and Communications. Australia's contribution continues today.

7.3.3 The MFO is perhaps a recommended template of Peacekeeping Organisations, of which many PKF with either the UN or other contingencies would benefit.

7.3.4 It is recommended to the Senate Committee that analytical comparisons are made with the MFO Camp David Accord to that of current and future operations that Australia will be involved.

PART D

8. Lessons Learnt. *Lessons learnt from recent participation in peacekeeping operations that would assist government to prepare for future operations.*

8.1 Insertion and extraction plans have to be developed and practiced during the MRE **prior** to deploying. All stake holders to be represented during planning of operations, meetings and activities that may affect the security of the mission or mission personnel.

8.2 The development of Rules of Engagement (ROE), both open and dormant for security elements to support the mission and threat level. This is to be in accordance with the designated PKO; however, the protection of Australian Nationals must take priority.

8.3 ROE to be inclusive of the protection of innocent civilians from belligerents or warring factions.

8.4 **Logistics.** Logistics has been noted as a major difficulty, particularly serving with the UN. Logistics is considered vital toward the sustainment of troops in the field, along with providing competent resupply systems in country. Experiences of veterans from a range of UN operations have seen poor interaction with UN Field services and in many cases scavenging in order to provide equipment and supplies to the Australian Contingent. When negotiating with the UN Organisation, Logistics needs to be particularly identified, with arrangements in place to sustain various Australian Contingents.

8.5 **Medical Evacuation (MEDEVAC).** MEDEVAC Plans must be firmly in place prior to deployment. Past experiences has seen seriously injured ADF members been repatriated by civilian aircraft, without the company of a medic or nurse. This places serious risk to the ADF member. Another experience was the ADF arguing over the repatriation of a soldier in a serious condition, risking the loss of his right leg, as to who was going to pay for the C-130 Hercules MEDEVAC mission – the UN or the ADF. The result was that the MEDEVAC Crew arrived five days after the request. The latency of the MEDEVAC response could have jeopardised the soldier's life.

8.6 **Force Protection.** Specialist Troops, whilst capable of self-protection, need to have a Protection party whilst conducting their roles and mission tasks. Past PKO has seen ADF members being placed at great risk, without adequate protection. It has been a miracle that Australia has lost the low numbers of dead on PKO, as a result of quick thinking, being well-trained and general good luck.

8.7 Appropriate Recognition. It has been unfortunate that appropriate recognition of service on PKO appears to be a difficult role. The APPVA firmly believes that given the excellent International reputation that the ADF has forged on PKO since 14 September 1947, that the striking of an Australian Peacekeeping Medal would provide those ADF veterans adequate recognition for their service on these dangerous and difficult operations.

8.7.1 The APPVA has submitted to Government over the past 2 years, that medal recognition is necessary to adequately award ADF members for their service on PKO. The Australian Service Medal (ASM) does not distinguish the operation, although it does distinguish that the service is Non-warlike. Many operations that have not been PKO are added to the ASM, but no specific recognition by the Australian Government is afforded to the service of ADF members who have served on PKO. Please find attached to this submission a copy of a Post 1975 medal entitlement review, for consideration by the Senate Committee.

8.8 Medical evidence for VEA & MRCA Claims. The APPVA has found that there is a distinct lack of understanding of the environment that ADF members have served by Department of Veterans' Affairs (DVA) Case Officers, who investigate claims for PK veterans.

8.8.1 The problem is whilst the Reasonable Hypothesis is used for Peacekeeping Operations in claims under the Veteran Entitlement Act 1986 (VEA), Safety Rehabilitation and Compensation Act 1998 (SRCA), and the Military Rehabilitation & Compensation Act 2004 (MRCA), there has been a continuing demand by Case Officers to provide medical evidence on the Balance of Probability, hence placing the onus of proof on the Peacekeeper claimant.

8.8.2 The lack of understanding of DVA Claims Assessors and Supervisors, is that on most PKO, has foreign countries providing the Medical treatment. This has proven difficult in obtaining medical evidence and documentation to support the PK veterans' claim. Unfortunately, this exacerbates the veterans' anxiety as they fight long battles for their Entitlements under the respective acts.

8.8.3 An education program of the DVA staff who handle these claims would perhaps alleviate some of this anxiety, particularly with the understanding of the DVA staff of the environment that these members served. Unfortunately, the SRCA requires the Balance of Probability, placing the Onus of Proof on the veteran claimant. This is considered a harsh approach under the SRCA.

8.8.4 The APPVA recommends that the Senate Committee considers an amendment to the SRCA to reflect the nature of service of which PK veterans' serve, by providing a "beneficial approach" and placing the onus of proof under the Reasonable Hypothesis.

9. Recommendations to the Senate Committee.

9.1 The APPVA recommends to the Senate Committee the following:

9.1.1 That negotiation by Australia prior to the insertion of a PKF, Monitors, Liaison Officers or Observers needs to have robust protective measures dependant upon the operational mandate. These measures are not only for self-protection, but also for the protection of innocent civilians.

9.1.2 Eligibility of short term members to a given operation must be provided to the ADF member for Veteran Entitlements, ADF Conditions of Service and recognition by appropriate awards (medallic recognition).

9.1.3 That OPERATION ASTUTE (JTF 631) is reclassified to WLS.

9.1.4 That ATST-EM is reclassified to WLS.

9.1.5 That the Senate Committee investigates the Camp David Accord 1979 used by the MFO as a potential template for future involvement of Australia in PKO.

9.1.6 That appropriate MEDEVAC plans are in place prior to deployment.

9.1.7 That the SRCA is amended to provide a “beneficial approach” toward PK Veteran claimants, by utilising the Reasonable Hypothesis.

9.1.8 That DVA Staff investigating claims of Peacekeeping veterans undergo an education program in order to be provided information of the environmental conditions experienced by Peacekeepers.

9.1.9 That the Senate Committee considers appropriate recognition of the involvement of Australian Peacekeepers in the following ways:

9.1.9.1 Australian Peacekeeper Deaths are listed in the Australian War Memorial Roll of Honour;

9.1.9.2 The Australian Government strikes an Australian Peacekeeping Medal; and

9.1.9.3 That the Senate Committee recommends additional funding is provided to the Australian Peacekeeping Memorial Planning Committee.

9.1.10 That Logistics planning is crucial to the success of the ADF and Police in UN Operations. That long range logistics planning from Australia to the mission Area of Operations is considered in the deployment plan.

10. Attachments.

10.1 MINSUB – Reclassification of ATST-EM

10.2 MINSUB – Post 1975 Medal Entitlement Review.



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**Ministerial Submission for the Classification of Service –
The Army Training Support Team East Timor
To the Minister of Veterans' Affairs Bruce Billson MP,
Friday 31st March 2006**

Background.

1. During the then Minister for Defence, Minister Moore's visit to East Timor during mid-December 2001, the Chief of Defence Force (CDF) of the East Timor Defence Force (ETDF), requested Australia provide training advisers for the Commanding Officers (CO) and Officers Commanding (OC) of the ETDF 1st Battalion.
2. Australia then agreed to this request and deployed a team of advisers and trainers (without force protection or linguistic support), known as the Australian Training Support Team – East Timor (ATST-EM), 1st Battalion Detachment (1BAD), which included an adviser for the CO and an adviser for each of the three Rifle Company Commanders (OC) to Los Palos. Later, this commitment developed into a 2nd Battalion of the ETDF.
3. It was anticipated that it may have taken some months to identify and obtain the unit release of suitably qualified advisers with the necessary Tetum (East Timorese) and/or Bahasa language skills.
4. Strategic International Policy (SIP) Division (Div) oversaw this operation, with direct liaison with the Defence Liaison Office (DLO), who was a part of the Australian Defence Attaché (DA) at the Australian Embassy to East Timor, located in Dili.
5. Approximately 140 Australian Army members are estimated to have served with ATST-EM during the period Jan 2001 – Sep 2003. This included a fly-away team deployed to the

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Area of Operations (AO) from the Land Command Battle School (LCBS), which consisted of 50 instructors.

Tasks.

6. The following tasks were provided to the ATST-EM members:
 - a. Advise CO 1st Battalion ETDF;
 - b. Establish communications with Defence Cooperation Program (DCP) Coordination Cell (DCP-EM Coord);
 - c. Establish modest but hygienic living accommodation within the 1st Battalion perimeter at Los Palos;
 - d. Identify a night capable Blackhawk (S70) Landing Pad (LP) and advise its Grid Reference to DCP-EM Coord;
 - e. Make contact with any local doctors and medical clinics/facilities and determine what assistance they can provide in the event of an emergency;
 - f. Obtain the services of dedicated ETDF interpreters for each 1BAD Adviser;
 - g. Provide advice and guidance to the Commanders of the ETDF 1st Battalion;
 - h. Cultivate selected ETDF officers to become well disposed towards Australia; and
 - i. Remain unarmed during this service.

7. In addition it would appear that the **Australian National Goal** was to oversee the establishment of ETDF Battalion(s), in order to provide the fledgling country of East Timor (later Timor Leste) a self-defence posture as a part of Nation Building strategies under a broad plan by Headquarters United Nations Transitional Authority in East Timor (HQ UNTAET). The conduct of the listed tasks has overtures of Unconventional Warfare (UW), and/or Military Assistance Regional Training, which is normally conducted by Special Forces, with of course the exception of being unarmed.

Command and Control.

8. The Command and Control of the ATST-EM is indeed complicated. The principle controller was SIP Div, located in Canberra Australia. Instructions and communications were made to and from the DLO and DA in Dili. The DA via the DLO was kept informed of the mission's progress daily, with communications to the DLO and weekly sitreps to the DA. The CO Defence Cooperation Program in East Timor (DCP-EM) was noted the commander of ATST-EM.

9. The Military Chain of command was through the Office of Defence Force Development (ODFD) in the capacity of operational reporting and receiving guidance. The ODFD was responsible directly to the Headquarters, United Nations Transitional Authority in East Timor (HQ UNTAET). ODFD and ATST-EM were responsive to each other as the mission and operation developed over time.

10. The Commander Australian Defence Contingent (COMASC), was located at the

Australian National Command Element (ASNCE), located in Dili. ASNCE was under command HQ Peacekeeping Force (HQ PKF) in country, along with Command responsibilities back to Australia. COMASC provided the ATST-EM members administrative directives for Security, Movement, clearances, Admin support, Discipline and Pay. Escape and Evasion (E&E) Plans were also in conjunction with the ASNCE Evasion and Recovery Plan for 1 BAD. This E&E plan was rehearsed without helicopter support, and there was no guarantee of recovery by air. Therefore, a degree of administrative and to a lesser extent operational command. HQ PKF also imposed restriction on alcohol consumption, movement and dress and equipment toward ATST-EM members whilst in country.

11. There appears to be no Operational Orders (OPORD) provided on ATST-EM soldier Posting orders, therefore the identification of the military chain of command was not made clear and was sought by the Team whilst in country. Posting Orders for soldiers posted to ATST-EM was noted as posted to or attached to DCP-EM.

Conditions of Service.

12. It would appear that the Conditions of Service were the following:

- a. Personnel deployed to Metinaro and Los Palos accrued Field Leave and were paid Field Allowance;
- b. Overseas Living Allowance – payable if deployed for over six months;
- c. Special Difficult Post Allowance - \$52.74 AUD per day – taxed;
- d. Transfer Allowance – payable if deployed for over six months;
- e. Additional Leave – 1.5 days per completed month (similar to War Service Leave); and
- f. Extra Recreational Leave (ERL) – If approved by the CO DCP-EM.

Veteran Entitlements.

13. All ADF members posted to OPERATIONS TANAGER and CITADEL were covered under the Veteran Entitlement Act (VEA), Schedule 2 (Warlike/Operational Service – Qualifying Service); in addition to coverage under the Military Compensation & Rehabilitation Scheme (MCRS)

14. There is no CDF Instrument or Ministerial document determining the ATST-EM Veteran Entitlements. Therefore, the service in ATST-EM was the same if they were serving normal Peacetime Service within Australia, which is covered under MCRS only.

15. It is noted that the posted members to ATST-EM were part of a “non-operational” activity in an **operational area**.

16. Under the Instruments determining service for Veteran Entitlements, the only members covered under VEA are those posted to Operations TANAGER & CITADEL. This is seen as a change to previous Warlike Service Operations, where all ADF members were covered by the VEA within the bounds of the country served Area of Operations (AO), or the identified

Operational Area. Had the Instruments reflected the country served and the bounds of the AO, not necessarily the Operation name, then the ATST-EM members would have been eligible for entitlements under the VEA.

17. It is viewed that the failure to recognise ATST-EM service as Warlike under the auspices of the VEA, is a significant entitlement anomaly.

Medals.

18. Medals awarded to members of ATST-EM appear to be not commensurate with their peers who served within Operations TANAGER and CITADEL. Where these ADF members were awarded the Australian Active Service Medal (AASM) Clasp EAST TIMOR, ATST-EM was reluctantly awarded the Australian Service Medal (ASM) Clasp EAST TIMOR, which is a non-warlike award, despite serving in a warlike area. It should be noted that an apparent error saw two members of the ATST-EM awarded with the AASM.

19. UNTAET medals were awarded to ATST-EM members as a result of a submission raised by ODFD, which was a request supported by CDF ETDF and approved by HQ UNTAET. These members were directed by the Chief of the Army to have the medals removed from them on a parade whilst in East Timor. Past members are severely upset over this situation. To have a medal awarded on parade and later taken off the member on parade is considered a great insult to any soldier.

20. UNTAET Medals were awarded to ADF members of ODFD, along with the AASM. ATST-EM was reluctantly awarded the ASM for their service. This is a significant anomaly that does not provide consistency or fair recognition of the service of the members of ATST-EM.

21. Nominations for honours and awards made by various ATST-EM Commanders were not followed through. In particular is the nomination for a number of members of ATST-EM for medals within the Order of Australia. No acknowledgement of these nominations was provided by the CO DCP-EM.

Risks of Service with ATST-EM.

22. After several interviews with former members of ATST-EM, risks were described as the following:

- a. Substantial risk for not being able to provide self-protection;
- b. Substantial risk of ambush during movement throughout the AO;
- c. Exposure to stand-offs between various ETDF soldiers;
- d. Being exposed to potential death from poor weapon discipline of ETDF soldiers;
- e. Being fired upon during various confrontations;
- f. Clinical onset of Anger, depression and other psychological problems;
- g. Un-hygienic working conditions, whilst serving in "slum-like" conditions, with high risk of health problems, for example poor toilet discipline by the FLANATIL or ETDF soldiers, overflowing sewerage, limited medical support;

- h. Frustration at the quality of support from SIP Div and the ADF in order to successfully complete the operation – this includes the lack of resources, supply and procurement of equipment relevant to the task;
 - i. Anger at the lack of recognition for substantial work provided, of which both humanitarian aid projects and raising the ETDF from a Guerrilla force of FALINTIL, which is believed to be the first unit to do so since the Australian Army Training Team in Vietnam (AATTV) trained the South Vietnamese Army from 1962 to 1975;
 - j. Anger at the lack of appropriate recognition in line with ADF UN Military Observers (UNMO), who were on Active service conditions, awarded the AASM and UNTAET medals and who were also unarmed like the ATST-EM members;
 - k. Frustration with the Military Chain of Command for failing to appropriately recognise their service;
 - l. Onset of Burn-out and fatigue;
 - m. Apparent disregard for the conditions of service toward members of ATST-EM not being commensurate with the Chapter 7 of the UN Charter that was approved by the UN Security Council, of which Warlike Service Entitlements were denied to these members, causing a great amount of distress;
 - n. Lack of allowances in comparison to their peers within the ADF serving on East Timor;
 - o. Dangers of driving vehicles within East Timor from poor road conditions, along with mountainous and narrow passes;
 - p. Whilst operating in isolation from the remaining PKF and COMASC, the team did not have access to medical facilities and 1BAD was ordered to take Lariam (Mefloquine), not known until May 2004 as a anti-malarial prophylaxis in place of Doxycycline, of which members of 1BAD were taking Lariam for long term between seven to ten months. A number of members are apparently undergoing psychological and medical treatment;
23. All of the above falls under the Nature of Service Review (NOSR) Harm Matrix, mainly comprising the following Harm areas:
- a. Expectation of casualties (Both Battle Casualties (BCAS) & Non-Battle Casualties (NBCAS)) – which would be the same level for those serving in East Timor under Operations TANAGER and CITADEL;
 - b. Risk of Self Harm;
 - c. Risk of Physical Harm;
 - d. Risk of Physiological and Medical Harm;
 - e. Risk of Financial Harm;
 - f. Social Harm; and

g. Security Harm.

24. It is suggested that an exercise be conducted on the Decision Support Tool (DST) of the NOSR, which would provide an Objective analysis of these matrices of categories of Harm for ATST-EM, in context to those who were posted to East Timor during Operations TANAGER and CITADEL. This should be done in consultation from the APPVA by former members of the ATST-EM.

Conclusion.

25. It would appear that there is a significant anomaly with the conditions of service for ATST-EM members. The members served in the same Operational area as their peers, yet were considered on non-warlike service. This does not match the risk of potential and realised harm that these soldiers experienced in comparison to their peers who were placed onto Warlike Service in the same country and AO.

26. It would also be commensurate to consider the absolute confusion of the chain of command, along with the lack of formal recognition in the form of medals.

Recommendations:

27. The APPVA recommends the following:
- a. That the Minister considers the classification of service for ATST-EM to Warlike Service for the auspices of the VEA;
 - b. That the Minister considers the award of the AASM Clasp EAST TIMOR for members of ATST-EM;
 - c. That the Minister seeks approval from the UN to have the UNTAET Medal awarded to members of ATST-EM; and
 - c. That the Minister requests the ADF to conduct a review into the Order of Australia awards submissions to members of ATST-EM.



P.A. Copeland,

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National President



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The New Military Compensation ESO Working Group
The Veterans' Medicines Advice and Therapeutic Education Services
The Stakeholder Advisory Group to the INTERFET Vet's Study

Listed Ex-Service Organisation with the Department of Veterans' Affairs ESO Directory

Subject: Submission for a Post 1975 Medal Entitlement Review

Dear Minister:

I write this letter to you, in preparation for our meeting on Thursday 16th June 2005 at 1630 hrs at Parliament House.

One of the issues that I have raised to discuss with you is a Post 1975 Medal Entitlement Review.

I have sent information to Mr Hooke and submit to you that we are seeking Government approval for a range of medal entitlements for veteran's post 1975. The following medal entitlements are of matter to the APPVA:

1. Australian Service Medal (ASM) (1975-) for the Australian Contingent to the Commonwealth Monitoring Force in Rhodesia (CMF-R). Previously awarded the CMF Medal, prior to the institution of the ASM in 1988, this group of veterans are the only group of veterans who have been awarded an Imperial award, not to be awarded the ASM. It has been stated from Directorate of Honours & Awards (DHA) of the Department of Defence, that the CMF-R medal is an Australian Medal. We contest that whilst the CMF-R medal was awarded to the Australian Contingent, it was also awarded to all Commonwealth Military Forces that were posted to CMF-R. We believe that the CMF-R medal was originally an Imperial medal, which was worn on the left hand side of Long Service Medals, therefore indicating that it was a foreign award and not an Australian instituted award. Since the ASM has been introduced, the CMF-R is now worn on the right of Long service awards, indicating that the medal is an Australian award. The 152 veterans of the Australian Contingent to the CMF-R are disappointed that they are not recognised by the Government for an ASM. If the earlier Imperial General Service Medal (GSM), is an indication of imperial or British medal The equity issue is that veterans from Borneo, Vietnam, Malaysia and Malaya are able to additionally be entitled to the AASM or the ASM, whereas CMF-R veterans are not

"Looking After Our Own"

entitled to the ASM for their service.

It is also highlighted that the ASM (1975-) was instituted in 1988, although the medal was not realistically issued until the early 1990's. There is an overlap of recognition for the veterans of CMF-R, as at the time there was only the Commonwealth award of the CMF Medal and not the availability of the newly instituted ASM of 1988.

An argument presented by Defence policy advisers in the past suggests that the veterans of CMF-R are appropriately recognised, in addition to the CMF medal, in the form of the Zimbabwe Independence Medal (ZIM). This is a foreign award and should be considered only as a foreign award and not part of the Australian Honours & Awards system. It has been duly noted that veterans of the Vietnam conflict, for example, have been awarded many foreign awards, particularly for bravery and exceptional service. Therefore the reason of using foreign awards should be excluded for consideration of the Australian awards that the APPVA seeks.

The APPVA submits that this anomaly be changed to reflect that the Australian Contingent to CMF-R are awarded the ASM Clasp "RHODESIA" and provide consistency in past awards pre-1975.

2. ASM (75-) for the South Pacific Peacekeeping Force (SPPKF) Bougainville. Whilst the operation was short lived due to hostilities and the refusal of the Bougainville Revolutionary Army (BRA) to disarm, elements of the ADF were exposed to warlike conditions. Although the operation was meant to be a peacekeeping force per se, the operation was a failure before the required 30-day period to qualify for the ASM. Many Younger Veterans feel that this should be sought as the award of the ASM, perhaps with Clasp "SPPKF", in order to recognise the particular Operation. After the failure of SPPKF, and some 6 years later after civil war, the BRA came to the table to discuss peace. The Truce Monitoring Group (TMG) headed by New Zealand was established and in 1998, the Australians took command of the operation of the Peace Monitoring Group (PMG) in Bougainville. The special recognition of the SPPKF in the form of a Clasp to the ASM as such would particularly identify the operation, rather than classed with the TMG or PMG Bougainville in the form of the ASM Clasp BOUGAINVILLE.

3. Australian Active Service Medal (AASM) (1975-) for the Army Training Support Team to East Timor (ATST-EM). The issue in this case is that the remaining Peacekeeping Forces (PKF) within East Timor was classified as Warlike Service and hence the Australian Contingent and Battalion Group were entitled to the AASM Clasp EAST TIMOR and to Schedule 2 of the Veterans' Entitlement Act (VEA). This appears to be at odds with the service that was experienced by the Australian Forces West of Dili to the ATST-EM which was based east of Dili. In contrast, it would be reasonable to say that for example, in Vietnam that Australian Forces North East of Saigon and those forces South East of Saigon would be receiving different medal and veteran Entitlements. For example, those who served in Saigon and Nui Dat would be entitled to AASM and Schedule 2 of the VEA, whilst those who served in Vung Tau would be entitled to the ASM and Schedule 3 (Non-Warlike Service), under the VEA. This appears to be inconsistent with previous conflicts, of which the APPVA seeks the award of the AASM to the ATST-EM Contingent. A Ministerial Submission has been made to Minister Billson on this issue and we await the outcome of this case.

4. ASM Clasp “SPECIAL OPS”. A Brief of Special Ops and a submission is attached, discussing the type of service and units that appear to have been overlooked by this award, and how that service matches the Governor General Gazette for the ASM Clasp “SPECIAL OPS”. Please refer to those documents for further information.

5. AASM for RAAF C-130 Crews deployed to Namibia (UNTAG 1989); Somalia (Unified Task Force (UNITAF) and UNOSOM 1992-1995); Cambodia (UNAMIC & UNTAC 1991-1993); and Rwanda (UNAMIR 1993-1994). These crews are believed to have not been recognised with the AASM for sorties in and out of the Warlike Operational Zones. In addition RAN Crew of various ships that supported operations in Somalia have also been overlooked. It is suggested that these operations would qualify similar to that of the AASM Clasp “EAST TIMOR”, where one day service, or one sortie or one day in the waters of the area of operations qualified ADF members for the AASM.

6. ASM for OPERATIONS RELEX & CRANBERRY. The APPVA submits that the ADF members, who have been involved with OPERATIONS RELEX & CRANBERRY, have been conducting frontline protection of Australia’s borders and AFZ. These members are at some risk, particularly when conducting boarding parties onto foreign vessels. The APPVA feels that OPERATIONS RELEX & CRANBERRY has significantly reduced the amount of illegal immigrants and unwanted – potentially dangerous people into Australia. This includes the reduction of the infiltration by subversive groups such as terrorists. To this amount, the APPVA believes that the ADF Contingents and units in support of OPERATIONS RELEX & CRANBERRY has provided direct protection to Australia and provided security to our northern areas. Therefore the APPVA seeks the award of the ASM Clasp “OP RELEX”, or “OP CRANBERRY” to be awarded to eligible ADF members.

7. The Humanitarian Overseas Service Medal (HOSM). This award was recently under public scrutiny as a result of the Nias Island Sea King Helicopter crash of which 9 ADF members were killed. It is unfortunate that this caused a review into the award of the HOSM, of which the APPVA has been lobbying for some time to have the criteria changed to include ADF Defence Assistance to the Civil Community (DACC) Operations to countries in the South West Pacific and South East Asia. A document is attached, which amplifies the APPVA case; however the award should not overlook the good work that the ADF has conducted over the years in Humanitarian Relief Operations, no matter the length of time. This has also added to political stability in the region and therefore provides security to Australia and its neighbours.

It is understood the difficulty in satisfying the criteria of the HOSM, as it is administered by the National Symbols Office to the PM & Cabinet. There exists a high degree of resistance toward the awarding of the HOSM to ADF members for Humanitarian Operations overseas. It is suggested that perhaps the ADF specifically recognises Humanitarian and DACC Operations overseas with the instigation of the ASM Clasp “HUMANITARIAN OPS”. This is thought to alleviate the concerns that the Government may have toward the awarding of the HOSM for “Hazardous Service” and allow the appropriate recognition of ADF members who have served on Humanitarian or DACC Operations overseas for over 20 years.

There has also been the argument by Defence Honours & Awards (DHA) policy, that the recognition of Humanitarian/DACC overseas service would open a precedent for recognising such service within Australia. The APPVA contends that if the Gazette is

structured specifically recognising the overseas element, along with the threat element of poor infrastructure and existence of health threat to an ADF contingent, particularly in S.E. Asian and S.W. Pacific nations, this will alleviate such a precedent.

As the majority of ADF members have now been awarded the ASM, this would be deemed a cost effective method by awarding the clasp "HUMANITARIAN OPS", in a similar context to that of the ASM "SPECIAL OPS", in which the CDF is able to determine the eligibility of the award and recognise this important service.

9. Proposed Australian Operational Service Medal. This APPVA proposal is to appropriately recognise warlike service of those ADF members who have deployed on Warlike operations to various countries. This proposal provides equity of the award to those who have been awarded the INTERFET, ICAT and IRAQ Campaign medals. The idea is this medal is a one off award, of which the AASM will account for the operations by clasps. Those previously awarded specific Campaign medals would not be entitled, unless they served on warlike service that has not received a Campaign Medal. Currently, the AASM has been awarded to civilians who have deployed to the operational area, who did not conduct military tasks. This denigrates the Honours and Awards system of which the APPVA seeks an Operational medal that is only awarded to military members force assigned for a period of 90 days. The proposed medal is suggested to be awarded for those who were repatriated to Australia due to wounds, injury, illness or death. A letter responding to the Minister's reply to the APPVA is attached, which amplifies our case. The APPVA submits that the Government strike an Australian Operational Service Medal.

10. Proposed Australian Peacekeeping Service Medal. This APPVA proposal is to recognise Peacekeeping service of those ADF members who have deployed on various Peacekeeping, Peace Monitoring/Observing operations since 14 Sep 1947. It should be noted that Australia has continued to provide ADF members to these operations non-stop for 58 years. This constitutes a significant accomplishment and Military milestone by Australia and the ADF members who have served on these operations. It is felt that Peacekeeping is a special service, of which Australia holds International recognition and accolades in the field of peacekeeping. The conditions would be similar to those in the proposed Australian Operational Service Medal. In order to appropriately recognise this service, the APPVA submits that the Government strike an Australian Peacekeeping Medal.

11. The APPVA has been approached by veterans of UNITAF, namely the 1RAR Battalion Group that deployed to Somalia for OPERATION SOLACE, as part of the US Led OPERATION RESTORE HOPE. These veterans feel strongly about their service in Somalia and contend that they should be given consideration toward a campaign medal for the UNITAF service. The APPVA supports this matter.

12. The APPVA also requests that the Government considers a review into Operational Awards for the Australian Contingents to Namibia (UNTAG); Cambodia (UNTAC); Somalia (UNITAF & UNOSOM); and Rwanda (UNAMIR II). This is due to no post war list being issued for these operations, which has been similar in fashion for previous conflicts. Of note is the recent reclassification of medal entitlements by the Government for Namibia and Cambodia from ASM to AASM, in 1999 and 2000. We submit that a review of operational awards be conducted for the aforementioned operations to enable appropriate recognition of exemplary service of ADF members whilst serving on Operational service.

The APPVA appreciates that the Federal Government has given generous consideration toward Medals since 1996, of which many operations have been recognised in the form of medals. Of recent note is the awarding of the AASM (1946-1975), for the RAAF Contingent to UBON and RAAF relief Crews to the Berlin Airlift in 1946.

The APPVA fully understands that the integrity of the ADF honours and awards system must be maintained, however under the auspices of the 1993/94 Committee of Inquiry into Defence and Defence Related Awards (CIDA), Principle No. 3 that states: *“To maintain the inherent fairness and integrity of the Australian system of honours and awards care must be taken that, in recognising service by some, the comparable service of others is not overlooked or disregarded...”* The APPVA feels that this Principle is very relevant to our medal entitlement matters that we have raised.

I look forward to discussing these matters with you. Please do not hesitate in contacting me, should you wish to discuss this letter further.

Yours Sincerely,



P.A. Copeland,

CBus, AdDip Comms Mgt, Dip Proj Mgt, Dip FMI, Cert Radio Freq Mgt,

National President

20 March 2007