

30 August 2024

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

Dear Senators,

### **Inquiry into Defence Honours and Awards System**

We refer to the above inquiry.

We are pleased that the Committee has taken an interest in the Defence Honours and Awards System.

It is our submission that the integrity of the system has been gradually eroding for many years. Like most problems, the causes are multifactorial and interrelated. Responsibility however lies with senior officers with the Australian Defence Force (**ADF**). Factors contributing to the erosion of the system include:

- Senior officers within Defence actively pursue awards because of what those awards can do for their career.
- A lack of independent oversight of the nomination process for awards.
- A mutual self-congratulatory environment within senior ranks, particularly within Canberra.
- A “you scratch my back, I’ll scratch yours” approach to nominations.

These factors are and have been blatantly obvious to most current and former service personnel.

In our view, the erosion of the integrity of the system has second order, insidious consequences. Where awards are given to those who do not deserve them, it:

- Devalues all awards generally.
- Drives feelings of resentment and “classism” from enlisted ranks directed at senior officers.
- Demoralises enlisted ranks.
- Inhibits the development of an environment where going ‘above and beyond’ is recognised or rewarded.
- Contributes to retention problems.

It will come as no surprise that Defence is in the midst of a recruitment and retention crisis. Senate Estimates hearings have proven that fact for many years. Calling it a crisis is not hyperbole, reduced targets have been consistently missed. There are no signs that the situation is improving. Therefore, anything that can be done to improve retention and recruitment should be and must be done. In our view that includes restoring the integrity of the very system that is designed to personally and publicly recognise Defence Force personnel who demonstrate true excellence.

As wars throughout history and the recent war in Ukraine have demonstrated, maintaining morale in military operations is a vital determinant of the resilience and motivation of members of the armed forces. One of the best known and most often quoted sayings of Napoleon is: “in war the moral is to the physical as three to one.” He also said, “a soldier will fight long and hard for a bit of coloured ribbon.” He knew well that the proper recognition of achievements at both individual and collective levels, is a fundamental basis of morale and good morale is fundamental to victory in battle.

### **The Importance of Medals**

There is a long history in the Australian military of officers who are awarded medals and who then climb the ranks to the highest positions in the ADF.

Sir Peter Cosgrove was awarded a Military Cross as a young lieutenant for his command of an infantry platoon during the Vietnam War. In his memoir “My Story”, he writes:

*In 1971, I was awarded the Military Cross for service in Vietnam (for the actions of storming the bunker systems during October 1969). Professionally, this was a very significant event. The 'halo effect' is a real and healthy syndrome in the Australian Army. After being a run-of-the-mill platoon commander in Vietnam (albeit quite successful), I suddenly became one of the Army's anointed within that junior officer rank.*

*More particularly, I instinctively knew I had to lift my game and keep it lifted in terms of professional standards and personal conduct, otherwise I would let the Army and myself down very badly. Throughout the rest of my career, people took it for granted that I had a fundamental understanding of close combat and the command of troops in action. In order not to disappoint them or myself, I became a very assiduous student of tactics and war fighting techniques: if it is preserved, that halo effect can be compounded.<sup>1</sup>*

This anecdote accurately captures how medals have the propensity to propel the careers of officers. Accordingly, there is a natural incentive for officers to try to obtain medals if they want to “fast track” their career.

It is our submission that those with medals are more likely to receive more prestigious postings and promotions. Each of those three factors (medals, postings and promotions) creates a virtuous circle, whereby the occurrence of one leads to the occurrence of another, which further promotes the other occurrences and so on, resulting in a continuous process of beneficial feedback (i.e. more medals, better postings and faster promotions.)

Additionally, medals are a currency not only in the ADF but also in the wider defence and veteran community and the defence industry. Large defence contractors and consultancies like employing former high ranking officers, especially if they have lots of awards and post nominals. Decorated directors, executives and employees are good for business.

### **Distinguished service decorations**

In 1991, the Distinguished Service Decorations Regulations (**Regulations**) were introduced, replacing the British Imperial system.<sup>2</sup> In our submission, the drafting of the new regulations was well thought out. The drafters recognised the pre-eminence of leadership in action over leadership

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<sup>1</sup> My Story, Peter Cosgrove, HarperCollins Australia, 1 February 2007

<sup>2</sup> Distinguished Service Decorations Regulations 1991 (Cth) [<https://www.legislation.gov.au/C2010Q00029>]

in other types of situations. In line with that principle, the drafters set out three levels of distinguished service awards:

- The Distinguished Service Cross which was to be awarded only for distinguished command and leadership in action.
- The Distinguished Service Medal which was to be awarded only for distinguished leadership in action.
- The Commendation for Distinguished Service which was to be awarded only for distinguished performance of duties in warlike operations.

An aspect of the awards which is important to the overall theme of this submission, is that upon publication of their award, recipients are entitled to have the appropriate post nominals placed after their name on all occasions when the use of such letters is customary. However, importantly, that entitlement is not applicable to the awards of the Commendation for Distinguished Service which does not confer post nominals.

In other words, in order to be bestowed post nominals, one must receive either the Distinguished Service Cross or Distinguished Service Medal, and to receive either of those medals, one must have been 'in action'.

The original structure and features of the Regulations make sense. The Distinguished Service Cross requires the recipient to have been "in action" and is the third highest award in the Defence Honours system. It is behind only the Victoria Cross and the Star of Gallantry, both of those awards require the recipient, amongst other things, to (not only) have been 'in action' (but also to have performed great feats in action).

The Victoria Cross is awarded to persons who in the presence of the enemy, perform acts of the most conspicuous gallantry, or daring or pre-eminent acts of valour or self-sacrifice or display extreme devotion to duty in the presence of the enemy.<sup>3</sup> Only 5 awards have been made. Four of those awards were during the Global War on Terror.

The Star of Gallantry is awarded for great heroism or conspicuous gallantry in action in circumstances of great peril.<sup>4</sup> Since its inception only eight awards have been made, only six of those awards were during the Global War on Terror.

Previously the Distinguished Service Cross was to only be awarded for distinguished command and leadership in action.

Prior to changes to the requirements of the Distinguished Service Cross, the order of these awards made sense, in that they were ordered by the 'level' of gallantry, valour, self-sacrifice, heroism (and the like) displayed by the recipient.

Since its inception in 1991, around 97 awards of the Distinguished Service Cross have been made—which includes eight first bars and one second bar.<sup>5</sup>

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<sup>3</sup> Victoria Cross Regulations 1991 (Cth) [<https://www.legislation.gov.au/C2010Q00025/>]

<sup>4</sup> Gallantry Decorations Regulations 1991 (Cth) [<https://www.legislation.gov.au/C2010Q00026/>]

<sup>5</sup> Department of the Prime minister and Cabinet, *It's A Honour Database* [<https://honours.pmc.gov.au/honours/search?awardName=Bar%20to%20the%20Distinguished%20Service%20Cross,Distinguished%20Service%20Cross>]

It grates against commonsense that almost 10 times the number of Distinguished Service Cross's have been awarded than Victoria Crosses and Stars of Gallantry combined. What is also curious is that only 66 Medals for Gallantry have been awarded (which ranks lower than the DSC in the order of wear). Although no clear conclusions can be drawn from the mere numbers of types of medals awarded, the numbers simply do not pass the pub or "boozier" test. It is not until the ranks of the recipients and the citations for the medals are looked at, that this uneasiness is explained. Officers are awarding each other the Distinguished Service Cross, the highest award they can, whilst ignoring or bending the text of the Regulations and the spirit of the award.

### **David Hurley**

In our submission, the current situation in relation to the Distinguished Service Cross can be traced back to the first award of the new Distinguished Service Cross under the new Australian honours system. As stated above the Regulations were introduced in 1991. The first DSC awarded under that system was to David Hurley, for his service as the commanding officer of 1RAR in Somalia on Operation Solace in 1993.<sup>6</sup>

In our view, the award of the Distinguished Service Cross to Hurley did not comply with the requirements in the Regulations. Hurley's citation does not state he was 'in action'. Hurley has written and spoken extensively about his time in Somalia, none of which discloses that he was in action. Nowhere in the contemporaneous letters he wrote to his family while deployed, does he state he was in action.<sup>7</sup> He does not mention being in action in the lengthy article he wrote for the Australian Defence Force Journal.<sup>8</sup>

Hurley was never "in action". However, his award of the Distinguished Service Cross, notwithstanding he was not entitled to it, set the tone for the subsequent awards of the Distinguished Service Cross.

### **Defence Review**

In October 2007, the then Vice Chief of the Defence Force announced the establishment of a review into Defence Honours, Awards and Commendations policies.<sup>9</sup>

As part of the review, the panel interviewed the then National RSL President, retired Major General Bill Crews. Crews served in the Australian Army for 37 years, including in Vietnam. He retired in 1999 from the position of Director, Defence Intelligence Organisation. Crews told the panel what he believed were widely held views about the Distinguished Service Decorations. He felt the 'in action' qualifying criteria should not be relaxed and the members of the RSL placed great weight on the importance of being 'under fire or under conditions equivalent'. If the nature of current conflict required recognition of meritorious service on warlike operations, he agreed another award should be raised, although subordinate to awards recognising service 'in action'.

The panel also spoke to a range of organisations and serving personnel. They spoke to 31 units within defence, and received over 500 submissions. One of the key issues raised by those stakeholders was the Definition of 'In Action'. The panel found:

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<sup>6</sup> Government Gazette (Special), No S 156, Monday 14 June 1993, Commonwealth of Australia [https://trove.nla.gov.au/newspaper/article/240734606]

<sup>7</sup> Copies obtained from the Australian War Memorial [https://www.awm.gov.au/collection/C267728]

<sup>8</sup> David Hurley, Operation Solace, *Australian Defence Force Journal*, No 104, January February 1994, p 29 [https://www.yumpu.com/en/document/view/51214595/issue-104-jan-feb-1994-australian-defence-force-journal]

<sup>9</sup> Department of Defence, *Review of Defence Honours, Awards and Commendation Policies*, February 2008 [https://www.defence.gov.au/adf-members-families/honours-awards/policy-information/reviews-reports]

*The definition of 'in action' as it applies to the DSC and DSM causes some difficulty. The DSC recognises 'distinguished command and leadership in action', the DSM recognises 'distinguished leadership in action', and the Commendation recognises 'distinguished performance of duties in warlike operations'. In 1996, the meaning of 'in action' was limited to 'acts in the course of armed combat or actual operations against an enemy'. There appears to have been inconsistent application of the definition in some cases and Stakeholders reinforced the importance of personal involvement in direct combat in maintaining the prestige of these awards. Some personnel pointed out specific examples where, in their opinion, the DSC was awarded inappropriately to officers who were not directly commanding forces in the course of armed combat. In discussing this issue with a number of senior officers, some acknowledged there had been a somewhat liberal view taken to the definition of in action because of the lack of other options.*

It is important to note that the Panel found there was strong and almost universal support at the RSL level and amongst non-senior-officers to preserve the 'in action' requirement for the award of the Distinguished Service Cross, however, only *some* senior officers merely *acknowledged* the issue, because of a *perceived* "lack of other options". There clearly are other options. The Commendation for Distinguished Service is the obvious example, requiring the recipient to have only been in 'warlike operations'. But it was not seen as *good enough* by senior officers, who wanted to reward themselves and each other with the highest award they could get away with.

In their recommendations, the panel found:

*[...] the Review Panel strongly supports the creation of a new class of award to recognise Meritorious Service. This award would ensure the DSC and DSM retain their role in recognising distinguished service in action. This new class of award would be available for those making a significant contribution on warlike operations, for example as a National Commander, but not commanding or leading in action. The importance of maintaining the prestige of these awards was articulated clearly during the Stakeholder engagement phase.*

*Recommendation 4. Establish Meritorious Service Decorations. That Defence continue to pursue the creation of a new class of award to recognise meritorious service in warlike operations when not 'in action'.*

*Recommendation 5. Review the 'In Action' Definition. Should the above Recommendation regarding the Meritorious Service Decorations be accepted, the ADF should review, and tighten, the definition of 'in action' to remove any potential for ambiguity.*

On 8 February 2008, the Panel's report was presented to Defence. On 2 July 2008, the Chiefs of Service Committee and the Interdepartmental Committee of Defence Honours and Awards considered and agreed to the key recommendations. On 4 May 2009, the Parliamentary Secretary for Defence Support, Mike Kelly, wrote to the Prime Minister seeking agreement to establish the Meritorious Service Decorations for warlike service not 'in action'.<sup>10</sup>

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<sup>10</sup> Department of Defence, *Documents released under FOI 545 of 2022/23*, 16 August 2023 [[https://www.defence.gov.au/sites/default/files/2023-08/defence\\_foi\\_545\\_22\\_23\\_-\\_documents.pdf](https://www.defence.gov.au/sites/default/files/2023-08/defence_foi_545_22_23_-_documents.pdf)] and Department of Prime Minister and Cabinet, *Documents released under FOI/2024/314*, 20 December 2023 [<https://www.pmc.gov.au/sites/default/files/foi-logs/foi-2023-314.pdf>]

*I believe the best option to address the situation is to establish a new set of awards, to be called the Meritorious Service Decorations, to consist of a Meritorious Service Cross and a Meritorious Service Medal. These mirror the existing Distinguished Service Cross and Distinguished Service Medal, and fill the gap between these awards and the CSDs.*

*With the increased level of operational commitment by members of the ADF and the need to adequately recognise those members who perform beyond the level normally expected of them, I consider it vital that a new set of awards be established to recognise such performance of duty on warlike operations but not in combat roles and request that you approve the suggestion for the establishment of the Meritorious Service Decorations.*

On or about 17 August 2009, Ludwig responded to Kelly:

*You propose the establishment of a new suite of Meritorious Service Decorations to fill a perceived gap between the Distinguished Service Decorations (DSDs) and Conspicuous Service Decorations (CSDs). When altering the scope of recognition in the national honours system, the preference should always be to first look for ways of using or adapting existing forms of recognition, to avoid a proliferation of awards which might devalue existing awards and the honours system as a whole.*

*I agree that there is a gap in the national honours system for the recognition of outstanding performance and achievement of ADF members who, although in warlike situations, are not 'in action'. I consider that the best solution to address this gap would be to amend existing awards rather than add new awards. For this reason, I recommend that the Department of Defence develop a proposal to amend the regulations for the DSDs and/or CSDs in consultation with the Department of the Prime Minister and Cabinet.<sup>11</sup>*

In our submission, the Government's decision to amend the Regulations, rather than implement a new set of awards or re-state the circumstances in which the Distinguished Service Decorations could be awarded (or both) was a monumental mistake.

Ludwig wrote that his reason for recommending the amendment of existing awards was to avoid an outcome that "*might devalue existing awards and the honours system as a whole*". In our view, the watering down of the Regulations did just that.

It caused a shift in the order of precedence of the medals, putting acts performed not in action on par with acts performed in action and making them indistinguishable. The Government entirely ignored all of the commentary and recommendations in the DHAAT review. We can only assume, based on the Government's recommendation, that no one read the DHAAT review report and barely read Kelly's letter. The recommendation is otherwise, inexplicable.

What is curious however, is what is revealed by Defence in the matter of *Gilbert* before the Defence Honours and Awards Appeals Tribunal in 2022. In that case:

*[...The] Tribunal asked Defence to address the reasons for the 2011 amendment during the hearing.*

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<sup>11</sup> Department of Defence, *Documents released under FOI 545 of 2022/23*, 16 August 2023 [[https://www.defence.gov.au/sites/default/files/2023-08/defence\\_foi\\_545\\_22\\_23\\_-\\_documents.pdf](https://www.defence.gov.au/sites/default/files/2023-08/defence_foi_545_22_23_-_documents.pdf)] and Department of Prime Minister and Cabinet, *Documents released under FOI/2024/314*, 20 December 2023 [<https://www.pmc.gov.au/sites/default/files/foi-logs/foi-2023-314.pdf>]

*Defence said that when the DSM was instituted in 1991, to be 'in action' was to be physically present in a specific action involving direct conflict between opposing forces, reflecting the nature of war up to that date. Defence said that from around 2003, Defence senior leaders began to discuss expanding the existing Distinguished Service Decorations. With the nature and complexity of modern warfare, and the impact of modern communications and technology, the term 'in action' did not recognise command and leadership where an individual may not have been directly involved in a specific action yet had distinguished themselves in 'war-like' conditions. Defence said that the 2011 change was advanced in order to expand the scope of the award and to support greater recognition of an individual's service in warlike operations.<sup>12</sup> (emphasis added)*

What this discloses is that it was Defence's senior leadership that agitated for the amendment to the Distinguished Service Regulations, despite the clear opposing views of various stakeholders. Their thought process is distorted. As the Panel had earlier found, there was clearly a great importance placed on "personal involvement in direct combat in maintaining the prestige" of the Distinguished Service Cross. These "senior leaders" warped and twisted the purpose, and ultimately the definition, of the DSC so they could get it. It is absolutely true that "*With the nature and complexity of modern warfare, and the impact of modern communications and technology, the term 'in action' did not recognise command and leadership where an individual may not have been directly involved in a specific action yet had distinguished themselves in 'war-like' conditions*". That is because modern communications and technology makes senior leaders safer because they are further away from the front lines, and therefore are not 'in action'. Their safety is their benefit, the trade off is that they are not entitled to a medal. The medal is clearly, by definition, for those whose safety is at risk by being in action combined with command and leadership of a distinguished nature. There are two elements to the requirement, not just one. You must tick both boxes. The Senior leaders who wanted the change, only wanted to tick one box. Senior leaders advancing the change to the award is emblematic of the twisted, arrogant and self-aggrandising view many senior leaders have of themselves.

Why should a combat leader, who leads a charge on an enemy position under fire be given the same award as a general who sits in an air conditioned office being shown powerpoint presentations all day? Clearly there is a difference. That difference was recognised in the Regulations, but actively ignored and plotted against by Defence's senior leaders.

The officers consulted as part of the Defence Review included future recipients of the Distinguished Service Cross. As they were interviewed by the Review Panel and asked questions in relation to the Distinguished Service Cross, each of these recipients of the Distinguished Service Cross knew or should have known there were issues regarding the legality of awards to recipients who were not "in action". Despite this, they accepted the award anyway. As Cosgrove stated, these awards provided propulsion for the careers of these officers, and they knew it. They were not incentivised to 'do the right thing', rather to do the right thing for their careers.

On 13 December 2011, Prime Minister Julia Gillard amended the Distinguished Service Decorations Regulations to replace the words "in action" with "warlike operations".<sup>13</sup> Prior to this

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<sup>12</sup> *Gilbert and the Department of Defence* [2019] DHAAT 02 (7 March 2019) [<https://defence-honours-tribunal.gov.au/wp-content/uploads/2013/06/Gilbert.pdf>]

<sup>13</sup> Government Gazette, No S 18 of 2012, *Amendments of the Distinguished Service Decorations Regulations 2011*, 22 February 2012

change, dozens of Distinguished Service Crosses were illegally awarded as shown in data from the Australian Honours Database, some of which are tabulated in this letter.

**Recommendation 1:** Defence should publicly disclose the materials it possesses in relation to its request to amend the Distinguished Service Decorations Regulations.

**Recommendation 2:** Correspondence between Defence and government in relation to the amendment of the Distinguished Service Decorations should be publicly disclosed.

**Recommendation 3:** A new suite of Meritorious Service Decorations should be established.

**Recommendation 4:** The original Distinguished Service Decorations Regulations should be reinstated, that is, “warlike operations” in the Regulations relating to the Distinguished Service Cross and Medal be deleted and replaced with “in action”.

**Recommendation 5:** Recipients of the Distinguished Service Cross or Medal who were not “in action” should have their awards converted to the equivalent Meritorious Service Decoration.

### Angus Campbell’s DSC

On 11 June 2012, Angus Campbell was awarded the Distinguished Service Cross. His citation reads:

*“For distinguished command and leadership in action as Commander Joint Task Force 633 on Operation SLIPPER from January 2011 to December 2011.”*<sup>14</sup>

Angus Campbell was appointed as the Commander of Joint Task Force 633 on 14 January 2011. The term of his appointment was twelve months. However, documents obtained under FOI show that after only 7 and a half months in the role, Campbell was nominated for the Distinguished Service Cross.<sup>15</sup>

A little more than halfway through his tenure as Commander of Joint Task Force 6-3-3, the Australian Defence Force had already nominated Angus Campbell for the highest distinguished service decoration and the third highest military decoration in the Australian Honours System, behind only the Victoria Cross and Star of Gallantry.

Notably, this was prior to any change to the requirement in the Distinguished Service Regulations that the recipient be “in action”.

It is apparent that Defence does not seriously consider nominations for awards against the criteria for that award. Additionally the process for nomination and approval where the recipient is a high ranking officer appears to be done by the recipients close peers, rather than a more objective person (or persons) that would be the case if the nominee were, for example, a junior enlisted serviceperson.

<sup>14</sup> Department of the Prime minister and Cabinet, *It’s A Honour Database*, Award ID 1146295 [https://honours.pmc.gov.au/honours/awards/1146295]

<sup>15</sup> Department of Defence, *Documents released under FOI 544 of 2022/23*, 23 August 2023 [https://www.defence.gov.au/sites/default/files/2023-09/foi\_544\_22\_23\_-\_documents.pdf]



In our submission, Angus Campbell does not meet the requirements for the award of the Distinguished Service Cross.

Firstly, the citation specifically states that the award is given for leadership 'in action'. In *Gilbert*, Defence said that: 'in action' was to be "physically present in a specific action involving direct conflict between opposing forces". In the same matter, the Defence Honours and Awards Appeal Tribunal defined "in action" to mean: "involving armed conflict in close proximity to or under the fire of an adversary."<sup>16</sup>

There are no reports of Angus Campbell being in close proximity to or under the fire of or physically present in a direct conflict with an adversary or opposing force. But the words "in action" in his citation, by definition, represent that he was.

Campbell was questioned in Senate Estimates about when he was "in action". Defence's response was that Campbell "travelled the area extensively".<sup>17</sup> That is all well and good, but it is not the test set out in the Regulations.

Secondly, even if Campbell's tenure as CJTF633 is assessed against the amended Regulations, it is difficult to argue that Campbell was involved in "war-like operations".

"Defence said that from around 2003, Defence senior leaders began to discuss expanding the existing Distinguished Service Decorations. With the nature and complexity of modern warfare, and the impact of modern communications and technology, the term 'in action' did not recognise command and leadership where an individual may not have been directly involved in a specific action yet had distinguished themselves in 'war-like' conditions."<sup>18</sup>

Accordingly, Defence's position appears to be that war-like operations and war-like conditions are synonymous. In our submission, warlike conditions must involve, at least, being somewhere near the conflict, at least in the same country as the conflict. War-like conditions would involve some kind of hardship on a level similar to those in danger, in-country.

However, Campbell was at Al Minhad Airbase in Dubai in the United Arab Emirates for most of 2011.<sup>19</sup> Al Minhad Airbase is one thousand three hundred kilometres from the main Australian base in Tarin Kowt in Afghanistan. There were no wars, conflicts, action or war-like conditions or war-like operations in the UAE.

Additionally, on a plain english reading of the citation, it reads as though Campbell was in action for all of 2011. However, during a Senate Estimates Committee hearing, Campbell said he was in Afghanistan only for a period of 60 to 80 days. Which means for 280 to 300 days he was *not* in Afghanistan, where Operation Slipper was occurring.

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<sup>16</sup> *Gilbert and the Department of Defence* [2019] DHAAT 02 (7 March 2019) [<https://defence-honours-tribunal.gov.au/wp-content/uploads/2013/06/Gilbert.pdf>]

<sup>17</sup> Australian Parliament House, *Foreign Affairs, Defence and Trade Committee, 2023-24 Supplementary Budget estimates, Question on Notice 247*, 15 December 2023. [<https://www.aph.gov.au/api/qon/downloadestimatesquestions/EstimatesQuestion-CommitteeId5-EstimatesRoundId22-PortfolioId7-QuestionNumber247>]

<sup>18</sup> *Gilbert and the Department of Defence* [2019] DHAAT 02 (7 March 2019), at [122] [<https://defence-honours-tribunal.gov.au/wp-content/uploads/2013/06/Gilbert.pdf>]

<sup>19</sup> Department of Defence, *Documents released under FOI 533 of 2022/23*, 23 August 2023 [[https://www.defence.gov.au/sites/default/files/2023-09/defence\\_foi\\_533\\_22\\_23\\_-\\_documents.pdf](https://www.defence.gov.au/sites/default/files/2023-09/defence_foi_533_22_23_-_documents.pdf)]

It appears highly unusual for a Commander of a military campaign (or “war-like operation”) to only be in the country of that campaign for 20% of the time. How would that person know what was going on “on the ground” with such limited time seeing and experiencing it for themselves? How would they “lead” such an operation?

Thirdly, we question whether Campbell’s command and leadership met the threshold to be called “distinguished”.

In the case of *Jensen*, the Defence Honours and Awards Tribunal asked Defence how it defined “distinguished command and distinguished leadership”.<sup>20</sup> Defence stated that there were no definitions and no guidance had been issued. Defence gave this response despite having awarded numerous Distinguished Service Decorations, including Distinguished Service Crosses. In effect, Defence admitted that it did not know how (and therefore why) Distinguished Service Decorations were awarded.

Even though that was Defence’s response, it was wrong. There are various materials, including Defence’s own doctrine and the decisions of the Defence Honours and Awards Appeal Tribunal that provide guidance and definition as to what is meant by:

- command
- leadership; and
- distinguished

Australian Defence Doctrine Publication (ADDP) 00.1 – Command and Control defines “command” as:

*“The authority that a commander in the military service lawfully exercises over subordinates by virtue of rank or assignment. Command includes the authority and responsibility for effectively using available resources and for planning the employment of, organising, directing, coordinating and controlling military forces for the accomplishment of assigned missions. It also includes responsibility for health, welfare, morale and discipline of assigned personnel.”<sup>21</sup>*

In summary, command includes:

- Effectively planning and using available resources
- Caring for the health and welfare of subordinates
- Maintaining morale and discipline

#### Effectively plan and use available resources

Since the beginning of Australia’s involvement in Afghanistan and Operation SLIPPER, there have been questions raised about the ADF’s overreliance on and over deployment of special forces.

The role of regular forces is to: seek out and close with the enemy, to kill or capture them, to seize and hold ground and to repel attack by day and night, regardless of season, weather or terrain.

This role is unambiguous.

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<sup>20</sup> *Hulse and the Department of Defence re: Jensen* [2020] DHAAT 15 (27 August 2020) [<https://defence-honours-tribunal.gov.au/wp-content/uploads/2020/09/Jensen.pdf>]

<sup>21</sup> Department of Defence, *Documents released under FOI 422 of 2023/24*, 2 February 2024 [<https://www.defence.gov.au/sites/default/files/2024-02/Defence-FOI-422-2324-Documents.pdf>]

However, regular Australian forces in Afghanistan were deployed in mainly defensive and protective roles. Regular forces were used to build the local Afghan military capacity including establishment of a Trade Training School; engineer-led reconstruction supporting a civilian-led Provincial Reconstruction Team (PRT); and individual embedded personnel (embed) enabled 'train, advise, assist' support in Afghanistan National Army (ANA) military schools and headquarters.<sup>22</sup>

Special Forces were employed in a wide range of offensive combat roles. Special Forces performed admirably in Afghanistan, earning the support and trust of ADF commanders and international partners. This support further reinforced the case for their ongoing use, which in turn expanded the roles and tasks they were given.<sup>23</sup>

Apart from their effectiveness, the use of Special Forces was favoured by Australian commanders for political and risk management reasons. If a Special Forces soldier died on a mission, a commander could protect themselves from criticism as they had sent the best soldiers the ADF has to offer. If a regular infantry soldier was killed, the question as to why we didn't send an SF unit would be asked and the commander would have to justify their decision. The consequence of this was the overuse of SF units who became stretched and eventually burnt out by back to back deployments.<sup>24</sup>

Their smaller numbers and the limited availability of SF units meant that missions were designed as raids or attacks and were not designed to take and hold ground, or expand Australia's protective or influential footprint, or engage in hearts and minds campaigns to win over the local population. In addition to their surgically strategic offensive role, SF units were used to carry out a range of defensive and security operations if those operations were seen as risky by commanders.

Because of this overreliance on SF units, Australian regular infantry units missed the opportunity to gain contemporary offensive operational experience. It is this experience that the infantry and commanders need to take with them as they progress into influential, higher command positions within the Army.

A lack of integration between SF and conventional units meant that SF experience was not quickly translated to conventional units. Secrecy and clearance issues also meant that information regarding the enemy was not freely passed to conventional units. Geographic separation on return to Australia further compounded the information and experience gap between SF and regular units.

The resultant effect was that more and more experience was concentrated in fewer and fewer soldiers. The exodus of SF soldiers from the ADF since the end of Operation Slipper has further exacerbated the skill and experience imbalance within the Army, to the point that now there are only a handful of soldiers remaining, primarily in SF units, with real world combat experience.

Hard-earned counterinsurgency experience dictates the need to shape the battlespace with special forces and information operations; clear the battlespace of insurgents through patrolling and kinetic

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<sup>22</sup> Jim Hammett, *We were soldiers once: The decline of the Royal Australian infantry Corps*, Defender Magazine Summer 2007/08, p30. Greg Colton, *Enhancing Operational Capability: Making Infantry More Deployable*, Australian Army Journal, Vol V, No 1, p51.

<sup>23</sup> Jonathan Huston, *The anatomy of the Special Air Service's descent into a one-battalion army*, The Strategist, 4 December 2020. Ian Langford, *Australian Special Forces in Afghanistan*, Australian Army Journal, Vol VII, No 1, p21.

<sup>24</sup> Ben Packham, *Defence ignored warnings over repeated SAS tours, 'violated' own ban*, The Australian, 19 September 2020 [<https://www.theaustralian.com.au/nation/defence/defence-ignored-warnings-over-repeated-sas-tours-violated-own-ban/news-story/fba88aab0fa6cebff48159c02705a2db?amp&nk=184368835fb04ec848259e181f8467b8-1685262849>]

actions; hold the battlespace with ongoing security presence; and then build governance and security structures to achieve a sustainable effect. This SHAPE, CLEAR, HOLD, BUILD approach has been a lesson from numerous counterinsurgency operations through history and across the globe.

Success in Afghanistan could never be achieved with the 'in/out' style of special forces raiding which dominated Operation Slipper. 'Shaping' the battlefield was never going to be enough to achieve Australia's objectives (whatever they were in reality). Conventional troops were always going to be required, either alone or with the assistance of local forces, to 'clear' and 'hold', whilst other government agencies were required to 'build'.<sup>25</sup>

For the above reasons, Campbell as Commander of JTF633 (and the JTF 633 Commanders who preceded and succeeded him) failed to properly plan and use his available forces.

### Health and welfare of subordinates

Campbell knew that Special Forces were overworked and under tremendous psychological strain. This is from a report published in The Australian in 2020:

*Former SAS psychologist Nick Doran said the psychological impact of the mounting death toll and repeated deployments was 'really starting to show' by the 2010 and 2011 fighting seasons.*

*Doran and another former SAS psychologist Mark Mathieson said commanders were aware of the psychological injuries the conflict was inflicting on SF because reports were sent up the chain of command in detailed post-deployment reports.*

*Doran said the SAS leadership were well aware, it was a major concern, but they were under orders from SOCOMD to do the job.*

*It was DoD policy for SF soldiers to stay out of the war zone for a year between deployments. However, there were too few qualified people at certain ranks, particularly corporal, lance corporal and sergeant. A waiver system was developed to allow these critical positions and roles to break the one year rule.*

*After completing a rotation, soldiers had to complete a Return to Australia Psychological Screening and a Post-Operational Psychological Screening three months later. However, psychologists sometimes had to compress the usual post-deployment psychological screening process*<sup>26</sup>

There were serious green on blue attacks in 2011 resulting in the injury and death of Australian soldiers and partner forces. On 29 October 2011, an Afghan National Army soldier known as Sergeant Darwesh Khan opened fire at Patrol Base Sorkh Bed shortly after morning parade, killing three Australian soldiers, one interpreter and wounding 10 others. Australian soldiers returned fire and killed Sergeant Darwesh.

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<sup>25</sup> Australian Army, *Land Warfare Doctrine LWD3-0-1 Counterinsurgency*, 16 December 2009

<sup>26</sup> Ben Packham, *Defence ignored warnings over repeated SAS tours, 'violated' own ban*, The Australian, 19 September 2020 [<https://www.theaustralian.com.au/nation/defence/defence-ignored-warnings-over-repeated-sas-tours-violated-own-ban/news-story/fba88aab0fa6cebff48159c02705a2db?amp&nk=184368835fb04ec848259e181f8467b8-1685262849>]

In the second attack on November 8, 2011, three Australian soldiers and two Afghan soldiers were wounded after another Afghan soldier opened fire at Patrol Base Nasir in Uruzgan province. These failures to ensure the security of soldiers on base were the subject of an Inquiry Officer Report into Green on Blue attacks in 2011. One of the key findings of the report was that:

*The “lessons learnt” cells and structures across Defence did not enhance the effectiveness of ADF command decision making, to adequately identify and evaluate observations and findings of incidents involving an “insider threat” [redacted] prior to the incidents at PB Sorkh Bed and PB Nasir occurring’<sup>27</sup>*

The following year at Patrol Base Wahab. On 29 August 2012, at Wahab, an Afghan National Army traitor, fired more than 30 rounds from close range at Australian troops. He killed three: Lance Corporal Stjepan Milosevic, Sapper James Martin and Private Robert Poate.<sup>28</sup>

### Morale & Discipline

Turning to “moral and discipline” we look to the official observations of the commanding officer of Mentoring Task Force three, during 2011, the same year of Campbell’s command of Joint Task Force 633.<sup>29</sup> He said:

*Contemporary soldiers have a distorted and fanciful perception of wartime soldiering. One of the great frustrations for the Third Mentoring Task Force was the very different standards of appearance, fieldcraft and field discipline expected by the more senior officers and warrant officers and everyone else.*

*Soldiers seemed to think that standards relating to matters such as fieldcraft, field discipline, and the maintenance and accounting for stores and equipment are normally relaxed during war.*

*Soldier’s perceptions about appearance, fieldcraft and field discipline seemed to be a function of stereotypical images of Special Forces soldiers, and characters from films and computer games. In many cases perceptions seem to have been reinforced by previous operational experiences.*

*To that end, some soldiers believed quite passionately that an Australian soldier is expected to “muck up” on operations. It seemed as though many soldiers felt that they were almost obliged to live up to a rogue, irreverent and scruffy stereotype (a distorted view of the larrikin) and that their leaders ought to tolerate these things.*

*Yet the stereotypes, when allowed to go unchecked, seemed to lead to looseness and complacency in other more important matters.*

*There seems to be a correlation between soldiers’ attitudes to matters of appearance and matters of general behaviour, and their attitude to important things such as protective*

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<sup>27</sup> Inquiry Officer Inquiry Report - Matter Concerning Joint Operations Command, 27 July 2012, p23.

<sup>28</sup> Office of the State Coroner (of Queensland), *Findings of Inquest into the deaths of James Thomas Martin, Robert Hugh Frederick Poate, Stjepan Rick Milosevic 2012/3191, 2012/3192, 2012/3194*, 22 September 2015  
[[https://www.courts.qld.gov.au/\\_\\_data/assets/pdf\\_file/0004/438232/cif-martin-jt-poate-rhf-milosevic-sr-20150922.pdf](https://www.courts.qld.gov.au/__data/assets/pdf_file/0004/438232/cif-martin-jt-poate-rhf-milosevic-sr-20150922.pdf)]

<sup>29</sup> Chris Smith, *Commanding Officer’s Observations Mentoring Task Force 3, 13 January 2012*  
[<https://cove.army.gov.au/sites/default/files/2022-04/Commanding%20Officer%27s%20Observations%20from%20Mentoring%20Task%20Force%203.pdf>]

*clothing, field craft and equipment checks. A careless attitude toward foreign weapons in a fairly loose small team, for example, resulted in a dangerous negligent discharge on Christmas Day.*

*There is a fine line between relaxed expectations of appearance, plain carelessness and just being a slob.*

*The hyperbole surrounding the contribution of Australian soldiers in Afghanistan makes the soldiers feel entitled to be treated almost as Roman gladiators.*

*They seem to expect a blind eye to be turned toward their petty indiscretions between tasks too.*

*I conjecture that a trend of over-familiarity is the primary cause of the current loose and surly attitudes of soldiers. Contemporary officers, warrant officers and senior non-commissioned officers tend to encourage relatively high levels of familiarity. Perhaps unsurprisingly, junior leaders demonstrate the same tendencies as contemporary adolescents generally, and seem to depend on others to validate themselves. It seems that junior leaders feel a strong pressure to please their men.*

*Performance seems to count for less than how the individual is perceived. Therefore, hollow rhetoric, flattery and unwarranted praise are the tools of the contemporary junior leader. The use of nicknames and first names between junior officers, warrant officers class 2, and enlisted men is so common as to be the norm. Junior leaders (even many warrant officers) are reluctant to chip soldiers for minor infractions for fear of how their soldiers might perceive such actions. Similarly, many junior leaders seem to regard checks and inspections as demonstrations of distrust towards their subordinates.*

*Young leaders often seem to see their job primarily to represent their soldiers and defend their soldier's actions regardless of circumstance (even to the point of helping soldiers rationalise inexcusable actions of ill-discipline). They also tend to automatically treat a soldier's emotions as authentic and legitimate, and have blind faith in whatever their soldiers tell them or even demand of them. The young leaders pick and choose which orders they will enforce, thereby undermining the authority of their superiors, and undermining their own authority by giving tacit approval for soldiers to be dismissive of the orders that they disapprove of.*

*Consequently, soldiers walk all over their junior leaders and the junior leaders are either accepting or naïve to the fact. Consequently, senior commanders become distrustful of their junior leaders. The necessary separateness of being a commander seems to terrify the current generation of junior leaders. Therefore, they over-identify with their men's wants and reinforce their men's often self-indulgent emotions.*

*The Army has fallen into the short-sighted trap of coddling its soldiers, making them vulnerable and sensitive at war. In fact, some soldiers hold the belief that operations are supposed to be fun!*

*It is necessary, at times, to be cruel to be kind. A concerted effort to make behaviour and attitude the primary focus of initial training at the expense of the training itself would do the Army an enormous amount of good.*

*In the most extreme cases gradual erosion of standards of field discipline and fieldcraft have resulted in the deaths of Australian soldiers. There are examples throughout Australia's commitment in Afghanistan of soldiers sunbathing in tactical positions, manning single-man piquets as a matter of routine, sitting in chairs and facing inwards in enemy areas, listening to music in tactical positions, hitting golf balls from overwatch positions into the green zone, kicking footballs in tactical positions, doing physical training in enemy areas, standing around bonfires in proximity to the green zone by night, and greeting helicopters at landing zones in thongs and t-shirts.*

*The comfort of the soldier and gratifying his immediate desires has taken on an absurd level of importance, which is beyond all reasonable expectations. The Australian officer and soldier of today, without strict measures by the most senior officers and warrant officers in a unit, will tend to display poor levels of field discipline and fieldcraft similar to those displayed by American soldiers in the Vietnam War.*

*There are some trends in the manner of junior leadership and soldier behaviour/expectations that deserve the attention of the senior leaders of the Army and the Australian Defence Force.*

*While some might argue that these trends simply represent the zeitgeist or spirit of the age, they run counter to the good order and discipline of a professional army.*

In the face of such withering commentary from a commanding officer under the command of Angus Campbell, can it be said that Campbell effectively maintained “the morale and discipline of assigned personnel”?

### Distinguished

In the case of *Gilbert*, the Defence Honours and Awards Appeal Tribunal looked at what is meant by “distinguished”. The Tribunal wrote:

*“In the absence of a definition of distinguished in the Regulations, the Tribunal decided that in this case a dictionary definition would provide a reasonable basis upon which to form an opinion. The Tribunal noted that application of the term ‘distinguished’ is subjective and that it is defined in the Oxford Dictionary as ‘very successful, authoritative, and commanding great respect’ and ‘remarkable for or by the quality of excellence’.”<sup>30</sup>*

Then those features need to be assessed against the criteria for “distinguished” which means “very successful, authoritative, and commanding great respect’ and ‘remarkable for or by the quality of excellence”.

In the case of *Jensen*, the Tribunal allowed Defence time to consider and make submissions as to what it thought was meant by ‘distinguished command and leadership’. Defence stated that it considers it to be:

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<sup>30</sup> *Gilbert and the Department of Defence* [2019] DHAAT 02 (7 March 2019), [<https://defence-honours-tribunal.gov.au/wp-content/uploads/2013/06/Gilbert.pdf>]

*“the skillful application of leadership over others in the most difficult of circumstances where the outcome was undeniably successful and of a higher standard than that expected of others in similar circumstances.”<sup>31</sup>*

The Tribunal further considered that for service to be ‘distinguished’, the individual in that role would have to successfully discharge duties which were additional or demonstrably superior to others with similar employment, responsibility and rank.

What these comments mean is that for a DSC to be awarded, the service must be of a higher standard or superior to those of a person normally performing the same role at the same rank in similar circumstances.

There were a number of JTF633 commanders prior to Angus Campbell who performed that role. Angus Campbell was awarded his DSC for what he did in 2011.

Before him, John Cantwell performed the same role of the Chief of the Joint Task Force. He was awarded a Distinguished Service Cross.<sup>32</sup> Therefore, applying Defence’s own definitions, Campbell must have performed that role better than Cantwell.

Prior to Cantwell, Mark Kelly performed the same role. He was awarded a DSC.<sup>33</sup>

Prior to Mark Kelly, Mike Hindmarsh performed the same role. He was awarded a DSC.<sup>34</sup>

For each of these people to be awarded a DSC, their service must have been of a higher standard or superior to those who came before then, that is a person normally performing the same role at the same rank in similar circumstances.

What is it about each successive Joint Task Force Commander that was so superior to the previous one? How was the ADF so lucky to have an exponentially better Commander each and every year? How likely is it that Campbell’s service was superior to all three of the previous Joint Task Force Commanders?

The more likely explanation is that Defence never considered the requirements for the award of a DSC and instead, gave out the Distinguished Service Cross as a matter of course.

We note as a final point in this section that the Committee asked the following of Defence:

*On how many occasions during their respective tenures did other Commanders of JTF-633 engage in “acts in the course of armed combat or actual operations against an enemy” and if any, where, when and what were they? Which units were they with?*

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<sup>31</sup> *Hulse and the Department of Defence re: Jensen* [2020] DHAAT 15 (27 August 2020) [<https://defence-honours-tribunal.gov.au/wp-content/uploads/2020/09/Jensen.pdf>]

<sup>32</sup> Department of the Prime minister and Cabinet, *It’s A Honour Database*, Award ID 1145519 [<https://honours.pmc.gov.au/honours/awards/1145519>]

<sup>33</sup> Department of the Prime minister and Cabinet, *It’s A Honour Database*, Award ID 1144033 [<https://honours.pmc.gov.au/honours/awards/1144033>]

<sup>34</sup> Department of the Prime minister and Cabinet, *It’s A Honour Database*, Award ID 1140957 [<https://honours.pmc.gov.au/honours/awards/1140957>]



*On how many occasions during their respective tenures were other Commanders of JTF-633 “physically present in a specific action involving direct conflict between opposing forces ...” and, if any, where, when and what were they. Which units were they with?*

Defence’s response is telling in its lack of specificity:

*Commanders of JTF633 had national/operational command of force elements in direct conflict. They moved extensively throughout the area of operations.* <sup>35</sup>

Defence has doubled down in its refusal to review any of the awards of the DSC to Commanders of JTF 633, responding to a question on notice that:

*The awards of the Distinguished Service Cross to Commanders of JTF633 were validly made in accordance with the Distinguished Service Decorations Regulations (as made under Letters Patent).*<sup>36</sup>

**Recommendation 6:** Angus Campbell’s Distinguished Service Cross be converted to the equivalent Meritorious Service Decoration, if his relevant service is found to meet the criteria for that award.

### **Inconsistencies with the findings of the “Brereton Report”**

The Inspector General of the Australian Defence Force made the following statements in its Afghanistan Inquiry Report:<sup>37</sup>

*Responsibility and accountability does not extend to higher headquarters, including in particular Headquarters Joint Task Force 633 and Headquarters Joint Operations Command, because they did not have a sufficient degree of command and control to attract the principle of command responsibility, and within the constraints on their authority acted appropriately when relevant information and allegations came to their attention to ascertain the facts.*

*First, Joint Task Force 633 was not positioned, organisationally or geographically, to influence and control Special Operations Task Group operations: its ‘national command’ function did not include operational command.*

*While those who had operational command are rightly held responsible and accountable for the deeds of their subordinates, regardless of personal fault, the principle that informs that approach is that ultimately they command and control what happens under their command. Without operational command, Joint Task Force 633 did not have the degree of command and control over Special Operations Task Group on which the principle of command responsibility depends.*

<sup>35</sup> Australian Parliament House, *Foreign Affairs, Defence and Trade Committee, 2023-24 Supplementary Budget estimates, Question on Notice 68*, 3 November 2023. [<https://www.aph.gov.au/api/qon/downloadestimatesquestions/EstimatesQuestion-Committeeld5-EstimatesRoundld22-Portfoliold7-QuestionNumber280>]

<sup>36</sup> Australian Parliament House, *Foreign Affairs, Defence and Trade Committee, 2023-24 Supplementary Budget estimates, Question on Notice 68*, 3 November 2023, response to questions 10 and 11. [<https://www.aph.gov.au/api/qon/downloadestimatesquestions/EstimatesQuestion-Committeeld5-EstimatesRoundld22-Portfoliold7-QuestionNumber280>]

<sup>37</sup> Department of Defence, *The Inspector-General of the Australian Defence Force (IGADF) Afghanistan Inquiry*, 6 November 2020 [<https://www.defence.gov.au/sites/default/files/2021-10/IGADF-Afghanistan-Inquiry-Public-Release-Version.pdf>]

*The Inquiry sees the command responsibility of Commander JTF 633 in a different light to that of Commanding Officer SOTG, for a number of reasons. First, JTF 633 was not positioned, organisationally or geographically, to influence and control SOTG operations: its 'national command' function did not include operational command. While those who had operational command are rightly held responsible and accountable for the deeds of their subordinates, the principle that informs that is that ultimately they command and control what happens under their command. Without operational command, JTF 633 did not have the degree of command and control over SOTG on which command responsibility depends.<sup>38</sup>*

If CJTF633 had no command and control and no responsibility or accountability for the actions of the Special Operations Task Group (**SOTG**) then the achievements (much like the purported failings) of the SOTG must be discounted from the scope of any honours and awards given to those commanders. In other words, they cannot take the credit but not the responsibility for the actions of the SOTG.

It follows that all honours and awards given to CJTF633 and HQJTF633 staff must be reviewed in this light, discounting the achievements of SOTG. In that regard, it should be noted that the SOTG was Australia's main direct action fighting force in Afghanistan.

The Brereton Report covers the period from 2005 to 2016. There were 16 Commanders of Joint Task Force 633 over that time.<sup>39</sup> Eleven received a Distinguished Service Cross, and one received a bar to the DSC.

Seven of those Distinguished Service Crosses were awarded when the requirements for the award were that the recipient be "in action". If, as Brereton suggests, they were only acting in a national command capacity, and were not exercising operational command, how can they claim to have been "in action"?

Dates	CJTF 633	Award	Regulations
28 November 2004 - 16 May 2005	AIRCDRE Greg Evans	Distinguished Service Cross	"in action"
16 May 2005 - 16 November 2005	CDRE Geoff Ledger	Distinguished Service Cross	"in action"
16 November 2005 - 12 May 2006	BRIG Paul Symon	N/A	N/A
12 May 2006 - 12 November 2006	BRIG Michael Moon	N/A	N/A
12 November 2006 - 12 May 2007	BRIG Michael Crane	Distinguished Service Cross	"in action"
12 May 2007 - 17 June 2007	BRIG Gerard Fogarty	N/A	N/A
17 June 2007 - 1 March 2008	MAJGEN Mark Evans	N/A	N/A
1 March 2008 - 12 January 2009	MAJGEN Mike Hindmarsh	Distinguished Service Cross	"in action"
12 January 2009 - 14 January 2010	MAJGEN Mark Kelly	Distinguished Service Cross	"in action"
14 January 2010 - 17 January 2011	MAJGEN John Cantwell	Distinguished Service Cross	"in action"
17 January 2011 - 17 January 2012	MAJGEN Angus Campbell	Distinguished Service Cross	"in action"

<sup>38</sup> Department of Defence, *The Inspector-General of the Australian Defence Force (IGADF) Afghanistan Inquiry*, 6 November 2020, p33 at [35]. [<https://www.defence.gov.au/sites/default/files/2021-10/IGADF-Afghanistan-Inquiry-Public-Release-Version.pdf>]

<sup>39</sup> Andrew Hocking, *Preparing for the future: key organisational lessons from the Afghanistan campaign*, 2 March 2022, Annex A [[https://www.defence.gov.au/sites/default/files/research-publication/2022/Vanguard\\_no\\_2\\_web.pdf](https://www.defence.gov.au/sites/default/files/research-publication/2022/Vanguard_no_2_web.pdf)]

17 January 2012 - 17 October 2012	MAJGEN Stuart Smith	Distinguished Service Cross	"warlike operations"
17 October 2012 - 17 September 2013	MAJGEN Michael Crane	Bar to the DSC	"warlike operations"
17 September 2013 - 8 December 2014	MAJGEN Craig Orme	Distinguished Service Cross	"warlike operations"
8 December 2014 - 2 December 2015	RADM Trevor Jones	Distinguished Service Cross	"warlike operations"
12 January 2016 - 26 January 2017	AVM Timothy Innes	Distinguished Service Cross	"warlike operations"

It is our submission that the award of the Distinguished Service Cross to officers in JTF633 should be reviewed by the Defence Honours and Awards Appeals Tribunal. In that regard we note that there is an instance of a Commendation for Distinguished Service being cancelled by the Governor General.<sup>40</sup>

**Recommendation 7:** All awards to Commanders of Joint Task Force 633 and those in Headquarters of Joint Task Force 633 should be re-examined for eligibility, taking into fresh consideration the discounting of any actions of the SOTG.

**Recommendation 8:** Distinguished Service Cross awarded to Commanders of Joint Task Force 633 be converted to the equivalent Meritorious Service Decoration, if their relevant service is found to meet the criteria for that award.

### Letter to Marles and petition

On 31 May 2023, we wrote to Richard Marles setting out the reasons why the award of the Distinguished Service Cross was unlawful and requesting that the Defence Honours and Awards Appeals Tribunal launch an inquiry into the award of medals to the commanders of Joint Task Force 633.<sup>41</sup>

We also started a petition, which was presented to the House of Representatives on 31 July 2023. It gathered 1,696 signatures.<sup>42</sup>

Only after being questioned in Senate Estimates was a response from the Minister for Defence presented in the House on 13 November 2023. The response was not directed to us as the petitioners, but to the Chair of the Standing Committee on Petitions.

This is the response to the petition:

*Thank you for your correspondence of 1 August 2023 concerning Petition EN5170 - Review of awards to commanders of Joint Task Force 633. I appreciate the time you have taken to bring this matter to my attention.*

*The Afghanistan Inquiry Report (the Report) is a hugely significant document, and given the appalling nature of the allegations which are contained within it, the Albanese Government is committed to implementing recommendations of the report to the fullest possible extent.*

<sup>40</sup> Notification by the Governor General, 13 November 2013, [<https://www.legislation.gov.au/C2013G01692/asmade/text>]

<sup>41</sup> Attachment A to this submission

<sup>42</sup> Petition EN5170 - Review awards given to Commanders of Joint Task Force 633 [<https://www.aph.gov.au/e-petitions/petition/EN5170>]

*The Report recommended that the award of decorations to those in command positions at troop, squadron and task group level during a number of Special Operations Task Group rotations be reviewed. The Chief of the Defence Force has conducted a review and the matter is now subject to my consideration.*

*Reviewing the awarded decorations of those who served our nation is not a responsibility undertaken lightly. As the process is ongoing, and to protect the privacy and support the welfare of all involved, it would not be appropriate to comment further.*

Marles did not answer the matters posed by the petition, but instead said he was considering a review. What he did not disclose was the review had been performed by Angus Campbell. Campbell is clearly conflicted, as Senator Shoebridge pointed out in Senate Estimates.<sup>43</sup>

*Senator SHOEBRIDGE: I'll preface this short series of questions in relation to the review of command accountability, including the potential revocation of honours and awards in Afghanistan. I think the review is entirely appropriate, I'm glad it's been undertaken and I'm not seeking any names or further information in relation to the specific details about the review. Given that some of the review will be in relation to senior personnel—and I think that includes you, General Campbell—I think there is a reasonable basis for you to tell us who undertook the review. Can you tell us who undertook the review?*

*Gen. Campbell: I undertook the review. It is a uniquely particular circumstance in which, as the Commander of the Australian Defence Force, looking at the question of command accountability, I am the authority to undertake that review.*

*Senator SHOEBRIDGE: But I'm having difficulty understanding how you can review yourself. Perhaps you could help by identifying how you've dealt with that conflict of interests, and whether or not you considered having that aspect of the review undertaken by a separate officer.*

*Gen. Campbell: I think the useful part of this to recognise is that there is, as described, that three-step process—me, the Deputy Prime Minister and, ultimately, the Governor-General. If the Deputy Prime Minister were to regard my considerations inadequate, inconsistent or self-interested, then the Deputy Prime Minister is actually at the decision-making level. He has access to all of my considerations, and if he were to regard them as insufficient, not sufficiently broad or not encompassing anything it should, then he could ensure that they did.*

*Senator SHOEBRIDGE: He may form that view—*

*Gen. Campbell: Yes.*

*Senator SHOEBRIDGE: one way or another, and I'm not asking you to speculate on what the defence minister will do. But I'm asking you: how did you confront the fact that there was a very obvious conflict of interests? If I say to my kids that they can mark their own homework, they're very ethical children and I'm sure they'd do a very good job, but you can see the conflict of interest there. You were basically marking your own homework.*

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<sup>43</sup> Commonwealth of Australia Foreign Affairs, Defence and Trade Legislation Committee, *Official Committee Hansard*, 30 May 2023, pp69-71 [[https://www.aph.gov.au/Parliamentary\\_Business/Hansard/Hansard\\_Display?bid=committees/estimate/26910/&sid=0002](https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=committees/estimate/26910/&sid=0002)]

*Gen. Campbell: I get it. I can see the perception of the conflict of interest, but having read the complete Brereton report, I felt that this could be done by me, and it could then be considered comprehensively by the deputy prime minister. There are many other circumstances, having read that report, where I would not think that but, in this particular circumstance, that was the conclusion I drew.*

*Senator SHOEBRIDGE: Did you think about getting, or did you get, any probity advice for that? Did you seek legal advice or other probity advice?*

*Gen. Campbell: No, I didn't.*

*Senator SHOEBRIDGE: You don't think that would have been a really sensible integrity measure, given you were basically reviewing yourself?*

*Gen. Campbell: The challenge in that is: to whom would I refer to review me if not me and then the deputy prime minister?*

*Senator SHOEBRIDGE: You could pick a variety of very senior members of the Defence Force, perhaps from another service. You could put in place measures to protect them if they undertook that review. That seems a very obvious initial step.*

*Gen. Campbell: It's a very reasonable idea to propose, but it suffers from the reality that they are all under my command, and that arrangement would suffer from the perception that their recommendation was implicitly because of an outcome that I sought.*

*Senator SHOEBRIDGE: What about a former CDF? You could, obviously, get a former CDF or the Inspector-General. There are so many other potential options.*

*Gen. Campbell: This isn't a military justice issue, so it's not appropriate for the Inspector-General. I did consider whether I might refer myself to some of my predecessors but, quite frankly, with the level of emotion, and unintentional and intentional disinformation about this issue, I didn't want to give them that pain.*

*Senator SHOEBRIDGE: I can see how this issue is very close to you and to the organisation. There are a lot of emotions and very real concerns about it. I have my own views about it, but I'm not going to engage in those now. But now you're left with the situation where, unless the conclusion is to withdraw your honours and withdraw the medals, there's going to be this irremediable question mark about a conflict of interest over the whole process.*

*Gen. Campbell: I think that would be true if the circumstance of the review was not the question of the appropriateness of awards to certain commanders in certain periods in which Justice Brereton found credible information of multiple allegations of unlawful killing.*

*Senator SHOEBRIDGE: Is it open to the Deputy Prime Minister—you may not be the one to answer this, General Campbell—to refer this off to a third party to review that aspect involving General Campbell?*

*Gen. Campbell: It definitely is. The Deputy Prime Minister is open to seek any advice or referential consideration that he wishes. F*

*Senator McAllister: I gave evidence before in answer to questions from another senator about the information I have. The Deputy Prime Minister has received the recommendations from the CDF recently. He is considering that and will seek any necessary advice.*

*Senator SHOEBRIDGE: Seeking advice?*

*Senator McAllister: Will seek any necessary advice.*

*Gen. Campbell : I can assure you, although I appreciate that you would wish an independent assurance, that this has been done with meticulous consistency. I have encouraged that the Deputy Prime Minister seek independent views. I understand what you're saying, that it will never satisfy, but that's the way I have done it.*

*Senator McAllister: Obviously, I am not in a position to pre-empt any decision that the Deputy Prime Minister might make. He has only recently received the recommendations from the CDF.*

*Senator SHOEBRIDGE: When were those recommendations received?*

*Senator McAllister: I believe on 15 May. I think I gave that evidence earlier.*

There is no explanation why Campbell undertook the review and not the Defence Honours and Awards Appeals Tribunal. The Defence Honours and Awards Appeals Tribunal was established exactly for these kinds of situations.

We never received a response to our letter of 31 May 2023, despite receiving an automated acknowledgement of receipt.

We also wrote to Minister Matt Keogh on 29 October 2023.<sup>44</sup> We were similarly ignored, despite receiving an automated acknowledgement of receipt.

The Executive's reluctance to exercise the very checks and balances that are available to it, undermines what little confidence the soldiers, sailors and airmen of the Australian Defence Force have in its leadership and the Defence Ministers.

**Recommendation 9:** The Defence Honours and Awards Appeals Tribunal be empowered to conduct independent inquiries into matters of concern on their own initiative, that is, without having a matter referred to it by a Defence Minister.

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<sup>44</sup> Attachment B to this submission

## Rewarding Failure

We are aware of various instances where the award of medals appears to be designed to be more of a public relations exercise to cover up failings in the ADF rather than a legitimate award for the achievement of a successful outcome.

Firstly, awards relating to recruitment and retention. As the Committee is acutely aware, the ADF's recruitment and retention efforts have been an abject failure on any metric, including the metrics the ADF sets for itself and regularly changes. The ADF:

- Appointed Brigadier Duncan Hayward as a Member of the Order of Australia in the Military Division in June 2024 for: "exceptional service in reforming recruiting practices to build an adaptable, scalable, modern recruiting system for the generation of Australian Defence Force capability".<sup>45</sup>
- Appointed Major General Natasha Fox as an Officer of the Order of Australia in the Military Division in June 2023 for "exceptional leadership in successive senior appointments has directly contributed to capability and effectiveness in the Department of Defence. She has strengthened the strategic workforce planning, personnel policy, support framework and capacity, to generate a trusted credible land combat capability through her strategic acumen, foresight and collaborative approach. Her efforts have directly contributed to Australian Defence objectives and Australia's national interests. Her service represents the highest ideals of the Australian Defence Force and reflects great credit upon herself and the Australian Army."<sup>46</sup>

Secondly, in relation to the MRH90 Taipan helicopter, which has also been an abject failure, the ADF has:

- Awarded the Conspicuous Service Cross to Lieutenant Colonel Wendy Wheadon for outstanding achievement in the application of exceptional skills and judgement as the principal logistics advisor and Brigade Aviation Maintenance Officer within the 16th Aviation Brigade. The citation reads: "Lieutenant Colonel Wheadon has displayed exceptional technical skills and judgement in aviation fleet management planning and industry engagement directly resulting in increased Tiger and Taipan helicopter serviceability and operational preparedness. The application of her engineering expertise and risk-based analysis of technical data has been pivotal to the timely and positive resolution of complex maintenance issues resulting in increased aviation support to the Australian Army, Australian Defence Force and Australian community."<sup>47</sup>
- Awarded the Conspicuous Service Medal to Lieutenant Colonel David Marshall in January 2022, for meritorious devotion to duty in engineering and airworthiness management for the MRH90 helicopter at the Army Aviation Systems Program Office. The citation reads "Lieutenant Colonel Marshall has made an outstanding contribution to the airworthiness and continued safe operation of the MRH90 capability. As the MRH90 Chief Engineer within the Army Aviation Systems Program Office, his inspirational leadership and extraordinary level of engineering expertise enabled the expansion of the MRH90 capability to support special operations, while also guiding airworthiness remediation activities. He is

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<sup>45</sup> Department of the Prime minister and Cabinet, *It's A Honour Database*, Award ID 3026103 [https://honours.pmc.gov.au/honours/awards/3026103]

<sup>46</sup> Department of the Prime minister and Cabinet, *It's A Honour Database*, Award ID 2014344 [https://honours.pmc.gov.au/honours/awards/2014344]

<sup>47</sup> Department of the Prime minister and Cabinet, *It's A Honour Database*, Award ID 2013217 [https://honours.pmc.gov.au/honours/awards/2013217]

an exceptional officer who has displayed an exemplary level of personal accountability and perseverance under difficult and challenging conditions.”<sup>48</sup>

- Awarded the Conspicuous Service Medal to Lieutenant Colonel Meng Wang in January 2024 for meritorious achievement as the Staff Officer Grade One Rotary Wing Development, Headquarters Aviation Command. The citation reads “Lieutenant Colonel Wang has demonstrated exceptional capability management expertise and strategic acumen in gaining Government approval to rapidly acquire UH-60M Black Hawk helicopters for the Australian Defence Force. His skilful navigation of the One Defence Capability Life Cycle and adept stakeholder engagement produced an exemplar modernisation project within a greatly compressed time period. His leadership and dedication to duty have directly contributed to ensuring a reliable and credible utility helicopter capability within the Australian Defence Force.”<sup>49</sup>

Thirdly, in relation to further failed procurement and capability programs:

- The award of a Conspicuous Service Cross in June 2024 to Lieutenant Colonel Benjamin John Howard for outstanding achievement in the development of Infantry Fighting Vehicle capabilities in the Australian Army. The citation reads: “Lieutenant Colonel Howard has demonstrated outstanding dedication, judgement and skill as the leader of the Infantry Fighting Vehicle project in the Australian Army Headquarters. He has worked tirelessly and diligently to oversee the Australian Army’s largest single platform project to date. His incredible achievements over several years of conspicuous service have been essential in allowing the Australian Army to realise the final component of the Combined Arms Fighting System. His work will ensure Australian soldiers have the best possible chance to fight and win on a modern and contested battlefield.”<sup>50</sup>

The IFV program has been a failure throughout its various iterations, commencing in the 1980’s when the Army sought to replace the then ageing 1960’s era M113 armoured personnel carriers (some of which remain in service, now in 2024). The latest iteration of this program, LAND 400 Phase 3, has been dramatically scaled back from an initial 450 vehicles to a planned 129. Only enough for a single mechanised battalion. The project is estimated to be the most expensive single purchase by the Army.

Fourth, awards in relation to managing Defence historical abuse, which Senate is well aware is not a *historic* issue, but a *current* one, for example:

- A Conspicuous Service Cross awarded to Captain Jody Bastian, for outstanding devotion to duty in managing the Defence response to cases of historical abuse as Director of the Defence Response Unit in the Australian Defence Force Headquarters.

Fifth, awards in relation to Defence’s response to the Royal Commission into Defence and Veteran Suicide, in circumstances where the Commissioners have publicly condemned Defence’s deliberate stonewalling of the Commission,<sup>51</sup> for example:

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<sup>48</sup> Department of the Prime minister and Cabinet, *It’s A Honour Database*, Award ID 2010791 [https://honours.pmc.gov.au/honours/awards/2010791]

<sup>49</sup> Department of the Prime minister and Cabinet, *It’s A Honour Database*, Award ID 3016637 [https://honours.pmc.gov.au/honours/awards/3016637]

<sup>50</sup> Department of the Prime minister and Cabinet, *It’s A Honour Database*, Award ID 3025939 [https://honours.pmc.gov.au/honours/awards/3025939]

<sup>51</sup> Nick Kaldis, *Address by Commissioner of the Royal Commission into Defence and Veteran Suicide*, 13 September 2023 [https://defenceveteransuicide.royalcommission.gov.au/news-and-media/media-releases/tragedy-veteran-suicide-how-australia-has-failed-its-finest-address-commissioner-nick-kaldas-apm-chair-national-press-club] and Matthew Knot, *Defence blasted for ‘going*



- The award of a Conspicuous Service Cross in January 2024 to Lieutenant Colonel Gwenda Margo Caspersonn for outstanding devotion to duty as the Army Coordination Officer to the Royal Commission into Defence and Veteran Suicide. The citation reads: “Lieutenant Colonel Caspersonn’s achievements as a Senior Coordination Officer have greatly enhanced Army’s reputation as an organisation primarily focussed on the welfare of members and veterans. Through superior stakeholder engagement, leadership and an unwavering devotion to service, she produced outstanding outcomes that directly led to Army meeting its statutory responsibilities in a compassionate, respectful manner. Her professional mastery and authenticity exemplify the finest traditions of the Australian Army.”

**Recommendation 10:** Binding guidelines for the awarding of medals be developed and published publicly

### Time taken to assess nominations

We note the following questions on notice during Senate Estimates and their answers:<sup>52</sup>

[Question] *Precisely how many nominees and what categories of medals were considered by the Defence Honours and Awards Board at their meeting on the 29 September 2011?*

[Answer] *53 nominations were considered across the following honours and awards:*

- *Star of Gallantry (SG)*
- *Medal for Gallantry (MG)*
- *Commendation for Gallantry (C for G)*
- *Distinguished Service Cross (DSC)*
- *Distinguished Service Medal (DSM)*
- *Commendation for Distinguished Service (C for DS)*
- *Member of the Order of Australia (AM)*
- *Medal of the Order of Australia (OAM)*
- *Conspicuous Service Cross (CSC) • Conspicuous Service Medal (CSM)*
- *Group Commendation*

[Question] *What was the average time taken by the DH&A Board at the meeting on the 29 September 2011 to consider all nominations?*

[Answer] *The Headquarters Joint Operations Command Operational Honours and Awards Board meeting on 29 September 2011 was held over 3 hours and 25 minutes and considered 53 nominations.*

Dividing the meeting time by the number of awards considered results in each of the 53 awards only being considered for an average of 3 minutes and 52 seconds. The time each award was considered for could be less, taking into account for instance, breaks in the meeting.

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*through the motions’ on veteran suicides*, The Sydney Morning Herald, 13 September 2023

[<https://www.smh.com.au/politics/federal/defence-blasted-for-going-through-the-motions-on-veteran-suicides-20230913-p5e47e.html>]

<sup>52</sup> Australian Parliament House, *Foreign Affairs, Defence and Trade Committee, 2023-24 Supplementary Budget estimates, Question on Notice 67*, 3 November 2023. [<https://www.aph.gov.au/api/qon/downloadestimatesquestions/EstimatesQuestion-Committeeld5-EstimatesRoundld22-Portfoliold7-QuestionNumber279>]

## Rejections and downgrades

We have concerns regarding the process of nomination and approval. We have been told of a Trooper in the Special Air Service Regiment who had to wait ten years to be awarded a Medal of Gallantry.

He was involved in an action on 2 July 2012, where he went into machine gun fire three times to attempt to rescue his fallen Patrol Commander, Sergeant Blaine Diddams. He was initially nominated by the then Commander of the Special Operations Task Group, John Hawkins, for the Star of Gallantry, which is the second highest award for gallantry, behind only the Victoria Cross.

Hawkins left the Army in 2012 before the award was approved the nomination did not make it through the chain of command due to quotas limiting the number of nominations for that year. Subsequently, several senior SASR officers retired or moved to different roles and the nomination was not followed up.

Around five years later in 2017, some officers returned to SASR and upon hearing that the Trooper had not yet been awarded a medal, they renominated him for the Star of Gallantry.

The nomination was downgraded somewhere in the chain of command to a Medal for Gallantry. The reasons for the downgrade were not communicated to the Trooper. It took Defence a further three years to approve the award in 2020.

It took another, inexplicable two years for the medal to be awarded in September 2022, more than a decade after the actions of 2 July 2012.

The Trooper's close family and friends attended the investiture at Government House in Melbourne however no senior officers from Special Operations Command or a relevant unit attended.

We have been told by a number of veterans, mostly from SASR and 2CDO, of nominations that have been downgraded without any reasons being given for the downgrades, either to the nominating officer or the nominee. We are also aware of nominations 'disappearing', that is, a nomination is made and no one ever hears about it again.

We also wish to point out that nominations for lower ranked personnel must go through more scrutiny via the chain of command than nominations for higher ranked personnel, especially senior officers. There is also a disincentive, at those higher ranks, for anyone to question the nomination. The nominee may be a friend, the nominee may be of similar or equal rank, the nominee may even one day turn out to be your 'boss' if they secure a higher ranking appointment. There is more opportunity and less 'risk' in querying or downgrading a nomination for lower ranked personnel.

**Recommendation 11:** Timelines and associated KPI's are set for the assessment of award nominations

**Recommendation 12:** A feedback mechanism is designed for both nominators and nominees of awards where a nomination for an award is rejected or downgraded

**Recommendation 13:** Nominations for awards of the DSC, CSC or any Order of Australia decoration to a recipient of the rank of O-8 or above should be required to be endorsed by the DHAAT or other independent body

### **Captain John White**

John White graduated from the Royal Military College, Duntroon, in December 1963. He was posted to the 2nd Battalion of the Royal Australian Regiment or 2 RAR as a lieutenant. After a subsequent posting as an instructor at the Officer Cadet School at Portsea and a number of short training courses, Captain John White arrived in Saigon on posting to the Australian Army Training Team Vietnam. Despite his modest experience and lack of Company Commander training, Captain White must have stood out somehow, because in late February 1968, he was assigned to command the 11th Company Mike (Mobile) Force of the United States 5th Special Forces Group, commonly known as the Green Berets.

The 11th Company Mike Force or Mobile Strike Force was primarily a reconnaissance unit. The company comprised three platoons commanded by one US Special Forces sergeant and two Australian Army warrant officer advisers with 122 Nung mercenaries, four other Green Berets, three Vietnamese Special Forces, and three interpreters.

In March 1968 after just a few weeks training his company, Captain White was tasked by US special forces command in Da Nang to deploy to a US Special Forces Forward Operating Base at Kham Duc near to the Laotian border. From there, White was then sent eight kilometres downriver from Kham Duc to an area known as Ngok Tavak. Ngok Tavak, was only 20 kilometres from the Laos border. The main feature in the area were the ruins of a small, earthen French fort that White hoped to use as patrol base, from which he could reconnoitre south to make contact with, and monitor the movements of, an enemy force believed to be elements of the 2nd North Vietnamese Army Division.

The North Vietnamese Army's 2nd Division was moving down the Ho Chi Minh trail in Laos from which it planned to enter South Vietnam. The 2nd division sent two advance regiments – the 1st and 2nd Regiments – into South Vietnam using the French-built Route 14 which were tasked with clearing the way for the remainder of the Division, through Ngok Tavak and Kham Duc. The 400 strong NVA 40th Battalion was sent to wipe out Ngok Tavak.

After five weeks of patrolling, first contact was made with the NVA force by elements of Captain White's company. Contact between Captain White's patrols and elements of the 40th Battalion increased as they probed White's unit to test its size and strength. It soon became apparent to Captain White that the NVA must be aware that his company occupied the fort at Ngok Tavak. As White's Mike Force Company was primarily a reconnaissance unit, it was neither trained nor equipped to defend or hold ground. Captain White informed his United States Special Forces headquarters in Da Nang of his intention to vacate Ngok Tavak and head back to Kam Duc, however he was directed to maintain the position.

To ensure that White would stay in place, on 9 May 1968, without reference to Captain White, a United States Marine Corps artillery unit was flown into Ngok Tavak with two 105mm howitzers, ammunition and 33 Marines. The insertion of the artillery effectively anchored the company to Ngok Tavak and forced Captain White to adopt a defensive posture. White pointed out his predicament to his superiors in Da Nang, who then sent him 35 Montagnard (mountain people) CIDG reinforcements, who it was later discovered had fled a local ambush in odd circumstances. The CIDG force was posted to the outer perimeter due to concerns about their loyalty. It was later learned that the CIDG force contained VC infiltrators.

Ngok Tavak was attacked by an NVA infantry battalion at 0315 hours on May 10. The NVA assault began with RPGs, grenades and flamethrowers being used to break through the Mike Force and Marine defensive lines.

As the frontal assault began, the CIDG soldiers on the outer perimeter moved toward a guarded gap in the perimeter yelling, 'Don't shoot, don't shoot! Friendly, friendly!' Suddenly they lobbed satchel charges and grenades into the Marine positions and two companies of CIDG traitors and NVA ran into the fort, where they shot several Marines. They also cut the claymore mine and communication wires. The CIDG mortar crews also abandoned their weapons. The NVA fired their 60 mm mortars which detonated an artillery ammunition storage area and set on fire a three-quarter-ton truck.

The Marines' artillery ammunition had been set ablaze by the mortars and flamethrowers and the Marines had been dispersed, eventually forming up 2 and 3 man pockets of resistance. The NVA advanced across the eastern side of Ngok Tavak and brought forward more automatic weapons and rocket-propelled grenade launchers.

About 4:20 a.m. White called an AC-47 Spooky Gunship, to strafe the perimeter and, after warning the Marines, called fire on the Marines' overrun artillery positions, despite the possible presence of friendly wounded in the gun pits. His request to hit the howitzers was never acted upon for some reason.

Spooky's fire was concentrated outside the perimeter. The gunship remained overhead dropping flares and providing a communication link until daylight, when an Air Force pilot flew overhead to determine enemy positions and direct other planes in airstrikes. He called in 30 strikes to keep the NVA at a distance.

The NVA eventually countered with tear gas, but the wind kept drifting the gas over their own lines. After three attempts, the NVA stopped and withdrew to avoid casualties from the Spooky gunship. A pot-shot and grenade fight between the two forces lasted until dawn.

At daybreak Australian Warrant Officers Cameron and Lucas, joined by Blomgren, led a CIDG counterattack to retake the eastern section of the fort. The North Vietnamese pulled back under covering fire, and the artillery positions were retaken. The Marines fired off the last nine shells and spiked the tubes to prevent capture by the NVA. White and the Spooky gunship directed fighter-bombers against suspected enemy positions around Ngok Tavak.

White arranged for some of the NVA dead and wounded to be taken outside the perimeter, to be collected by their own.

Later that morning medical evacuation helicopters supported by covering airstrikes took out the seriously wounded. The dust off helicopters, with their red crosses painted on them, were not fired upon by the NVA despite the helicopters flying over areas controlled by the NVA.

Two CH46's were able to land 45 replacements from the 12th Mobile Strike Force Company, but one helicopter was hit in the fuel line and forced down. Another helicopter was hit by a rocket and burst into flames, wrecking the small helipad and making further landings impossible. The remaining wounded were placed aboard a hovering helicopter. As it lifted off, two Mike Force soldiers and one of the stranded aviation crewmen, grabbed the helicopter skids. All three fell to their deaths after the helicopter had reached an altitude of over one hundred feet.

The mobile strike force soldiers were exhausted and nervous. Ammunition and water were nearly exhausted, and Ngok Tavak was still being pounded by sporadic mortar and RPG fire. White asked permission to withdraw, but was told to 'hold on' as 'reinforcements were on the way'. White decided that aerial reinforcement or evacuation was unlikely, due to the unusable helipad and the accurate NVA RPG fire. White decided to leave, calculating that his force would not be able to withstand another NVA assault, which would come at night, when the enemy would be able to get closer to the fort before being detected and air support was less effective.

White established and reinforced a defensive perimeter and formulated a plan to evacuate. All the weapons, equipment and munitions that could not be carried were hastily piled into the command bunker and set afire using the NVA flamethrowers. The helicopter that had been grounded by a ruptured fuel line was destroyed with a LAW rocket launcher. Napalm strikes were ordered along the escape route White's company would take, clearing the way. The vegetation and the ground was still smoking as they left the perimeter.

Rather than leaving Ngok Tavak in the direction of the FOB at Kham Duc, Captain White wisely directed his company to move away from Ngok Tavak in a south-westerly direction.

After directing the remaining survivors well clear of Ngok Tavak and having his company clear a small landing zone at a hilltop location by hand, Captain White coordinated the extraction of the surviving members of his company by a series of helicopter flights.

As the final helicopter left the improvised landing zone it appeared as if Captain White and a number of his men would be left behind. Noting Captain White's predicament, the pilot of the second to last helicopter dropped his load of survivors at Kham Duc and returned for the remaining men.

Although grossly overloaded, this helicopter managed to extract the final members of the Company by all on board jettisoning equipment and the pilots executing a very marginal take off.

At his own insistence, Captain White was the last survivor to board the final, overloaded, helicopter.

Two US Navy Crosses were awarded to Marines - the highest award the US Navy can give. The secretary of the Navy presented the artillery detachment with a Meritorious Unit Commendation "for extraordinary heroism in action against enemy Viet Cong and North Vietnamese forces during the defence of Ngok Tavak on 10 May 1968."

WO2 Cameron was awarded the Distinguished Conduct Medal (DCM) on 1 January 1970 for his actions in Vietnam whilst serving as a Warrant Officer Class 1 with the AATTV. WO2 Lucas was awarded a Military Medal (MM) on 6 March 1969 in Vietnam for his role with the AATTV.

White was originally recommended for the Military Cross but was downgraded to a Mention in Despatches by a General because 'he didn't want two brothers to be awarded a Military Cross in the same honours list'.

Captain John White was awarded the Mention in Despatches for his actions in the Vietnam War.

Some decades later, John White was asked by his friends and family about his time in Vietnam. White reluctantly told his story. Upon hearing the story, on 26 May 2011, Captain White's older brother, Dr Michael White QC, made a submission to the Defence Honours and Awards Appeals Tribunal's Inquiry into Unresolved Recognition for Past Acts of Naval and Military Gallantry and Valour, (the Valour Inquiry) related to the service of his younger brother Captain John White in the Vietnam War.

Following the Valour Inquiry several submissions, including those for Captain White were referred to the Chief of Army for consideration. On 29 November 2017, Angus Campbell, the then Chief of Army advised Dr White that:

*"... in the absence of a failure in due process, or new authoritative and compelling evidence, Army recommended to the Minister for Defence Personnel that no further action be taken to seek a review of the award to Captain White."*

So egregious and outrageous was this decision that in late 2017 and early 2018, three separate people lodged applications to the Defence Honours and Awards Appeals Tribunal, in support of John White, to review Angus Campbell's decision.

Eventually, in late 2018, the three applications were heard together.<sup>53</sup>

At the hearing, several Australian and American soldiers and officers gave evidence that the Mention in Dispatches did not reflect the actions of Captain White in Vietnam and that instead Captain White should have been awarded a Distinguished Service Cross. The various witnesses gave the following evidence:

- Brigadier Rodney Curtis: Captain White had to become acquainted with his unit and with an unfamiliar, American, chain of command. A comparable Australian Infantry battalion rifle company would have been provided with 12 months pre-deployment training including one month specialised training at the Army's Jungle Training Centre. Most Australian company commanders held the rank of Major, had 10 years' Army experience, and would usually have completed the Company Commanders Course.
- Mr Matheney said "Captain White saved my life. I was convinced beyond a shadow of a doubt that I was going to die that day, but he got us out of there and he saved all of our lives."
- Major Flater said "I was impressed by Captain White's control, his leadership during what appeared to be a deteriorating situation and his determination not to depart until every survivor had boarded our helicopters [...] I was frightened to death but tremendously reassured by Captain White's demeanour. When I heard Captain White's voice, I knew I could fly and return and make that second extraction"
- Mr Jack Deleshaw, a United States Army radio operator, described his arrival at Ngok Tavak as: "we stepped off that chopper and it was hell on earth [...] I felt at that point that the situation was helpless and that I would not be coming off that hill."

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<sup>53</sup> *White and the Department of Defence* [2019] DHAAT 01 (24 January 2019) [<https://defence-honours-tribunal.gov.au/wp-content/uploads/2013/06/White-decision-1.pdf>]

- Mr Deleshaw then described his attendance at a meeting called by Captain White to brief his evacuation plan. “[Captain White] was cool as an iceberg... he’s in charge, I mean it was obvious that this man was in charge, like he’s in charge of the situation and I don’t even work for him and this was one hell of a situation to be in charge of. Well, he laid out a plan... He gave us hope ... he was as calm as he could be ... he had to be as scared as the rest of us but you couldn’t tell from the guy’s actions or the way he conducted himself. He was a true leader, he epitomised leadership right there...”
- Mr Delshaw further said: “It was just miraculous, the plan he put together, coordinating the airstrikes all day long, coordinating the medevacs coming in there and getting the wounded ... it was amazing ... and every one of us that got out of that camp, we owe it all to John. ... I have served under several different commanders in the Mike Force and I’ve got to say that he was the best, he was the best.”
- Mr Rose was a US Marine private who served with the artillery unit inserted into Ngok Tavak. He said “despite being surrounded by a much larger enemy force I don’t know how the man stayed so calm and showed so much great courage and fortitude to keep us alive and I thank him to this day. He saved my life.”
- Major General Patrick Brady was the dust-off pilot who extracted the wounded, he told the Tribunal: “There was no question in my mind that White’s mission was to save the wounded so that he could save the rest of them. Just to get out of there, being surrounded as he was by the number of enemy soldiers was amazing. It was truly amazing that he was able to get them out.”
- Major General Brady also told the Tribunal “if he had done this as an American soldier, he would have easily been awarded the Medal of Honor.”

The Medal of Honor is the United States highest military honour, the equivalent of the Victoria Cross. Brady flew over 2,000 combat missions and evacuated more than 5000 wounded during his two tours of duty in South Vietnam. He is one of *only two* men to receive *both* the Medal of Honor and the United States Distinguished Service Cross during the Vietnam War.

White was awarded two silver stars for his actions in Ngok Tavak, one from the United States Army, the other from the United States Marine Corps. The ADF awarded him a Mention in Despatches. A Mention in Despatches was originally just that, your name and actions mentioned in a despatch or report to higher commanders. A recipient of a Mention in Despatches is not awarded a medal for their actions but receive a certificate and wear an oak leaf device on the ribbon of the appropriate campaign medal. The Mention in Despatches is roughly the equivalent of a Commendation for Distinguished Service, the lowest ranking of the three Distinguished Service Decorations.

Defence told the Tribunal that the applications made on Captain White’s behalf only reiterated what they already knew about Captain White’s actions and that his Mention Despatches was appropriate recognition. We know how little Angus Campbell did for his Distinguished Service Cross. He did not think Captain White deserved the same award and refused to recommend that Captain White’s award be re-examined and considered for upgrade.

The Tribunal disagreed with Campbell however, and decided to recommend to the Minister that Campbell’s decision be set aside. The Tribunal determined that the Minister for Defence should

recommend to the Governor-General that Captain White be awarded the Distinguished Service Cross.

In July 2019, some 50 plus years after the battle of Ngok Tavak, John White was finally awarded the Distinguished Service Cross he earned and deserved, despite the ADF's and Angus Campbell's shameful efforts to stop it.

John White had this to say about it:

*"The Americans offered me those medals one day after the battle.*

*I got the medal from the Australians after 60 years. That's heinous. It's wrong."*<sup>54</sup>

**Recommendation 14:** The Defence Minister and the Chief of Defence issue a written apology to John White

**Recommendation 15:** John White (and his successors) be given express written permission to wear the two Silver Stars he was awarded by the United States of America

## Next Steps

The Defence honours and awards system is broken. It has lost its integrity and no longer has the respect of the majority of ADF personnel. It is seen as a rigged system. It is seen as officers patting themselves on the back for doing their jobs or fixing their own messes. Few medals in the Australian military honours system have maintained the respect of ADF personnel.

The importance of facing the enemy in order to be awarded a Distinguished Service Cross has been ignored and now lost forever. The Distinguished Service Cross has lost its original intent and meaning, which is a shame for those few leaders and officers who did earn it in action.

It is not uncommon to hear of nominations being downgraded for no apparent reason and with little feedback to the nominators or nominees. This is despite, year after year, soldiers, sailors and airmen reading inflated citations, replete with hyperbole, about officers doing what is in their job description.

We have pushed for a review into defence honours and awards for more than two years. It was extremely disappointing, but not surprising to be entirely ignored when we raised our concerns about the system. What was surprising though was that some senators decided to vote against this Inquiry despite some of those Senators putting on a public show to appear to be standing up for Australian Defence Force personnel, either on the news, in speeches, in parliament or during Senate Estimates. Shamefully when it came to vote on a real Inquiry, the facade crumbled and many of those senators we thought were fighting on the side of the soldiers, sailors and airmen of the ADF showed their true colours.<sup>55</sup>

<sup>54</sup> John White and Alex Lloyd, *Life on the Line* podcast #137, 23 May 2023  
[<https://www.lifeonthelinepodcast.com/podcast/2023/5/23/137-john-white>]

<sup>55</sup> Commonwealth of Australia Foreign Affairs, Defence and Trade Legislation Committee, *Senate Journals, SJ No 118, 23 Foreign Affairs, Defence and Trade References Committee—Reference—Defence Honours and Awards System*, 3 July 2024  
[<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fjournals%2Fc5b2a93e-d0df-46a9-9134-2347a5e61d76%2F0024%22>]



Senators who voted against the Inquiry, 31:

Allman-Payne	Gallagher	McCarthy	Steele-John
Brown	Ghosh	McKim	Sterle
Chisholm	Green	O'Neill	Thorpe
Cicccone	Grogan	Polley	Urquhart
Cox	Hanson-Young	Pratt	Walsh
Darmanin	Hodgins-May	Sheldon	Waters
Farrell	Lines	Shoebridge	Whish-Wilson
Faruqi	McAllister	Smith, Marielle	

Senators who voted in favour of the Inquiry, 32:

Antic	Davey	Liddle	Reynolds
Askew	Fawcett	McGrath	Roberts
Babet	Hanson	McKenzie	Ruston
Bragg	Henderson	McLachlan	Scarr
Brockman	Hughes	Nampijinpa Price	Sharma
Cadell	Hume	O'Sullivan	Smith, Dean
Canavan	Kovacic	Pocock, David	Tyrrell
Colbeck	Lambie	Rennick	Van

We thank those who voted in favour of the Inquiry, and hope that those who didn't can put party politics aside and take this opportunity to indicate to ADF personnel that the Executive and Legislature intend to fix these issues. The ADF needs to have confidence that the government acknowledges the expectations of its personnel and the challenges they currently face. The morale of the ADF, the retention issues the ADF faces and ultimately the security of our nation demands it.

Yours faithfully,

M. Digger